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September 19, 2000

Lynne L. Newlon
Indiana Department of Environmental Management
Regional Water & Sewer District Coordinator
100 N. Senate Avenue
Indianapolis, IN 46206-6015

RE: IDEM - Arlington

9/12/00 Public Hearing.....205.00

RE: IDEM - Norwood

9/12/00 Public Hearing.....114.00

TOTAL INVOICE.....319.00

THANK YOU.

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Lynne Newlon
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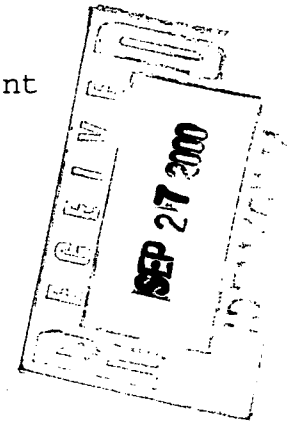

RE: 9/12/00 IDEM Public Hearings

Dear Ms. Newlon

Enclosed are the original and one copy of the Public Hearing conducted September 12th regarding Arlington and Norwood.

Thank you for using American Reporting Service. If you have any questions or we can be of further assistance, please call at (317)773-9768 or (800)458-5507.

Sincerely,

Nancy E. Cook

Nancy E. Cook
Court Reporter

Enc.

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STATE OF INDIANA)
) SS
COUNTY OF HUNTINGTON)

PROPOSED FORMATION OF THE ARLINGTON REGIONAL WATER AND SEWAGE DISTRICT

The public hearing held on behalf of the Indiana Department of Environmental Management in the above cause, was held at the Huntington County Courthouse, Huntington County, Indiana on the 12th day of September, 2000.

ORIGINAL

PUBLIC HEARING

1-800-458-5507

STATE OF INDIANA)
) SS
COUNTY OF HUNTINGTON)

PROPOSED FORMATION OF THE ARLINGTON REGIONAL WATER AND SEWAGE DISTRICT

A P P E A R A N C E S

FOR THE HOMEOWNERS: Nicholas K. Kile
BARNES & THORNBURG
11 S. Meridian Street
Indianapolis, IN 46204

BEFORE THE HEARING OFFICER:
Lynne L. Newlon
Indiana Department of Environmental Management
Regional Water & Sewer District Coordinator
100 N. Senate Avenue
Indianapolis, IN 46206-6015

ALSO PRESENT: Gary A. Radtke, P.E.
MCMAHON ASSOCIATES, INC.
952 S. State Road 2
Valparaiso, IN 46383

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STATE OF INDIANA)
) SS
COUNTY OF HUNTINGTON)

The public hearing held on behalf of the Indiana Department of Environmental Management at the Huntington County Courthouse, Huntington, County, Indiana, on the 12th day of September, 2000, pursuant to statute with notice/agreement as to the time and place. This public hearing was taken on behalf of the Indiana Department of Environmental Management for the purpose of a proposed formation of the Arlington Regional Water and Sewage District.

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I N D E X

COMMENTS BY THE HEARING OFFICER. 5

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HEARING OFFICER: I'd like to get things started, please. First off, would the official reporter designated for the hearing please stand and raise your right hand and state your name.

COURT REPORTER: My name is Nancy Cook.

HEARING OFFICER: Do you solemnly swear that you will keep complete and true notes of all that transpires here in this hearing, and will prepare a complete transcript thereof from your notes and faithfully perform all the duties imposed upon you as the official reporter under the laws of the State of Indiana?

COURT REPORTER: Yes, I will.

HEARING OFFICER: My name is Lynne Newlon. I am a senior environmental manager in the Office of Water Management in the Indiana Department of Environmental Management, IDEM. I am the hearing officer for this hearing. The hearing this evening, September 12, 2000, is before the Department of the Environmental Management, henceforth referred to as either the Department or IDEM, in the matter of the proposed formation of the Arlington Regional Water and Sewer District. Oral statements will be heard this evening. However, written statements may be submitted to me at the hearing or mailed to Lynne Newlon, IDEM, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana, 46206-6015. For convenience my

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cards have been left at the back table. I also will accept comments by E-mail, and my E-mail address is on there. I would like to make one correction. My 1-800 number is wrong on my card. It's 1-800-451-6027. It has 77, so 27 is the last two numbers of my 800 number. For the record, notice of time and place of this hearing was given as provided by Indiana Code 13-26-2-6 by publication in the Harold Press and the Ft. Wayne Journal Gazette during the weeks of August 28 through September 1, 2000, and September 4th through the 9th, 2000. Sign-up sheets have been provided. If you have not yet signed in, please do so. If you wish to present IDEM with information this evening, please indicate this on the sign-in sheet. Also indicate if you'll be appearing for yourself or on behalf of a group. If you're appearing for a group, please note the name of the group and in what capacity you are appearing, such as a group officer, an attorney, or an authorized spokesperson. Finally, if you wish to receive notice of the decision of IDEM, there's a checkmark on there. If you own property in the proposed district and received a letter of notice of this hearing, you will also receive a notice of the decision. So you will be receiving that as well. The purpose of the hearing is to allow the public to present information pertinent to the information of the District. We ask

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that you hold all questions until the hearing is concluded. At that time we will conduct an informal question and answer session. Indiana Code 13-26-2-3 sets out requirements for the formation of the district. Rather than read you the statute, I would like to highlight the requirements. I strongly recommend that comments be limited to these requirements as these will be comments most useful to IDEM in its decision. The statute requires the following: That the petition be filed by an eligible entity, and the proposed name of the district and location of principal office be stated. That the petition state the need for the district, the purpose of the district will be accomplished, and how the district will be conducive to public health, safety, and convenience or welfare. That the petition state how the water and sewage, water supply and sewage collection are currently being provided and how the current situation creates or adds pollution or health hazard or impedes development in the area. That the petition state whether there's any outstanding indebtedness for the purpose proposed. That the petition accurately describe the territory to be included in the district, and that the territory be so situated as to promote public health, safety, convenience, or welfare by organization as a single district. That the petition provide

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recommendations regarding the make-up of the board of trustees and the manner of selection. That the petition state the plan for financing the cost of the operations of the district until it has received revenue from operation or proceeds from bond sales. That the petition state an estimate of cost of accomplishing the purpose of the district, an estimated cost of operating and maintaining the works, and sources of funding of these costs, including estimates of the rates and charges to be required. Again, the Department is extremely interested in any information you can provide with regard to these requirements. All comments, both oral and written, will be reviewed by IDEM and carefully considered in making a decision on this matter. I ask that you limit your comments to five minutes so everyone will have the opportunity to be heard. If your testimony exceeds five minutes, I will ask you to submit the remaining information to IDEM in writing by September 26, the year 2000. What I'll do, I'll go through the list of who has checked that wishes to give testimony and speak, and ask that you stand up and speak clearly. This is being recorded. If you have a difficult, or your last name I may ask you to spell it for the Court Reporter. Please speak clearly and remember it's being recorded. And also, I'll go through the list and then I will open it up

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again so if you decline the first time but then decide before we close that you would like to give testimony, you'll have that opportunity. Thank you for your cooperation. Madonna Jeffers.

MS. JEFFERS: Do you want me to say my name or anything?

HEARING OFFICER: Yes.

MS. JEFFERS: I'm Madonna Jeffers and I live in Arlington Heights and we live with pure rust probably five out of seven days a week. I've had just terrible, rusty water. The only thing we use the water for is to take baths. I don't drink it, we don't wash our hair, we just take baths with it. The water at times has a really horrendous odor. It smells like rotten eggs. Often, if you run the bath water it looks pure gray, so I really have a concern that it's health, even though we don't drink it. We do buy bottled water and we do have to have lots of Iron Out weekly. So other than just lots and lots of rust and a lot of ruined clothes, that's my major problem. Thank you.

HEARING OFFICER: Thank you. Harry and Emy Lou Klein. Do you wish to speak?

MR. KLEIN: Yes, I do. My name is Harry Klein, K-l-e-i-n. I've been president of Arlington. I've been president two or three times. And every time I ran up

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against Rice, which he took over about 18 or 20 years ago, I was always two steps behind him. Now, I said to Mr. Rice when he took over that he was charging us a tax on water, and I said, "That's not legal." He said, "You're the only one complaining." So after all these years we was paying tax on water, nobody else complained, and Mr. Rice finally, somebody informed him that it was time for him to take that tax off. And I said to Mr. Rice, "Now that the tax is off, are you going to refund the people?" He said, "Oh, no." He said, "Nobody's complaining. Only you." I'm telling you when the public utility commission at this fine hotel here gave them a rate increase, I was pretty well annoyed because I'm paying a higher price for water which is in poor condition. Some days I didn't have water. Rusty water, smelly water. Was really a disgrace. But they told them, they gave them a rate increase with providing that Mr. Rice apply to certain rules that they lay down. Well, knowing Mr. Rice, he never took orders. He just ignored everybody and they asked him there to hook up the tank in the back for drainage to flush the hydrants once a week and other things and check on putting a water meter in. And he did ignore them. But I'll tell you, for 18 years in two or three times I've been president of the organization, we never seemed to get along together

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because Rice has an attitude of doing what he pleases, and he doesn't care who he talks to and who tells him what to do. So I think it's time for something to be done, and this is the first time, the second time I've seen so many people show up. At the meetings I held, nobody seemed to be interested in it 15, 20 years ago. But Mr. Rice has his own system and every time I wanted to do something he said, "That company doesn't belong to me. It belongs to -" He owns five different companies or so that belongs to his wife, his son, his son-in-law. He juggles money around. So the other day I checked on this money I'm sending to Rice for water, and the check goes to a Ft. Wayne bank and then there's a Bank One Indianapolis, and I said to myself, "Is he juggling the money again?" Which he's pretty good at. But I think it's time that they put him in his place. Thank you.

HEARING OFFICER: Mrs. Klein, did you --

MRS. KLEIN: No, I just checked it for him.

HEARING OFFICER: Okay. Melanie Brown.

MRS. BROWN: Yes, my husband and I have written some notes and I'd like to defer to him.

HEARING OFFICER: Okay, sure.

MR. BROWN: My name is Alan Brown. I'm the president of Arlington Heights. However, I'm speaking as a homeowner, not as a representative of the organization.

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And I will be as brief as I can. My wife gets carried away sometimes, but that's okay. As it's already been stated, we do have rusty water, stains. We also have very low water pressure. My wife and I have a habit of, "Are you going to flush the john? I've got to do the dishes?" But we never go back and forth on this, or to get a drink of water. We have completely quit trying to sprinkle our lawn because no water comes out of the hose. It takes about twice as long for my wife to do a wash because of this, and we are very concerned about bacterial contamination due to low pressure. Now, we did have some studies done on this and the studies turned out that there are no bacterial problems at that plant. However, as rust is broken loose due to flushing and stuff, I'm not sure that this is always the case. I'm kind of a born skeptic. That's all right. And we have had several outages. We feel that there is a major lack of preventive maintenance. We never see, I have never seen Mr. Rice there except the one time that IDEM came down because I got a hold of them because we heard noises at the pump house. And that in and of itself is another story. We had no satisfaction from that, no action was taken. Everything seemed to be just fine. We've had outages, slow response to it. And as Mr. Klein said, our money has been taken each month and we receive no service

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for cost incurred. The homeowners did complain very loudly of the rate hike. I was not present at that particular point in time. Many of these are things that I have picked up in going around to our homeowners and just talking to them. At one point I do remember that raw sewage actually bubbled out of a drain and ran down the street. It was taken care of, but it still happened. Water testing, I hear all kinds of things so I'm not going to address too much on that because I don't know if the testing is being done properly, but I have my doubts knowing Mr. Rice. And as far as IDEM, as I understand it, are charged with the enforcement of laws and yet I don't feel that they have properly represented us as being homeowners and taxpayers. Mr. Rice has been told to do certain things as Mr. Klein said, and he just goes along doing what he wants to do and IDEM has not enforced this. It's kind of like the state trooper who sits on a coffee break and sees a speeder go by but he doesn't want to be interrupted. I equate it as an analogy. Our rates are going to be much higher now because of this lack of enforcement, because Mr. Rice has not been made to conform to the laws of our land. And now we are having to bear the brunt of this. We're only 57 to 60 some homes and we have a $1.4 million project here that we're trying to fix. Problems that we were not instrumental in

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developing. And I will try to mail a copy of this as Lynne has requested. Last, but not least, I feel that I have a concern that since I do not see Mr. Rice ever at our utility, I'm wondering how much maintenance is being done on the pumps and the equipment down there that we will be, as this goes on, acquiring, and who is going to be responsible for damage that these pumps incur due to lack of maintenance. Are we going to pay for it, or is Mr. Rice going to pay for it? I have a lot of doubts about that. I don't think the State's going to pay for it. So these are just some of my, my wife and I, I have to include her because I have to go home tonight, but just some of our concerns. I thank you very much for your time and patience.

HEARING OFFICER: Steve Easterday.

MR. EASTERDAY: My name is Steve Easterday and I have three interests in this situation. First of all, I'm speaking as a homeowner. Have lived in Arlington Heights approximately ten years. Secondly, I do work for an electric utility based in Huntington County, so I'm familiar with the operation of a competent utility. And, thirdly, up until last May I was a graduate student in public affairs and I had the opportunity to take an environmental policy class. And I wanted to address that first of all because one of the discussions I recall that

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we had in class was how environmental problems or situations such as this can victimize people and it forms, allows people to seem somewhat disabled and they seem disenfranchised from their situation. I think this has happened with our water utility over a number of years. I think tonight people are very calm and collected, but some of the open forums that we've had, we've had some heated discussions because people have lost control over a situation that is very important to them and that is clean and safe drinking water. And as a result, we as consumers feel that we have been victimized year after year after year without any activity. If Mr. Rice, the owner of the utility, walked in this room, I would not even know who he is. I have yet to see him in our association. So consequently, in this class on environmental issues they talked about what happens and one of the things was that people find an enabler. And we've had several people, different association leaders that have worked diligently with this and also with McMahon & Associates who have helped us to become energized and collect our thoughts and to approach this issue. And as a result, we are becoming empowered as a homeowner's association. We've had no choice. It is my belief that this is a regulated utility and I feel victimized by the State because of a lack of oversight

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year after year after year from the agencies that are here to protect us. We are just consumers. I want to come home and be able to turn on the valve to have water and clean and safe water, and I don't feel that's happened. I brought with me a sample of some rust I took off my rust filter. This is one day's collection. For the record, I'd like to mention some of these hunks are, they've solidified and they're a half inch thick, an inch long, by about a half inch wide and if anybody wants to look at this, you may. But as a result, I feel that we have been let down by the state agencies that are here to protect us, and I'm not trying to pass blame. We realize the state agencies are overworked and there's labor and resource issues. But still as a consumer it is not our fault that we have been victimized by this utility. So consequently, we're in a position where we can help the situation. We don't really want to. I don't think any of us really deep down want to form a regional sewer district, but we don't have a choice. We have to take control over this situation. It would be nicer if the utility was taking care of, or excuse me, providing the service that we need. But since it isn't, and since the State has not acted in what I believe is our best interest, we're in the process of forming a regional sewer and water district so that we can take control and

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empower ourselves to address this situation that has been neglected for so many years. A couple of examples that I can cite is there's a lack of backup power so that if there is a power outage or if there's a momentary interruption due to some recloser activities which is normal on utility lines, he loses one of the phases on his pumps. He's supposed to have a system that will restart the pumps. That doesn't happen. And I've called him at 2:00 in the morning to tell him that we're out of water. He's not very happy with me when I call him at that time, the owner is not very happy, but it is a public utility that he is required to provide service to us. I know since I've been there for ten years we have replaced three water softeners and several years ago the owner of the utility lost two or three different water pumps due to lightning damage. I don't know for a fact that that actually happened. I don't know for a fact that he actually replaced those with new pumps. But I think there is a reasonable doubt on my part and that is one of the reasons why we as consumers are very concerned. So as a result, I am here to support the assertion that we need a regional water and sewer district for Arlington Heights so that way we can take over this situation has been neglected for so many years. It is a regulated utility. I don't believe the State has

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acted in our best interest with this, so as a result, if we have the appropriate help and we're given the appropriate resources, we will step up to the plate and we will take over this situation that has been neglected for so long. Thank you.

HEARING OFFICER: Thank you. Sue and Dave Winters.

MR. WINTERS: I'm Dave Winters, a resident of Arlington Heights now on 20 years. The item I want to address is the lack of water pressure. Our home is a two story home. Al Brown had mentioned the lack of pressure when flushing or doing laundry. He is in a single story residence. More than half of the homes that are being served by Arlington Utilities, 33 of them are two stories. There's another four that are tri-level homes. So as Harry mentioned, the lack of pressure, it's something you just work around. If you're upstairs trying to take a shower, you don't use any other water or you do it when nobody else is watering the yard. So, yes, as a resident of Arlington Heights I think it's in our interest to, as Steve said, step up and be of some assistance to be part of the solution in forming the regional sewer and water district. Thank you.

HEARING OFFICER: Steven Bassett. Did I pronounce that correctly?

MR. BASSETT: Yes. My name is Steve Bassett. I've

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lived in Arlington Heights for five years. When we first moved in, I had to replace a water heater that was so full of rust it only held half the capacity that it should have had. Over the last five years I've had numerous problems with rust, smelly water, no water, and as far as to the best of my knowledge the only time I have ever seen Mr. Rice was in a court of law. He's never been to the utility that I have seen. The only time there are workers out there is when it breaks down. There is no maintenance performed that I have ever seen. The people in this room did not create this problem. Mr. Rice did. As the owner of the utility he was supposed to maintain it and keep it in good order. I don't think he has done that. Therefore, the State should have forced him to do what he's supposed to do. Of the three bodies involved, Mr. Rice as the owner, us as consumers, Arlington Heights, and the State as the watchdog, two of those have failed. Mr. Rice and the State. They created the problem, they should find the correction. I pay a water bill every month. If I'm late, I am notified. If I don't pay it, I'm shut off. Mr. Rice has been behind in taxes, utilities, and who knows what else, but he's never been shut off. He still collects our money every month. As Mr. Easterday stated, it's going to cost $1.4 million to correct this. I think it should be Mr. Rice's

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and the State's obligation to help us correct this problem. Thank you.

HEARING OFFICER: I'm not sure, Theresa Trauner?

MRS. TRAUNER: I'm Theresa Trauner, I'm a resident of Arlington Heights and a past president of the association. I've been a resident for ten years. Over those ten years we have had numerous outages, some of them for multiple days with no water. We've had very poor quality, we have had very poor pressure. Lately, just within the last six months, my water is orange every day. My kid went out and got hit by the sprinkler in a white t-shirt and came in and it was polka dotted orange. That's how bad it is. In all of my dealings with Mr. Rice, I've never known him to be out and do any maintenance. The only time he was out there at all was doing repair after the fact when something broke. The only time he would do any repair is after he had been called continuously and hounded to be there. I had to personally come home from work to go back to the pump and well sites while I was president to ensure that there were workers on the site and things were getting done. Because he would call me at the office to say, "Yes, we're working on it," and I'd have a neighbor who would be monitoring it call me and say, "There's not a sole there." So the only way I could assure that anything got

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repaired after it was broken was to personally babysit him and hound him until it got completed. Now, I cannot attest to the condition it got repaired in or what type of parts he put into it because I am not in any way qualified to testify to that. But I do know a couple of years ago when we took a lightning strike and he said he had to put in two brand new pumps, within six weeks both of them broke down again. So we had multiple days outages within two months of each other in the same summer. Now, for almost the ten years that I've been in the addition I know there have been lawsuits against Mr. Rice in Allen County and with the State with IDEM and all the various agencies because of his testing problems, his sewage problems, his not paying his taxes, for multiple issues. As a resident, I pay my bills in good faith assuming the State, the Court, whomever, is going to look out for our best interest and keep this maintained. I kept help but think that if somebody stepped in and had taken this utility over ten years ago, it would not be in the condition it is today which is we need everything replaced brand new. There is no one who would want to step in now and take it over. Everything has to be replaced. That's why we have a $1.4 million estimate for what needs to be done. IDEM itself came in and upped the estimate because they said, "You really need this much

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done instead of this, because it's in such bad shape." And I think it's between Mr. Rice and the State that they need to belly up to the bar and put some money in here. And we're willing to take it over as an honest deed if somebody else is willing to step up with some funds so that we can get this done. It's sat for ten years and no one has done a thing about it, and I think it's high time someone did. Thank you.

HEARING OFFICER: Okay. That's all that I have that had been checked. Is there anyone else that would like to give further testimony? Yes, please step forward and give your name.

MR. MANGUS: I'm Steve Mangus, just a homeowner for nine years. Same thing, everybody's agreeing, we have a really lousy quality of water. There is no water pressure. Same thing, I've got a two story. If you're doing a shower upstairs, you don't run the laundry downstairs or the water comes to a complete stop. You'll be in the shower and it quits. You yell out, turn it back on. Quality? You want to talk about rust. I've replaced, I had to have them come out and completely redo the softener. We replaced the dishwasher two months ago. Who knows how long the water heater is going to last. Last winter we were up late playing cards and it was real cold out. Probably the pipes were getting ready to

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freeze, so the rust kind of pulls away from the pipe. Well, when it freezes, my son came home after taking his girlfriend home, so it was like 3:00 in the morning. Normally you don't turn on water at 3:00 in the morning, at least we don't. When he did, he got what looked like sludge. It took me a week to clean it out of the dishwasher, clean it out of the washing machine. I had so much upstairs, I had to take the air -- I turn the water on, nothing came out. I had to take the air raiders off and then I got water. It looked like sludge like if I mixed paint at the store, it looks like the tint that we use to mix paint. It's that thick of a consistency. That's what's coming through the lines and that's what we're drinking. Well, we drink bottled now after going through that. It's been let go for so long by the State and by Rice. I'm paying a bill, I'm getting nothing in return for it. I believe the same thing, I don't want to come up with a million four to replace this, but I think something needs to be done. We do need to take it over. But since the State and Rice have been letting it go so long, I believe the State has got an obligation to back together some funds to help pay for this. Get him out of the way, get him out, let us take it over. Give us something to help pay for the fact that it's been let go for so long. Thank you.

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HEARING OFFICER: Anyone else? In closing I would like to remind everyone that written comments may be submitted to the department before September 26th, the year 2000. That's two weeks from today. Once again, you may send comments by E-mail or mail. My address is on my card. These proceedings are now concluded. This cause is therefore adjourned until further notice from the hearing officer. So at that point that closes the public hearing and we will have a public meeting. If there's any questions, we do have the engineer here so if there's any questions or concerns that we can address. Yes?

MR. BASSETT: I have one question.

HEARING OFFICER: Just state your name, please.

MR. BASSETT: My name is Steve Bassett.

HEARING OFFICER: Okay, Steven Bassett.

MR. BASSETT: You say there is an engineer here?

HEARING OFFICER: Yes, Mr. McMahon.

MR. BASSETT: In your opinion is there anything of that utility that is salvageable?

MR. RADTKE: The only thing that we have found out is the sewer collection lines with little or some repair is about the only value there is. On the whole water system, the well, the tank, the distribution lines, we expect that's got to be pulled and replaced.

MR. BASSETT: They're so full of rust they need to be

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replaced.

MR. RADTKE: The only thing that we think could be salvaged is some collection lines, which we won't know until we actually (inaudible) test and (inaudible) lines to really even doublecheck to see if there's any worth, net worth on those. So actually everything needs to be replaced.

MR. BASSETT: The sewage, where does it end up?

MR. RADTKE: Right now there's no question in my mind that the sewage is going into the stream. There's a one cell lagoon which is supposed to be a treatment facility. IDEM was there just recently and said all it is is a sludge hole. So actually the environment is getting polluted by the stream.

MR. BASSETT: So raw sewage has been dumped into a public waterway?

MR. RADTKE: We have no testimony on it, but looking at the conditions I can't see how it cannot be happening. We haven't seen it, but knowing the conditions and what's happened, I think that's definitely the case.

MR. BASSETT: So we need a, almost a total replacement of everything?

MR. RADTKE: Absolutely.

HEARING OFFICER: Mr. Brown?

MR. BROWN: Again, Alan Brown. For Mr. Radtke, we've

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talked about the rust and contamination and buildup in the pipes and water heaters and dishwashers. After we get a new system in here, how about the lines coming from the new line to our house at 50 feet, 100 feet, whatever it is, throughout the house. How do we clean that out? Do we get a roto-rooter in for that, or can it be cleaned out and how much is this going to cost?

MR. RADTKE: The rate now on the proposed project scope is replacement of the mains and also the water lines from the property line in the right-of-way. We do not have any proposal to do it from the right-of-way to the homes because that's private cost. There are mechanisms we can do of putting pressure on that line before we connect of trying to get some pressure to clean out those lines internally. There is chemical that can be added sometimes in doing that, too. It's going to be a long process unless everything is replaced in the house and the property. There's a long process of about three months with that chemical add that we can have that will clean those lines out. We'll put a chemical in there, it is non-toxic, but the people are going to fight the issue that they're having now for three months, we're going to have probably bad water. But the end result can be good, and three months after we get the good water from Roanoke, you can be then getting good water in your house

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and then at that time start thinking about replacing water heaters and that type of thing.

MR. BROWN: You're saying that not only will we have the rust and built-up contaminants to deal with, this could cause us problems when you put the new pressure in of X number of pounds when we're used to ten pounds of pressure or whatever?

MR. RADTKE: There's no question one of the recent projects we were involved, when we went to the higher pressure, we lost or property owners lost their water, hot water heater because of the higher pressure and they can't stand that because of the rust eating up some of the lines. So I do expect there's going to be some homeowners in this room and the district that will need to replace their water heater once we put the new pressure on.

MR. BROWN: And this is going to be at their expense even though it was caused and contributed to by Mr. Rice's actions or lack of actions?

MR. RADTKE: It's pretty difficult, and this is maybe an area where the attorney can help us out on it. It's pretty difficult I think for a regional sewer and water district to be liable for the private cost.

MR. KILE: Well, and even if they could, the people are going to pay for any of the costs incurred, to the

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extent it doesn't come from the grant monies from the State, are going to be people in this room, whether it comes from the district or not. So you're right, those are costs that are unfortunately --

MR. BROWN: Yeah, I understand. But not only do they have to be replaced -- so it will be at our expense to replace the pipes and our water heaters and then there will be additional costs of replacing our yards where they have to tear it up and so on. So this is a chain reaction that's going to go on we don't know how long, and the pipes in the house, if they can't be cleaned up, we would have that. Because this has been going on for a long time. And as I understand it, it's five-eighths to three-quarter inch pipes that are in the house. I have a slab. These go down through my slab. I don't know how I'm going to get that cleaned out.

MR. KILE: I think that's why we're going to be looking at the idea of once we get the water quality there of adding a chemical and people are just going to have to suck it up for another six months or three months or whatever the time period is to do it through that period of time. You know, it's going to be better even in that condition than it is now. But then there's the solution that's going to come in three months later of having good water throughout the whole system.

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MR. BROWN: Yeah, and I realize that and our people are more than willing to I think to put up with that. It still is a cost they're incurring that was not their fault.

HEARING OFFICER: Any other questions? State your name, please.

MR. KLEIN: You know, this didn't happen just yesterday. I'm talking back 18 years ago that this stuff happened and Rice has been getting away with murder. And Indianapolis ignored me. I tried Indianapolis so many times and nobody paid any attention to me. I guess it's because we're such a small outlet. Somebody told me to get in touch with a woman in Chicago. I got in touch with her. Everybody ignored me down there. I don't know what road we're on now because we're more or less united, but Indianapolis really ignored me. I'll tell you the truth. They just laughed at me. Even when I told them that Rice was charging us interest on the water, they didn't even bother. I'm surprised that Indianapolis didn't do something before this.

HEARING OFFICER: Yes, ma'am, would you come forward and state your name, please.

MRS. PRESCOTT: My name is Carolyn Prescott. My husband and I have lived in Arlington Heights for about 32 years. I have a concern is the water at this point,

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is it safe to drink? I'm a nurse. I work in infection control, and I know we've put a reverse water osmosis system in and when we had the filter changed last year, the man said he's never seen so much rust. It does filter it out. I don't know, it doesn't filter out everything. When we get the chemical, that three months, is it going to be safe to drink that water at that time?

MR. RADTKE: Yes, it will. It's a chemical that a lot of communities that have had that rust buildup for years put in. And we'll be talking about what communities so you can be able to talk to them. IDEM would not allow us to deal with putting that chemical in if it wouldn't be up. The question you have of whether you have safe water or not, I really don't know the answer to that. The operators are supposed to be testing the water and testing it at the wastewater treatment plant. We know the records coming out that some of the operators are questionable and I honestly would not know if it's safe water to drink or not. I can't help you in that situation.

MRS. PRESCOTT: Do we really know that he's taking water from the tap and just not taking distilled water from a bottle he's bought somewhere? I mean is that supervised when the water samples are taken?

MR. RADTKE: No, it is not. The testing requirement

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is the operator is supposed to be taking the sample and testing it properly, but there's no required supervision that anybody would be checking it in that sense. So there's no way of knowing whether it's being done.

MRS. PRESCOTT: So you can't tell if we have safe drinking water or not. The other concern is what if we have a fire at this point someone, and we don't have water pressure to put out a fire.

MR. RADTKE: Your system is not a fire protection system. We're proposing to install a fire protection system. Your system is not and the fire trucks cannot hook up to those pressure hydrants because if they do, they would collapse the line. So basically the only fire protection you have is with fire trucks bringing in tank water. You have no fire protection with that water system.

MRS. PRESCOTT: I know we pay fire insurance, I'm aware of that. I know we did have one fire out there where they couldn't get any water. I'd just like to go on record that I feel, too, that IDEM and the State should support us financially with funding, with grants, and low interest loans since the problem has been long standing. It has become worse since Mr. Rice took over 18 years ago. Having been right beside Kleins for a long time and now back off in the woods, the system has become

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worse over time and has been let go by him. My husband reported in his one court records here three or four times when there was raw sewage running down over the edge of the road, but nothing was ever done. And that would be Jerry Prescott. And that was on record here. He did clean it up, but sometimes it took two or three days and we all know there's hepatitis and there's all kind of body fluids that go through the sewer that can make people sick. I do feel that it's time the State did become financially responsible to help us out to correct this.

HEARING OFFICER: Any other questions? Concerns? Yes, sir? Step forward and state your name.

MR. HART: My name is Paul Hart, homeowner for over seven years in Arlington Heights. I was wondering if there's any sure fire way of testing for e-coli bacteria should it sort of come and go in a system. I noticed that with my young daughter when she was six, about three years ago, that she was sick to the degree that she was drinking water. And we checked with some other families and there were three or four other families in the area that were complaining that their kids were getting sick at the same time. It didn't seem to be the right time of the year to get sick, and it seemed coincidental. We had the chief sanitarian of Huntington County come out once

FORM C-100 - LASER - REPORTERS PAPER & MFG. CO. - 800-626-6313

and he did some testing and didn't find something. So what I would like to know, if e-coli and other hazardous health items can they be found regardless of the intermittency of the system.

MR. RADTKE: Well, first of all, there's a state code that says that there should be a certain amount of pressure on the lines, and any time that pressure goes lower than that amount, there should be a boiled water advisory. And that's usually the issue when you get any contaminant in there, when you drop your low pressure so then actually something can get into the line and into your water line. So that's why they have that boil advisory. And I understand that there has not been very many, if any, boil advisories in that area or in your community. And so, therefore, there's no question it could happen and that could be the effect. Because every time it drops down to a certain pressure, you've got to get that boil advisory. And that's a regulation because that's what will stop it from the, with the boiled water.

MR. KILE: And e-coli is an incredibly fickle test, so the answer to your specific question, could you test it once and five minutes later it be there, yes, it could. It's very difficult to test.

HEARING OFFICER: Yes?

MRS. BROWN: I'm Melody Brown and I have a concern on

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this water pressure issue. Our pressure is so low that like you said, you can't do two things in the house at once. And it's not two major things, it's two minor things. I cannot run a faucet in the kitchen and a faucet in the bathroom. It's not just a toilet and a washing machine, it could be two minor things. So what am I drinking? What am I putting in my coffee and my tea every day? I drink bottled water if I want a glass of water, but that's not necessarily what I cook with. Maybe it should be. Now, how do I know that because of this low pressure on our end as a consumer, how am I going to know if that water is safe to drink?

MR. : Have you been out to test?

MRS. BROWN: If it's tested down at the pump house, their pressure down there is going to be a whole lot different than it is when I turn on my faucet.

MR. METTLER: Mike Mettler from the county health department. I generally would not consider your water safe to drink, although we do get a lot of good samples from there because of the low pressure. I would recommend you not drinking it or using it for consumptive purposes. But because of the low pressure and everything we don't have a reliable operator here that's issuing boil advisories, but we do get good samples there. But this has been, I'll go on record and say I would not

FORM C-100 - LASER REPORTERS PAPER & MFG. CO. -800-626-6313

recommend that until the pressure issue is taken care of, because you always have had low pressure problems, it comes and goes. And we're not getting proper boil advisories put out. So that's the only safe way to be.

MRS. BROWN: Then I think we as homeowners, we're sitting here and we're hearing this, so we're going to go home and we're not going to use that water to drink or eat anymore. What about the other 50 homes that aren't represented here? What about the apartments and the duplexes? Shouldn't a boil advisory be issued for this area?

MR. METTLER: It probably should be.

MRS. BROWN: And how do we get that?

MR. METTLER: We can send a letter to everybody and tell them how we feel about the water there. It's the responsibility of the operator to do that. And the operator is supposed to be licensed, and because he's licensed, that's why he's not supervised.

MR. KLEIN: How about a qualified chemist? Wasn't you the fellow that a year or so ago said that that lagoon was good for ten years?

MR. METTLER: No, not me.

MR. KLEIN: I'm trying to remember what meeting we was at.

MR. METTLER: I don't think everybody's ever, I've

FORM C-100 - LASER REPORTERS PAPER & MFG. CO. 800-626-6313

never heard anybody say that lagoon was good for anything.

MR. KLEIN: Was that the meeting when you had all these places that's having trouble with septic, Swan Lake and all those places.

MR. METTLER: We probably weren't talking about Arlington Heights.

HEARING OFFICER: Paul Dick is the water inspector for IDEM in the drinking water branch, and you can call that 800 number and remember, it's 27 the last two numbers, not 77. And he's in and out. He's not in very much, but you can leave a message. He is a field person, and I will also be contacting Paul Dick myself. Any other questions, concerns? Yes, ma'am? Can you state your name, please.

MRS. JEFFERS: Madonna Jeffers.

HEARING OFFICER: Madonna Jeffers. Can you hear her? She can't hear you, I'm sorry.

MRS. JEFFERS: When they have received -- Madonna Jeffers. When Mike said that he had received good water samples, did that mean you took them yourself?

MR. METTLER: Uh-huh. Yes.

MRS. JEFFERS: Okay, I feel much better.

HEARING OFFICER: Questions, concerns? Yes, please come forward and state your name.

FORM C-100 - LASER REPORTERS PAPER & MFG. CO. 800-626-6313

MR. BASSETT: Steve Bassett. I would like to know what time table of when this problem can be solved. Does anybody have an idea?

MR. RADTKE: And I'll have to switch it over to the attorney, too, on this, but I'll give you some of the thoughts that I have. There's a, one of the big issues that was addressed at this meeting, we need a lot of grant money to be able to fix this problem. We've got about three or four things to happen. We've got to get a state revolving work fund set program set up to get the borrowing, we've got to get grant money set up, we've got to get the final agreement with Roanoke to give us the treatment and good water. And basically that's, those are the critical parts of it. And we've got to form a regional water and sewage district. I'm expecting if we can pull this together and starting construction next summer, late next summer, we would be moving rapidly. I'm afraid we're going to get held up on grant money and we're going to get held up on reviewing of this preliminary engineering report. I'm really nervous on that. I think Lynne, I've worked with her in the past, her area is not the problem. She can get that regional district formed good and quickly, but where it's going to be held up is grant money and the review of a lot of this paperwork. And that's the problem. So optimistic next

FORM C-100 - LASER REPORTERS PAPER & MFG. CO. 800-626-6313

summer, late next summer, fall starting construction. More realistic, a year to two years from now. Unless somebody from the State really steps up.

MR. BASSETT: When Norwood had their problem last December, their water plant actually exploded, they got somebody in there immediately. Now, was that declared an emergency?

MR. KILE: It was the emergency situation when the plant blew up there, they essentially didn't have any utility service at that point. And the commission scheduled an emergency hearing and took Rice out of the picture. Their problem still hasn't been solved. They're still in the same position that you all are in in that they need a major capital project to solve their problem. They just simply have somebody else, it's Gary, they have somebody else operating the facilities that need to be replaced. But it was a blow up of the plant and the fact that they went essentially a week without any utility service and no hope of anybody coming in to fix it.

MR. RADTKE: We're concerned that we are meeting most of the time the limits at the treatment plant right now with a real tough deal and we've got the water pressure up there. In fact, there's going to be a hearing in about an hour regarding that whole issue. So we have

FORM C-100 - LASER REPORTERS PAPER & MFG. CO. 800-626-6313

turned it around a bit, but we can't hold on forever on that project. But we have turned it around so that people can feel comfortable with drinking the water. And it's something that we're hoping that it will last a year or a year and a half before we get the upgrade. So that's kind of where you've almost got to be thinking of for your community, of potentially a receivership.

MR. BASSETT: Now, correct me if I'm wrong, but is Norwood going to connect to Huntington City water?

MR. RADTKE: No, we have negotiated with the Huntington and it will be just probably treating the wastewater and not city water.

MR. BASSETT: So they'll have their own private well?

MR. RADTKE: Right.

MR. BASSETT: So they can regulate the water themselves?

MR. RADTKE: Correct.

MR. BASSETT: Thank you.

MR. DILLON: I'm Gary Dillon, state representative, and I was wanting to ask you, it's just astonishing and shocking to me that something like this has gone on for so long. When I talked to some people over at IDEM, they thought that we had passed some legislation a year ago that would prevent these kinds of things in the future, so IDEM would have some teeth to prevent people from

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getting victimized by these people. Do we have that? Do you think we need to tighten up legislation? Can I put a bill in?

MR. KILE: And I can answer that. There is now, I'm not certain that it's necessarily perfect, but there now is legislation in place designed to prevent what's happened here, and it really doesn't involve IDEM, it involves the regulatory commission which is, it is the concept of the appointment of a receiver for the utility to essentially remove Rice and put a receiver in Rice's place or whatever troubled utility it may be. And what triggers that is if the commission, and I'm going to be paraphrasing here, speaking from memory, if the commission orders the utility to do something and the utility fails to do it, that is what can trigger the process. But it's there.

MR. DILLON: I haven't looked at the record on this particular district, but I know that when I looked at what had happened over at Norwood there was just problem after problem, year after year. Directions were given, no action was taken, and the man just kept on running the utility, which was just amazing to me. I'm glad to hear that we're plugging that up. At least I have we have. If you see some weakness in the law, let me know.

MR. KILE: Well, it needs some time to be interpreted

FORM C-100 - LASER REPORTERS PAPER & MFG. CO. 800-626-6313

as to exactly what all it needs, but it's there and I think it will solve the problem for others. It doesn't solve, I mean we could attempt to use it to solve temporarily a problem for these people. The difficulty is by the time we could get a receiver appointed, our hope is Rice is out of the picture anyway because we'll have the district formed and the Huntington court is going to order the assets transferred to the district and we'll just go forward.

MR. METTLER: I think you just answered my question. My question was how can we get the utility out of Rice and into the district once the district is there, and I think you just answered my question.

MR. KILE: Certainly. What will happen, the stock in Arlington utilities is currently held by, is it Huntington court or is it the Allen court? Allen. Allen Superior Court, as security for a judgment that the State has against Don Rice. We have received an order from the court authorizing the transfer of that stock to an entity that wants to take it over. The problem is you folks don't want the stock, you want the assets. You don't want to take it with all of the liabilities that come with it. And your homeowner's association can't take the stock. We have to get this district formed and then that court has got to order those assets to be transferred to

FORM C-100 - LASER REPORTERS PAPER & MFG.CO. 800-626-6313

the district and then we're fine.

HEARING OFFICER: Please stand up, come up and state your name.

MRS. TRAUNER: Theresa Trauner again. Just the problem with transferring the assets just comes back to the thing that the assets are worth nothing because of the condition that it's now in. And that's the situation that we've been in, that it has deteriorated to the point that the utility isn't worth anything. We're still stuck trying to maintain daily life with it, but it's not worth anything. And that's where we need the State to step in and help us rebuild so where we have a utility that actually functions and is safe.

HEARING OFFICER: Yes?

MRS. BROWN: Melody Brown. I guess my concern, I appreciate Mike stepping in for us and working with us on the boil advisory. My concern with that is at Norwood's, their emergency ended up with the utility blowing up. To me this is maybe not the same amount of an emergency if you look at it, and we don't have lives being injured, hopefully, but it is an emergency for the citizens that live here if we're consuming water on our end that can be harmful to us. And I'm wondering if this can be qualified as enough of an emergency to go ahead and award the receivership. I believe that Gary and Mr. Kile are

FORM C-100 - LASER REPORTERS PAPER & MFG. CO. 800-626-6313

saying that this is going to happen, and I believe it will happen, and soon. But is it going to happen soon enough?

MR. KILE: I was just suggesting to Gary, it shocked me, I don't think I've ever heard of a water utility where somebody stood up and said, somebody qualified stood up and said, "I would recommend you not consume the water." I mean, and what I had suggested to Gary based upon that, and if I could get an affidavit from you to that effect, I think you probably do qualify for an emergency and I was suggesting to Gary we probably could go to the regulatory commission and ask for the same thing for Arlington on an interim basis. Get Gary in charge of that.

MRS. BROWN: I would appreciate that because as long as the courts have dragged on for 18 years with Mr. Rice, I really personally don't want to see it drag on any longer than necessary.

MR. KILE: I think we can certainly do that.

MR. METTLER: I have something to bring up.

MR. KILE: I wanted to address that real quickly. What I'd like to do is get you the information on the guidelines for a boil advisory so you know, because the county is not really in a position to know when your water goes out and when the boil advisory is needed, and

FORM C-100 - LASER REPORTERS PAPER & MFG. CO. 800-626-6313

that's not our role, and we certainly don't have the resources to do that. But if you know what the guidelines are and when you're not supposed to be drinking it, then you have the information to know when you shouldn't be drinking it and make your own decisions. But I do feel that, and especially based on a lot of the testimony tonight that you're having a lot of outages when you're not getting boil advisories so you're at risk with the water coming out of the tap. So that's where I'm coming from when I recommend you really be careful with your water.

MRS. TRAUNER: Ten years we have never --

MALE: Well, it was tested every week.

HEARING OFFICER: We need one person to speak at a time, please.

MRS. TRAUNER: Ten years we have never had a boil advisory for any low pressure or no pressure or outages. Never.

MALE: I don't know that we've ever had one in 30 years.

HEARING OFFICER: We need everybody's name because we are recording this. Yes, please step up and state your name again, please.

MR. EASTERDAY: I'm Steve Easterday and I downloaded a copy of the Indiana Utility Regulatory Commission's

FORM C-100 - LASER REPORTERS PAPER & MFG. CO. 800-626-6313

administrative laws and one thing that concerns me is hearing everybody's discussion about low water pressure is I believe in my opinion there's a violation of law in that Administrative Code 6-1-2-0, part B, states "public water supplied within the distribution pipe system shall be adequately protected against pollution for back siphonage or cross connection with other systems on the customer's property by proper installation of protective devices in accordance with the rules of the Indiana State Board of Health." And I guess I would like to go on record stating I'm not aware of any such devices. Because of the low pressure that we have, I have some real concerns about the quality and as to whether this law is being followed in accordance with what he is supposed to do as a regulated utility.

MR. KLEIN: Harry Klein again. I don't know whether I'm barking up the wrong tree or not. This is for our attorney. Thirty-five years ago when my wife and I moved up there, we were the third house. Dick Bailey, the real estate agent here in Huntington, was the real estate agent. And I said, I picked out the lot I wanted and I said to him, "Why is this so expensive?" "Well," he said, "Harry, you've got to pay for the road. You've got to pay for the sewer, you've got to pay for the water, you've got to pay for the sludge fund, you've got to pay

FORM C-100 · LASER REPORTERS PAPER & MFG. CO. 800-626-6313

for the pump house." And I says to him, "Well, in other words, I own a percentage of it?" He said, "Yeah, if you want to look at it that way." Well, then we were there four or five years and the mail wasn't coming up and I had to go and find out why the mail wasn't coming up the street. Well, I found out that was a private road. So I had to go to Brin (sic), who was in charge of it then and go to the people and get the road turned over because I owned to the center of the road in front of my house, get it turned over. So then the school buses came up and the mail came up. So technically speaking, I still own a percentage of everything. We all do. It's ours. So I don't know whether I'm barking up the wrong tree or not, but I still didn't give up that part. I gave up the road part, but I didn't give up the ownership of that. And that may be turning a whole new leaf on things. So Rice, as far as I'm concerned, Rice was managing it and maintaining it when Rice took over. He manages all right. He cut the checks every week and he sent them to the bank, but he didn't maintain it. So as far as I'm concerned that sewer pipe and the water pipe, I own a percentage of it. That's the way I feel.

HEARING OFFICER: Okay, any other questions, concerns? I appreciate everyone coming to the meeting tonight, and again remember feel free to call. I'm not

FORM C-100 - LASER REPORTERS PAPER & MFG. CO. 800-626-6313

in the office a lot. You can leave a voice mail, e-mail, you can write your comments and send them by mail. Please have them postmarked by the 26th. Thank you for coming.

(OFF RECORD.)

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COUNTY OF HENRY)
)SS:
STATE OF INDIANA)

I, Nancy Cook, a Notary Public in and for the State of Indiana, do hereby certify that a public hearing was held in connection with the proposed formation of the Arlington Regional Water and Sewage District now pending before the Indiana Department of Environmental Management. That the foregoing public hearing was taken down on behalf of the Indiana Department of Environmental Management in the above cause at the Huntington County Courthouse, Huntington, Huntington County, State of Indiana, on the 12th day of September, 2000; that said deposition was taken down by means of recording, and afterwards reduced to typewriting under my supervision;

I do further certify that I am a disinterested person in this cause of action, that I not a relative or attorney of any party, or otherwise interested in the event of this action, and am not in the employ of the attorneys for the respective parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this ___ day of _____, 2000.

_____

Nancy Cook, Notary Public
Resident of Henry County, Indiana
My Commission Expires 09/23/00.

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INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

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Notice

You are hereby notified that the Huntington County Council has petitioned the Commissioner of the Indiana Department of Environmental Management for an order establishing a Regional Water and Sewer District to be known as the "Arlington Regional Water and Sewer District".

A public hearing will be held on September 12, 2000, at 5:30pm in the Huntington County Courthouse, Room G.A.R. (second floor), in Huntington, Indiana, to receive public comments on said Petition. Written comments will also be accepted for a period commencing immediately and ending on September 29, 2000, at the following address:

Ms. Lynne Newlon
Office of Water Management
Indiana Department of Environmental Management
100 North Senate Ave., P. O. Box 6015
Indianapolis, Indiana 46206-6015

If you wish to receive notice of IDEM's decision on this matter, please submit a request in writing to Ms. Newlon at the above address.

For more information regarding the formation of regional water and sewer districts, see Indiana Code 13-26 (formerly 13-3-2). Additionally, a copy of the Petition to Form the Arlington Regional Water and Sewer District is on file at the Huntington City Township Public Library in Huntington, Indiana, for public viewing.

Individuals with disabilities requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management Americans with Disabilities Act (ADA) Coordinator at:

Brandye Hendrickson, ADA Coordinator
Indiana Department of Environmental Management
100 North Senate Ave., P. O. Box 6015
Indianapolis, Indiana 46206-6015

Please provide a minimum of five (5) days notification.

McMAHON
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ENGINEERS ■ ARCHITECTS
PROJ. MGRS. ■ SURVEYORS

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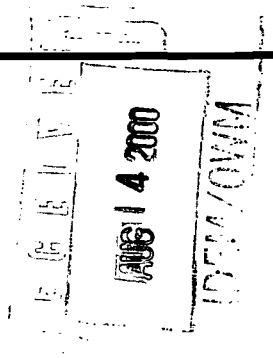

Gary - Can Phone
219-929-5225

August 11, 2000

Ms. Lynne Newlon, Coordinator
Water and Sewer Regional Districts
Indiana Department of Environmental Management
100 N. Senate Ave.
Indianapolis, IN 46204

RE: Arlington Regional Water and Sewer District
McM No. A505-59246

Dear Ms. Newlon:

Enclosed please find the following item:

One (1) copy of the Preliminary Engineering Report dated August 8, 2000 for the Proposed Arlington Regional Water and Sewer District.

We appreciate you assistance in this matter. Please do not hesitate to contact our office with any questions you may have.

Sincerely,

McMahon Associates, Inc.

Lee Nagai
Professional Engineer

LN/mn

encl.

cc: Al Brown, President, Arlington Heights Association
Nick Kile, Attorney, Barnes & Thornburg
Gary A. Radtke, P.E., V.P., McMahon Associates, Inc.

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