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OFFICE OF
WATER QUALITY
2009 JUL 14 P 2:03

ADAMS COUNTY REGIONAL SEWER DISTRICT HEARING

# ORIGINAL

ADAMS COUNTY COMMISSIONERS AND
ADAMS COUNTY COUNCIL

In Re: Petition for Regional Sewer District

DATE: July 1, 2009

TIME: 6:04 p.m.

PLACE: Adams County Commissioners Room
313 West Jefferson Street
Decatur, Indiana 46733

Before Angela A. O'Neill
Registered Professional Reporter

SUMMIT CITY REPORTING, INC.
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127 West Wayne Street, Suite 400
Fort Wayne, Indiana 46802
(260) 486-3954

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APPEARANCES:

Lynne L. Newlon
Thea Grant
Office Of Water Quality
Indiana Department of Environmental Management
100 North Senate Avenue
MC 65-40 IGCN 1255
Indianapolis, Indiana 46204
(317) 233-0476

Also Present: Wayne Bailey, Jay County
Ben Adams, Fort Wayne, Indiana
Shiloh Archer, Fort Wayne, Indiana
John Schultz, Decatur, Indiana
Adam Miller, Decatur, Indiana
Bill Borne, Decatur, Indiana

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MS. NEWLON: Okay. Good evening. I'd like to get started. Would the official reporter designated for this hearing please stand and raise your right hand and state your name.

(Whereupon, the court reporter, Angela A. O'Neill, was sworn in.)

MS. NEWLON: Hello. My name is Lynne Newlon. I'm an environmental manager in the Office of Water Quality with the Indiana Department of Environmental Management. Today with me is also Thea Grant from IDEM. I am the hearing officer for this hearing. The hearing this evening, July 1st, 2009 is before the Department of Environmental Management, henceforth referred to as either the Department or IDEM, in the matter proposed of the formation of the Adams County Regional Sewer District.

Oral statements will be heard; however, written statements may be submitted to me at the hearing or mailed to Lynne Newlon, 100 North Senate Avenue, 65-40 IGCN 1255, Indianapolis, Indiana 46204-2251. Also, my cards are at the sign-in table. Please take one. They have my address, as well as my email address on there.

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 Berne Tri-Weekly News on June 15th, 17th, 24th and 26th; the Decatur Daily Democrat on

June 15th, 19th, 23rd and 27th; and the Extra on June 9th, 16th, 23rd and 30th, all in the year of 2009.

Sign-in sheets have been provided. If you have not signed in yet, 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 are appearing for yourself or on behalf of a group. If you are 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 agency's decision in this matter, please notify me in writing, or send an email to be sure you have provided a complete and legible address.

We will then begin hearing testimony regarding the proposed district. The hearing officer will receive testimony and draft reports and make recommendations to whether it is approved, disapproved, or approved conditionally on the petition itself. If the hearing officer recommends approval of the petition, then a commissioner's order, which is a legal document that gives permission to the petitioner to actually form the sewer district that is proposed. If the commissioner decides to sign that document, then it is mailed to the petitioner, and the district becomes legal 30 days after -- after the petitioner receives the order.

As with any final decision of any agency, that decision is appealable, and information on how to appeal that decision will be included in the public notice in the newspaper. That concludes the discussion reviewing the following petition to form a district.

Indiana Code 13-26-2-3 sets out requirements for the formation of the district. We strongly encourage that comments be limited to these requirements, and these comments will be most useful to IDEM in making the decision.

At this time, I would like to see if anyone -- I don't have any three by five notes that anyone has signed. Would anyone like to give testimony for the formation of the Adams County Regional Sewer District, the proposed district?

(No Response.)

MS. NEWLON: Let the record show no one is giving testimony today, so in closing, I would like to remind everyone that written comments may be submitted to the department postmarked by July 17th, 2009.

Once again, please send them to Lynne Newlon at IDEM, 100 North Senate Avenue, 65-40 IGCN 1255, Indianapolis, Indiana 46204-2251.

These proceedings are now concluded. This cause is therefore adjourned until further notice from the hearing

officer.

(Whereupon, the hearing was concluded at 6:11 on this date.)

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CERTIFICATE OF THE REPORTER

I, Angela A. O'Neill, a Registered Professional Reporter and Notary Public, do hereby certify that the foregoing public hearing statements were reduced to stenotype by me in the presence of the participants afore named; that the statements were taken at the time and place in the foregoing caption specified.

I do further certify that I am not counsel, attorney, or relative of any parties or otherwise interested in the outcome of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed this seal this 13th day of July, 2009, A.D.

Angela A. O'Neill, RPR
My Commission Expires: Aug. 10, 2012

(1)

# Adams County Regional Sewer District/PUBLIC HEARING/ July 1, 2009

| | (Please Print) NAME | (Please Print) ADDRESS | DO YOU WISH TO SPEAK? |
|---|---|---|---|
| 1. | Wayne Bailey | JAY Co | NO |
| 2. | BEN ADAMS | 10315 DAWSON'S CREEK FT. WAYNE, IN 46825 | NO |
| 3. | SHELLY ARCHER | 10315 DAWSON'S CREEK FT WAYNE, IN 46825 | No |
| 4. | JOHN SCHULTZ | 225 W. MONROE ST. DECATUR, IN. 46733 | NO |
| 5. | ADAM MILLER | 113 N 2ND ST, DECATUR, IN | NO |
| 6. | Bill Borne | 3858W GOOD Decatur IN | NO |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| 12. | | | |
| 13. | | | |

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**PAID**

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General Form No. 99P (Rev. 2009)

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(Governmental Unit)

...Adams.....County, Indiana ...Berne IN 46711.....

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Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper .....4..... times. The dates of publication being as follows:

June 15,17,24,26, 2009.....

.....

Date ....June 26, 2009....., ..... Title...General Manager.....

## Notice

You are hereby notified that the Adams County Commissioners and the Adams County Council have petitioned the Commissioner of the Indiana Department of Environmental Management for an order establishing a Regional Sewer District to be known as the Adams County Regional Sewer District (RSD). The territory is to include the unincorporated areas of Adams County.

A public meeting prior to a public hearing will be held on July 1, 2009, at 6:00 p.m. (local time), at the Adams County Commissioners Room, 313 West Jefferson Street, Decatur, IN, 46733, to receive public comments on said Petition. Written comments will also be accepted for a period commencing immediately and ending on July 17, 2009 at the following address:

Ms. Lynne Newlon
Office of Water Quality
Indiana Department of Environmental Management
100 North Senate Ave., IGCN-1255
Indianapolis, Indiana 46204

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 Adams County RSD is on file at the Geneva Public Library, 307 E. Line Street, Geneva, Indiana, Decatur Public Library, 128 S. Third Street, Decatur, Indiana and the Berne Public Library, 166 Sprunger Street Berne, 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:

ADA Coordinator
Indiana Department of Environmental Management
100 North Senate Ave., Suite 1322
Indianapolis, Indiana 46204

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

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