STATE OF INDIANA

STREAM POLLUTION CONTROL BOARD

INDIANAPOLIS 46206

1330 West Michigan Street
633-5467

December 5, 1974

Mr. John Worth
Clarkson and Worth
127 West 2nd Street
Rushville, Indiana 46173

Dear John:

Re: Anderson Township Regional Sewer District
Cause No. B-256

On November 19, 1974, at its regularly scheduled meeting, the Stream Pollution Control Board of the State of Indiana, by motion made, duly seconded and unanimously passed, adopted the Findings of Fact and Recommendations of Robert Holt, Hearing Member, and issued its Order, copy attached, to create the Anderson Township Regional Sewer District.

Dated at Indianapolis, Indiana this 5th day of December, 1974.

Very truly yours,

Oral H. Hert

Oral H. Hert
Technical Secretary

WCV/dsc
Enclosure
cc: Trustee of Anderson Township,
Rush County, Indiana

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DEC 9 1974
STATE BOARD OF HEALTH
OFFICE OF THE HEARING COMMISSIONER

STATE OF INDIANA

STREAM POLLUTION CONTROL BOARD

INDIANAPOLIS 46206

1330 West Michigan Street
633-5467

VIA CERTIFIED MAIL

IN THE MATTER OF THE PETITION OF THE TRUSTEE OF ANDERSON TOWNSHIP) RUSH COUNTY, INDIANA, FOR THE ORGANIZATION OF A REGIONAL SEWER) DISTRICT TO BE KNOWN AS " THE ANDERSON TOWNSHIP REGIONAL SEWER) DISTRICT," PURSUANT TO IC 1971, 19-3-1.1

CAUSE NO. B-256

RESOLVED: that the Stream Pollution Control Board accept the Findings of Fact and Recommendations of Robert Holt, Hearing Member, on the above captioned matter, and that the Board adopt the Findings of Fact and Recommendations as its own and that the Final Order be issued.

NOW THEREFORE, IT IS ORDERED BY THE STREAM POLLUTION CONTROL BOARD OF THE STATE OF INDIANA:

1. That the petition should be approved.

2. That the district, to be known as the Anderson Township Regional Sewer District, should be organized as an independent political entity of the State of Indiana.

3. That the purpose of the district shall be the collection and treatment of the sewage of the residents of the district.

4. That the district shall include all the territory in Anderson Township.

5. That the district be governed by a nine member Board of Trustees each of whom must be a resident of and a registered voter in Anderson Township. Appointed, and for terms, as follows:

   The first Board of Trustees of the regional sewer district should be appointed by the Township Trustee, with the advise and consent of a majority of the members of the Township Advisory Board of Anderson Township, with two members serving the term of one year each, three members serving the term of two each, two members serving the term of three years each, and two members serving a term of four years; and upon the expiration of the term a new board member shall be appointed for a four year term by the Township Trustee with the advise and consent of a majority of the members of the Township Advisory Board of Anderson Township.

6. That the Board of Trustees shall provide sufficient bond for all officers, trustees, or employees who have any power to dispense funds of the district. Said bond, as a minimum, shall be in an amount equal to, plus 10% of, those funds anticipated to be received by the district during a fiscal year of the district, divided by 6, which amount shall be determined annually by the Board of Trustees.

7. That six months from the date of this order, the Anderson Township Regional Sewer District shall file with the Stream Pollution Control Board of the State of Indiana, a detailed plan for the construction and operation of the district's facilities pursuant to IC 1971, 19-3-1.1-5(a).

Dated at Indianapolis, Indiana, this 5th day of December, 1974.

STREAM POLLUTION CONTROL BOARD
OF THE STATE OF INDIANA

Oral H. Hert

Oral H. Hert
Technical Secretary

WCV/dsc

STATE OF INDIANA

STREAM POLLUTION CONTROL BOARD

INDIANAPOLIS 46206

1330 West Michigan Street
633-5467

FINDINGS OF FACT AND RECOMMENDATIONS
OF ROBERT HOLT, HEARING MEMBER
BEFORE
THE STREAM POLLUTION CONTROL BOARD OF THE
STATE OF INDIANA

IN THE MATTER OF THE PETITION OF THE TRUSTEE)
OF ANDERSON TOWNSHIP, RUSH COUNTY, INDIANA,)
FOR THE ORGANIZATION OF A REGIONAL SEWER)
DISTRICT TO BE KNOWN AS THE "ANDERSON) CAUSE NO. B-256
TOWNSHIP REGIONAL SEWER DISTRICT," PURSUANT)
TO INDIANA IC 1971, 19-3-1.1)

Upon receipt of the petition of the Anderson Township Trustee, Rush County, Indiana, for the establishment of a regional sewer district pursuant to IC 1971, 19-3-1.1, the Stream Pollution Control Board of the State of Indiana, pursuant to the provisions of IC 1971, 19-3-1.1-5, issued notice of hearing, by publication in the Rushville Republican, Rushville, Indiana, on Tuesday, October 8, 1974, and Tuesday, October 15, 1974, to be held at 2:00 p.m., EST, on October 23, 1974, in Rushville, Indiana.

The petitioner, Trustee of Anderson Township, Rush County, Indiana, was represented by John Worth, Attorney, Rushville, Indiana.

SUMMARY OF TESTIMONY

William R. Ward, Trustee of Anderson Township, testified that the petition that he filed with the Stream Pollution Control Board was approved by the Advisory Board of Anderson Township. He stated that Milroy is the principal town in Anderson Township. He said that there is presently a health hazard in Anderson Township and that a regional sewer district will improve the health, safety and welfare of the citizens of that area. He stated that presently only septic systems are in use in Anderson Township and that because of poor soil conditions the septic systems drain into ditches which pollute the Flat Rock River. He stated that there is presently no debt in Anderson Township for sewers and that he proposes in his petition a board of trustees to consist of nine members with the consent of Milroy Utilities. He feels that Milroy Utility can work in harmony with the regional sewer district if it is formed. He stated that the total estimated cost of construction would be $700,000. Mr. Ward testified that the consensus of the citizens is favorable and that he has had no derogatory comments about the proposed regional sewer district.

Norman Mahan, Superintendent of the Milroy Utility Water Company, stated that he was very familiar with sewer problems in Milroy. He stated that much raw sewage ran to the top of the ground because of poor operation of the existing septic systems. He stated that the city or town ditches in Milroy eventually lead to the Little Flat Rock River. He stated that he was in favor of this

project and as a spokesman for Milroy Utilities stated that Milroy Utility was in favor of this project.

Florence Linville, Executive Director of the Rush County Area Planning Commission, stated that studies have been made for Rush County by a firm of consulting engineers who recommended a sewer system for Milroy because of the deep tight clay soil. She stated that the area planning commission desires a regional sewer district and that growth projects for Milroy require new housing and areas make it necessary that a sewer system be installed.

Joe Duke, of the Soil Conservation Service, stated that he was familiar with soil in Milroy. He has done an extensive survey of the soil in Milroy by digging test holes. The soil is over bedrock-mostly soil that will not handle a septic system. He stated that the Soil Conservation Service could not recommend septic systems in the type of soils present in Milroy.

Conrad Harcourt, a private businessman and a member of the Chamber of Commerce, stated that Anderson Township cannot attract new industry without a sewer system. He stated that his business has had little problems with septic system but that a canning factory in the area has had many problems. He stated that economically a regional sewer district would be good for the community.

Everett Martin, a 40 year resident of Milroy, Herbert Shapel, a Trustee of the Masonic Lodge, Paul W. Barada, the Executive Secretary of the Rush County Chamber of Commerce, Richard Levi, the Rush County Attorney, Thomas M. Gormar Sr., owner of a nursing home in Milroy, James Evans, Sanitarian of Rush County Health Department, Stanley Boyer, a property owner and a member of the Milroy Utility Board, Doctor C. W. Worth, the President of Milroy Utility Corporation and Ralph Matheny, a Consulting Engineer, all testified in favor of the proposed regional sewer district. There was no who testified at the public hearing opposed to the formation of the district.

FINDINGS OF FACT:

1. That the Anderson Township Trustee, Rush County, Indiana, has filed his petition before the Stream Pollution Control Board of the State of Indiana, for an order establishing a regional sewer district pursuant to the provisions of IC 1971, 19-3-1.1.

2. That the Stream Pollution Control Board of the State of Indiana at its meeting on September 17, 1974, by motion duly made seconded and unanimously passed determined that a sufficient petition had been filed in accordance with IC 1971, 19-3-1.1 and appointed Robert Holt as Hearing Member.

3. That notice of public hearing on said petition was published once each week for two consecutive weeks in the Rushville Republican, Rushville, Indiana, on Tuesday October 8, 1974, and Tuesday, October 15, 1974. Proofs of said publication are attached hereto and made a part hereof.

4. That a public hearing on said petition was held on October 23, 1974, at 2:00 p.m., EST, in the County Courthouse, Rushville, Indiana. That said hearing was held within 10 miles of the proposed district.

5. That the recommended name is the Anderson Township Regional Sewer District with its principal office in Milroy, Rush County, Indiana.

6. That the area to be served by said district contains no political sub-divisions having legal authority or capability to provide for the collection, treatment and disposal of sewage.

7. That the purpose to be accomplished by said district is to provide for the collection, treatment and disposal of sewage in Anderson Township.

8. That poor soil conditions cause private septic systems in Anderson Township to fail and results in raw sewage in open ditches which eventually flows into the Little Flat Rock River.

9. That there is no outstanding indebtedness in the proposed area for the purpose intended.

10. That the proposed project appears economically feasible.

11. That the territories to be included in the district is all of Anderson Township, Rush County, Indiana.

RECOMMENDATIONS OF THE HEARING MEMBER:

1. That the petition should be approved.

2. That the district, to be known as the Anderson Township Regional Sewer District, should be organized as an independent political entity of the State of Indiana.

3. That the purpose of the district shall be the collection and treatment of the sewage of the residents of the district.

4. That the district shall include all the territory in Anderson Township.

5. That the district be governed by a nine member Board of Trustees each of whom must be a resident of and a registered voter in Anderson Township. Appointed, and for terms, as follows:

   The first Board of Trustees of the regional sewer district should be appointed by the Township Trustee, with the advise and consent of a majority of the members of the Township Advisory Board of Anderson Township, with two members serving the term of one year each, three members serving the term of two each, two members serving the term of three years each, and two members serving a term of four years; and upon the expiration of the term a new board member shall be appointed for a four year term by the Township Trustee with the advise and consent of a majority of the members of the Township Advisory Board of Anderson Township.

6. That the Board of Trustees shall provide sufficient bond for all officers, trustees, or employees who have any power to dispense funds of the district. Said bond, as a minimum, shall be in an amount equal to, plus 10% of, those funds anticipated to be received by the district during a fiscal year of the district, divided by 6, which amount shall be determined annually by the Board of Trustees.

7. That six months from the date of this order, the Anderson Township Regional Sewer District shall file with the Stream Pollution Control Board of the State of Indiana, a detailed plan for the construction and operation of the district's facilities pursuant to IC 1971, 19-3-1.1-5(a).

Dated at Indianapolis, Indiana, this 7th day of November, 1974.

Respectfully submitted,

Robert Holt
Hearing Member

WCV/dsc