



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

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STATE OF INDIANA)
)
COUNTY OF MARION)

SS:

BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:)
)
THE FORMATION OF THE)
BEAR, HIGH, WOLF LAKE)
REGIONAL SEWER DISTRICT)

RECOMMENDED FINDINGS OF FACT AND RECOMMENDED ORDER OF THE HEARING OFFICER

1. On March 20, 1995, the Noble County Commissioners petitioned the Indiana Department of Environmental Management for an Order establishing a Regional Sewage District to be known as the Bear, High, Wolf Lake Regional Sewer District in Noble County.
2. Said Petition complies with the provisions of IC 13-3-2-3 (IC 13-26-2 after July 1, 1996).
3. A public hearing was held on February 22, 1996, at the Wolf Lake Elementary School, 10 Main Street, Wolf Lake, Indiana.
4. Notice of said hearing was given by publication in newspapers of general circulation in Noble County for two (2) consecutive weeks prior to said hearing and by mailing to each eligible entity involved.
5. The proposed name of the District is the Bear, High, Wolf Lake Regional Sewer District.
6. The initial principal office of the proposed District is temporarily located at 2169 South Lakeshore Drive, Albion, Indiana 46701.

7. The sanitary sewage needs of most residents residing within the proposed District are currently being met with on-site septic systems placed on inadequately sized lots and providing insufficient wastewater treatment. A small percentage of homes are currently being served by a collection system with a failing treatment plant.
8. Upon formation of such District, it would construct and operate a sanitary sewage system that would collect and treat the sanitary sewage of the residents of such District.
9. Such District is needed to permit the construction of a system to collect and dispose of the sanitary sewage of the residents. The current method of sewage collection and disposal through individual septic systems, and by the failed treatment plant with its collection system, presently is creating health problems and will continue to create such problems for the residents of the proposed District.
10. The current method of collection and disposal of the sanitary sewage of the residents of such proposed District is affecting and can affect detrimentally the water quality and public health of the area of the proposed District.
11. The Noble County Health Department has stated, in a letter dated September 22, 1994, that the contamination of shallow wells has become a concern.
12. The proposed District would include part of Noble County, Indiana. The territory to be included within the boundaries lies primarily in Noble Township, County of Noble, State of Indiana, and is more particularly described as follows:

Beginning in Section 8, Township 32 North, Range 09 East, at the southeast corner of said Section; thence NORTH along the east line of Section 8, said line also being the west line of Section 9, Township 33 North, Range 09 East to the northeast corner of property designated as Parcel No. 200-002 on Auditor's Map of Section 8, said corner also being the northeast corner of Parcel No. 200-001; thence WEST along the north line of said Parcel No. 200-001, also being the south line of Parcel No. 100-008 on the Auditor's Map of Section No. 8, to the southwest corner of the said Parcel No. 100-008; thence NORTH along the west line of said Parcel No. 100-008, also being the east line of Parcel No. 100-009 on Auditor's Map of Section 8, to the southwest corner of Parcel No. 200-024 on Auditor's Map of Section 5; thence continuing north along the west line of said Parcel No. 200-024 to the northwest corner of said Parcel No. 200-024; thence EAST along the north line of said Parcel No. 200-024 to the northeast corner of said Parcel No. 200-024, also being the southwest corner of Parcel No. 200-013 on Auditor's Map of Section 5; thence NORTH along the west line of said Parcel No. 200-013 to the northeast corner of Parcel No. 200-016 on Auditor's Map of Section 5, also being the centerline of U.S. Highway #33; thence southeasterly along said centerline of U.S. Highway #33 to the western most corner of Parcel No. 200-026 on Auditor's Map of Section 5; thence easterly along the north line of said Parcel No. 200-026 to the eastern most corner of said Parcel No. 200-026 also being on the east line of Section 5, Township 33 North, Range 09 East; thence SOUTH along said east line of Section 5 to

the southeast corner of Parcel No. 200-003 on Auditor's Map of Section 5; thence EAST to the northwest property corner of Parcel No. 100-012 on Auditor's Map of Section 9; thence SOUTH along the west line of said Parcel No. 100-012 to the southwest corner of said Parcel No. 100-012; thence southeasterly along the south line of said Parcel No. 100-012 to the southern most corner of said Parcel No. 100-012, said corner being on the centerline of Wolf Lake Road; thence NORTH along said centerline of Wolf Lake Road to the northwest corner of Parcel No. 100-006 on the Auditor's Map of Section 9; thence southeasterly along the north line of said Parcel No. 100-006 to the northwest corner of Parcel No. 100-007 on Auditor's map of Section 9; thence EAST along the north line of said Parcel No. 100-007 to the northeast corner of said Parcel No. 100-007; thence SOUTH along the east line of said Parcel No. 100-007 to the southeast corner of said Parcel No. 100-007, also being the centerline of U.S. Highway #33; thence southeasterly along the centerline of U.S. Highway #33 to the southeast corner of Parcel No. 100-008 on Auditor's Map of Section 9; thence WEST along the south line of said Parcel No. 100-008 also being the north line of Parcel No. 200-001 on Auditor's Map of Section 9 to the northwest corner of Parcel No. 300-014 on the Auditor's Map of Section 9; thence SOUTH along the west line of said Parcel No. 300-014 to the southeast corner of Parcel No. 300-015 on the Auditor's Map of Section 9; thence WEST along the south line of said Parcel No. 300-015 to the southwest corner of said Parcel No. 300-015; thence SOUTH along the west line of said Parcel No. 300-014 to the southeast corner of Parcel No. 300-011 on Auditor's Map of Section 9; thence southwesterly and parallel to State Highway #109, to a point on the south line of Parcel No. 300-004 on Auditor's Map of Section 9, also being the south line of Section 9, Township 33 North, Range 09 East; thence WEST to the southwest corner of said Parcel No. 300-004, also being the centerline of State Road #109; thence southerly along said centerline of State Road #109 to a point on the north line extended east of Parcel No. 200-005 on Auditor's Map of Section 17, Township 33 North, Range 09 East; thence northwesterly along the north line of said Parcel No. 200-005 to the northern most corner of Parcel No. 200-007 on Auditor's Map of Section 17, also being the intersection of the centerlines of Old State Highway #109 and High Lake Road; thence southwesterly along the centerline of High Lake Road to the southeast corner of Parcel No. 200-011 on Auditor's Map of Section 17; thence WEST along the southline of said Parcel No. 200-011 to the southwest corner of said Parcel No. 200-011; thence continuing WEST to the southeast corner of Parcel No. 200-001 on the Auditor's Map of Section 18, Township 33 North, Range 09 East; thence WEST along the south line of said Parcel No. 200-001 to the southwest corner of said Parcel No. 200-001; thence NORTH along the west line of said Parcel No. 200-001 to the northwest corner of said Parcel No. 200-001, also being the northeast corner of Parcel No. 200-006 on Auditor's Map of Section 18; thence WEST along the north line of said Parcel No. 200-006 to the northwest corner of said Parcel No. 200-006; thence SOUTH along the west line of Parcel No. 200-006 to a point on High Lake; thence southerly along High Lake to the northeast corner of Parcel No. 300-185 on Auditor's Map of Section 18; thence southerly along the east line of said Parcel No. 300-185 to the southeast corner of said Parcel No. 300-185; thence southerly to the northeast corner of Parcel No. 300-210 on Auditor's Map of Section 18; thence southeasterly along the east line of said Parcel No. 300-210 to the southeast corner of said Parcel No. 300-210; thence westerly along the south line of said Parcel No. 300-210 also being the north line of Parcel No. 300-211 on Auditor's Map of

Section 18 to the southwest corner of Parcel No. 300-171 on Auditor's Map of Section 18; thence continuing WEST to a point on the east line of Parcel No. 300-204 on Auditor's Map of Section 18; thence SOUTH along the east line of said Parcel No. 300-204 to the southeast corner of said Parcel No. 300-204, also being on the north line of Parcel No. 300-232 on Auditor's Map of Section 18; thence northwesterly, along the northerly line of said Parcel No. 300-232 to the southerly right-of-way line of County Road 575 West; thence westerly along said right-of-way line to a point on the east line of Parcel No. 300-213 on Auditor's Map of Section 18, said point being the extension of the south right-of-way line of County Road 575 West that is parallel to the south line of Parcel No. 300-233 on Auditor's Map of Section 18; thence NORTH along the east line of Parcel No. 300-213 on Auditor's Map of Section 18 to the northeast corner of said Parcel No. 300-213, also being a point on High Lake; thence northwesterly along High Lake to the southeast corner of Parcel No. 100-002 on Auditor's Map of Section 13, Township 33 North, Range 08 East, in Washington Township, County of Noble, State of Indiana; thence WEST along the south line of said Parcel No. 100-002 to the southwest corner of Parcel No. 100-007 on Auditor's Map of Section 13; thence NORTH along the west line of said Parcel No. 100-007 to a point on the north line of Parcel No. 200-001 on Auditor's Map of Section 12, Township 33 North, Range 08 East, also being the center section line of said Section 12; thence EAST along the north line of said Parcel No. 200-001 to the northwest corner of Parcel No. 300-001 on Auditor's Map of Section 7, Township 33 North, Range 09 East, in Noble Township, County of Noble, State of Indiana; thence continuing east along the north line of said Parcel No. 300-001 to the northwest corner of Parcel No. 200-002 on the Auditor's Map of Section 7, Township 33 North, Range 09 East; thence SOUTH along the west line of said Parcel No. 200-002 to the southwest corner of said Parcel No. 200-002; thence EAST along the south line of said Parcel No. 200-002 to the southeastern most corner of Parcel No. 300-231 on Auditor's Map of Section 8, also being the west line of Parcel No. 300-232 on Auditor's Map of Section 8; thence SOUTH along the west line of said Parcel No. 300-232 to the southwest corner of the said Parcel No. 300-232; thence EAST along the south line of said Parcel No. 300-232 to the southwest corner of Parcel No. 300-001 on Auditor's Map of Section 8; thence EAST along the south line of said Parcel No. 300-001 to the southeast corner of said Parcel No. 300-001, also being the southwest corner of Parcel No. 300-002 on Auditor's Map of Section 8; thence EAST along the south line of said Parcel No. 300-002 to the southeast corner of said Parcel No. 300-002, also being the northeast corner of Parcel No. 300-237 and northwest corner of Parcel No. 200-003 on Auditor's Map of Section 8; thence SOUTH along the west line of said Parcel No. 200-003 to the southwest corner of said Parcel No. 200-003; thence EAST along the south line of said Parcel No. 200-002 to the Point of Beginning.

13. There is no outstanding indebtedness currently in the proposed District for the purpose of the construction of a sanitary sewer and treatment system.
14. The proposed district shall be governed by a Board of Trustees made up of five (5) directors. All directors shall be from the district and shall serve terms of four (4) years. The directors shall be elected by the residents; however, the initial directors shall be selected by the Noble County Board of Commissioners. The geographical representation among the directors shall

be as follows: two (2) directors from each of Bear Lake and High Lake and one (1) from Wolf Lake.

15. The initial project being planned for the District includes the construction and operation of a sewage system in Noble County. The estimated construction cost for phase 1 is \$1,200,000. The connection fee is projected to be up to \$2000. The average monthly per household user fee is projected to be between \$35.00 and \$114.00.
16. Funding for the project being planned for Noble County is likely to come from a combination of sources which may include the State Revolving Loan Fund, a sale of bonds, the Community Focus Funds Grant, the Rural Economic and Community Development grants and/or loans.
17. The anticipated sources of funds to provide for the operating and maintenance costs of the District would be from the monthly fees charged to the users of the sewage works.
18. The District would be eligible to apply for Federal and State financial assistance for construction.
19. The District appears capable of accomplishing, in an economically feasible manner, the purposes for which it would be formed.
20. Many residents expressed concern, at the public hearing and through written comment, about potentially being forced to abandon their individual working septic tank systems and connect, at great personal expense and without proper public health/water pollution needs documentation, to the District's wastewater treatment system.
21. The Noble County Commissioners have passed a resolution dated April 15, 1996, in response to the aforementioned concerns of the residents, which can be found attached to these Findings.
22. The Noble County Health Department has stated, in a letter dated March 12, 1996, to Jan Henley, Assistant Commissioner of the Office of Water Management, that the on-site septic systems are failing and creating a public health hazard in the Wolf Lake community.

RECOMMENDED ORDER

The Hearing Officer recommends the following:

1. That a Sewer District, to be known as the Bear, High, Wolf Lake Regional Sewer District, be organized as an independent political entity of the State of Indiana as a body corporate and political.
2. That the purpose to be accomplished by said District is to provide for the collection, treatment, and disposal of sewage inside and outside the district.

3. That the proposed District would include part of Noble County, Indiana. The territory to be included within the boundaries lies primarily in Noble Township, County of Noble, State of Indiana, and is more particularly described as follows:

Beginning in Section 8, Township 32 North, Range 09 East, at the southeast corner of said Section; thence NORTH along the east line of Section 8, said line also being the west line of Section 9, Township 33 North, Range 09 East to the northeast corner of property designated as Parcel No. 200-002 on Auditor's Map of Section 8, said corner also being the northeast corner of Parcel No. 200-001; thence WEST along the north line of said Parcel No. 200-001, also being the south line of Parcel No. 100-008 on the Auditor's Map of Section No. 8, to the southwest corner of the said Parcel No. 100-008; thence NORTH along the west line of said Parcel No. 100-008, also being the east line of Parcel No. 100-009 on Auditor's Map of Section 8, to the southwest corner of Parcel No. 200-024 on Auditor's Map of Section 5; thence continuing north along the west line of said Parcel No. 200-024 to the northwest corner of said Parcel No. 200-024; thence EAST along the north line of said Parcel No. 200-024 to the northeast corner of said Parcel No. 200-024, also being the southwest corner of Parcel No. 200-013 on Auditor's Map of Section 5; thence NORTH along the west line of said Parcel No. 200-013 to the northeast corner of Parcel No. 200-016 on Auditor's Map of Section 5, also being the centerline of U.S. Highway #33; thence southeasterly along said centerline of U.S. Highway #33 to the western most corner of Parcel No. 200-026 on Auditor's Map of Section 5; thence easterly along the north line of said Parcel No. 200-026 to the eastern most corner of said Parcel No. 200-026 also being on the east line of Section 5, Township 33 North, Range 09 East; thence SOUTH along said east line of Section 5 to the southeast corner of Parcel No. 200-003 on Auditor's Map of Section 5; thence EAST to the northwest property corner of Parcel No. 100-012 on Auditor's Map of Section 9; thence SOUTH along the west line of said Parcel No. 100-012 to the southwest corner of said Parcel No. 100-012; thence southeasterly along the south line of said Parcel No. 100-012 to the southern most corner of said Parcel No. 100-012, said corner being on the centerline of Wolf Lake Road; thence NORTH along said centerline of Wolf Lake Road to the northwest corner of Parcel No. 100-006 on the Auditor's Map of Section 9; thence southeasterly along the north line of said Parcel No. 100-006 to the northwest corner of Parcel No. 100-007 on Auditor's map of Section 9; thence EAST along the north line of said Parcel No. 100-007 to the northeast corner of said Parcel No. 100-007; thence SOUTH along the east line of said Parcel No. 100-007 to the southeast corner of said Parcel No. 100-007, also being the centerline of U.S. Highway #33; thence southeasterly along the centerline of U.S. Highway #33 to the southeast corner of Parcel No. 100-008 on Auditor's Map of Section 9; thence WEST along the south line of said Parcel No. 100-008 also being the north line of Parcel No. 200-001 on Auditor's Map of Section 9 to the northwest corner of Parcel No. 300-014 on the Auditor's Map of Section 9; thence SOUTH along the west line of said Parcel No. 300-014 to the southeast corner of Parcel No. 300-015 on the Auditor's Map of Section 9; thence WEST along the south line of said Parcel No. 300-015 to the southwest corner of said Parcel No. 300-015; thence SOUTH along the west line of said Parcel No. 300-014 to the southeast corner of Parcel No. 300-011 on Auditor's Map of Section 9; thence southwesterly and parallel to State Highway #109, to a point on the south line of Parcel No. 300-004 on Auditor's Map of Section 9, also being the south line of

Section 9, Township 33 North, Range 09 East; thence WEST to the southwest corner of said Parcel No. 300-004, also being the centerline of State Road #109; thence southerly along said centerline of State Road #109 to a point on the north line extended east of Parcel No. 200-005 on Auditor's Map of Section 17, Township 33 North, Range 09 East; thence northwesterly along the north line of said Parcel No. 200-005 to the northern most corner of Parcel No. 200-007 on Auditor's Map of Section 17, also being the intersection of the centerlines of Old State Highway #109 and High Lake Road; thence southwesterly along the centerline of High Lake Road to the southeast corner of Parcel No. 200-011 on Auditor's Map of Section 17; thence WEST along the southline of said Parcel No. 200-011 to the southwest corner of said Parcel No. 200-011; thence continuing WEST to the southeast corner of Parcel No. 200-001 on the Auditor's Map of Section 18, Township 33 North, Range 09 East; thence WEST along the south line of said Parcel No. 200-001 to the southwest corner of said Parcel No. 200-001; thence NORTH along the west line of said Parcel No. 200-001 to the northwest corner of said Parcel No. 200-001, also being the northeast corner of Parcel No. 200-006 on Auditor's Map of Section 18; thence WEST along the north line of said Parcel No. 200-006 to the northwest corner of said Parcel No. 200-006; thence SOUTH along the west line of Parcel No. 200-006 to a point on High Lake; thence southerly along High Lake to the northeast corner of Parcel No. 300-185 on Auditor's Map of Section 18; thence southerly along the east line of said Parcel No. 300-185 to the southeast corner of said Parcel No. 300-185; thence southerly to the northeast corner of Parcel No. 300-210 on Auditor's Map of Section 18; thence southeasterly along the east line of said Parcel No. 300-210 to the southeast corner of said Parcel No. 300-210; thence westerly along the south line of said Parcel No. 300-210 also being the north line of Parcel No. 300-211 on Auditor's Map of Section 18 to the southwest corner of Parcel No. 300-171 on Auditor's Map of Section 18; thence continuing WEST to a point on the east line of Parcel No. 300-204 on Auditor's Map of Section 18; thence SOUTH along the east line of said Parcel No. 300-204 to the southeast corner of said Parcel No. 300-204, also being on the north line of Parcel No. 300-232 on Auditor's Map of Section 18; thence northwesterly, along the northerly line of said Parcel No. 300-232 to the southerly right-of-way line of County Road 575 West; thence westerly along said right-of-way line to a point on the east line of Parcel No. 300-213 on Auditor's Map of Section 18, said point being the extension of the south right-of-way line of County Road 575 West that is parallel to the south line of Parcel No. 300-233 on Auditor's Map of Section 18; thence NORTH along the east line of Parcel No. 300-213 on Auditor's Map of Section 18 to the northeast corner of said Parcel No. 300-213, also being a point on High Lake; thence northwesterly along High Lake to the southeast corner of Parcel No. 100-002 on Auditor's Map of Section 13, Township 33 North, Range 08 East, in Washington Township, County of Noble, State of Indiana; thence WEST along the south line of said Parcel No. 100-002 to the southwest corner of Parcel No. 100-007 on Auditor's Map of Section 13; thence NORTH along the west line of said Parcel No. 100-007 to a point on the north line of Parcel No. 200-001 on Auditor's Map of Section 12, Township 33 North, Range 08 East, also being the center section line of said Section 12; thence EAST along the north line of said Parcel No. 200-001 to the northwest corner of Parcel No. 300-001 on Auditor's Map of Section 7, Township 33 North, Range 09 East, in Noble Township, County of Noble, State of Indiana; thence continuing east along the north line of said Parcel No. 300-001 to the northwest corner of Parcel No. 200-002 on the

Auditor's Map of Section 7, Township 33 North, Range 09 East; thence SOUTH along the west line of said Parcel No. 200-002 to the southwest corner of said Parcel No. 200-002; thence EAST along the south line of said Parcel No. 200-002 to the southeastern most corner of Parcel No. 300-231 on Auditor's Map of Section 8, also being the west line of Parcel No. 300-232 on Auditor's Map of Section 8; thence SOUTH along the west line of said Parcel No. 300-232 to the southwest corner of the said Parcel No. 300-232; thence EAST along the south line of said Parcel No. 300-232 to the southwest corner of Parcel No. 300-001 on Auditor's Map of Section 8; thence EAST along the south line of said Parcel No. 300-001 to the southeast corner of said Parcel No. 300-001, also being the southwest corner of Parcel No. 300-002 on Auditor's Map of Section 8; thence EAST along the south line of said Parcel No. 300-002 to the southeast corner of said Parcel No. 300-002, also being the northeast corner of Parcel No. 300-237 and northwest corner of Parcel No. 200-003 on Auditor's Map of Section 8; thence SOUTH along the west line of said Parcel No. 200-003 to the southwest corner of said Parcel No. 200-003; thence EAST along the south line of said Parcel No. 200-002 to the Point of Beginning.

4. That the proposed district shall be governed by a Board of Trustees made up of five (5) directors. All directors shall be from the district and shall serve terms of four (4) years. The directors shall be elected by the residents; however, the initial directors shall be selected by the Noble County Board of Commissioners. The geographical representation among the directors shall be as follows: two (2) directors from each of Bear Lake and High Lake and one (1) from Wolf Lake.
5. That the Board of Trustees provide sufficient bond for all officers, trustees or employees who have any power to disburse funds of the District.
6. That within nine (9) months from the date of this order, the District shall file with the Commissioner of the Indiana Department of Environmental Management a detailed plan for the construction and operation of the District's facilities.

Dated: June 27, 1996

Hearing Officer: R. J. Henley