IDEM
OFFICE OF
WATER QUALITY
2010 NOV 17 P 2:53

TRANSCRIPT OF THE PUBLIC HEARING held on November 9, 2010, at 6:00 p.m., at the Freelandville Community Center, 7 Highway 159 South, Freelandville, Indiana 47535 to receive public comments on the Petition filed by the Knox County Commissioners and Knox County Council for the establishing of a Regional Sewer District to be known as the Freelandville Regional Sewer District (RSD).

TRANSCRIPT OF TESTIMONY

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MARGIE McCORMACK
COURT REPORTER
KNOX CIRCUIT COURT

STATE OF INDIANA)
)SS:
COUNTY OF KNOX)

TRANSCRIPT OF THE PUBLIC HEARING

TO ESTABLISH THE

FREELANDVILLE REGIONAL SEWER DISTRICT (RSD)

DATE: November 9, 2010

MARGIE McCORMACK
COURT REPORTER
KNOX CIRCUIT COURT

APPEARANCES

ON BEHALF OF THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT:

MS. LYNNE NEWLON
OFFICE OF WATER QUALITY
INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
100 NORTH SENATE AVE., IGNC-1255
INDIANAPOLIS, INDIANA 46204

THE PUBLIC HEARING CONVENED ON NOVEMBER 9, 2010, AND THE FOLLOWING WAS PRESENTED:

PRESENT:

LYNNE NEWLON, IDEM.
MR. & MRS. JOHN THOMPSON
HELEN L. HARBIN
KYLE TELLIGMAN
JACK & SHIRLEY BROUHARD
DERICK WIGGINS
DAVID W. ALLEN
PAUL HOLLINGSWORTH
RANDY & THERESA BARRETT
WILMA STRANGE
NORMAN & LORETTA ENGLAND
GREG PRICE
GARY McCRARY
ROY R. LANGDON
VAUGHN & BOBBIE HISLIP
TRAVIS SNYDER
ROBERT ARNOLD
STAN HARBIN
JOANN NOMADY

NEWLON:

Good evening. Could I please have your attention? We would like to get things started. Would the official reporter designated for this hearing please stand, raise your right hand and state your name?

McCORMACK:

Margie McCormack.

NEWLON:

Do you solemnly swear of affirm that you will keep complete and true notes of all that transpires 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?

McCORMACK:

I do.

NEWLON:

My name is Lynne Newlon. I am a senior environmental manager in the Office of Water Quality in the Indiana Department of Environmental Management. I am the hearing officer for this hearing. The hearing this evening, November ninth (9^{th}), two thousand ten

(2010), is before the Department of Environmental Management, henceforth referred to as either the Department or IDEM, in the matter of the proposed formation of Freelandville Regional Sewer District. Also with me tonight is Ms. Thea Grant with the Department, a co-worker. Thank you for coming and helping out. Ah, we have a sign-in sheet. If you haven't signed in please do. Do you have any three (3) by five (5) cards? Oral statements will be heard this evening at this hearing; however written statements may be submitted to me at the hearing or mailed to: Lynne Newlon, 100 North Senate Avenue, Sixty-five (65) dash forty (40) I-G-C-N twelve (12) fifty-five (55), Indianapolis, Indiana four (4) six (6) two (2) o (0) four (4) dash two (2) two (2) five (5) one (1). It's all on my card. Or feel free to take a card with you and if you want to send in comments address them to me. And here is our address. For the record, notice of time and place of this hearing was given as provided by Indiana Code thirteen dash twenty-six dash two dash six (13-22-2-6) by publication in The Independent, The Sullivan Daily, and The Vincennes Sun Commercial on October thirteenth

(13th), twentieth (20th), twenty-fifth (25th), twenty-seventh (27th) twenty-ninth (29th) and November second (2nd) fifth (5th) and the ninth (9th) in the various newspapers. Sign-in sheets have been provided. If you haven't signed in please do so. It is just a matter of record that you were present at this hearing. If you wish to present IDEM with information this evening, please indicate on the sign-in sheet. Also indicate if you will be 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 has an officer, an attorney, or authorized spokesperson. If you wish to receive notice of the agency's decision in this matter, please indicate on the sign-in sheet and be sure you have provided a complete and legible address. We will begin hearing testimony regarding the proposed district. Because the purpose of the hearing is to allow the public to present information pertinent to the formation of the District. I ask that you hold all questions until the hearing is concluded. I will stay after the hearing if there are any questions that come up. And during

the hearing I can only receive testimony. The hearing officer takes the testimony received at the hearing and drafts a report and makes recommendations whether to approve, disapprove or to approve 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 is proposed. If the commissioner of IDEM decides to sign that document, then it is mailed to the petitioner and the district becomes legal thirty-three (33) days after the, after the petitioner receives the order. As with any final decision of the 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 of the process IDEM follows in reviewing the petition to form the district. Indiana Code thirteen dash twenty-six dash two dash three (13-26-2-3) sets out the requirements for the formation of a district. I'm not going to read the whole statute to you, but I would like to go over a few highlights. I strongly recommend that comments

be limited to these requirements, as they will be comments most useful to IDEM in making their decision. The statue requires the following: That the petition is filed by an eligible entity, and the proposed district name and location of principal office be stated. The petition must state the need for the district, the purpose the district will accomplish, and how the district will be conducive to public health, safety, and convenience, or welfare. The petition must state how water supply and sewage collection are currently being provided, and how the current situation creates or adds to pollution or health hazards, or impedes development in the area. The petition must state whether there is any outstanding indebtedness for the purpose proposed. The petition must describes the territory to be included in the district and the territory be situated as to promote the public health, safety, convenience, or welfare by organization as a single district. The petition must provide recommendations regarding the make-up of the board of trustees and the manner of selection. The petition must state the plan for financing the cost of operations of the district

until it receives revenues from operation or proceeds from sales from bonds. The petition must state the estimated costs of accomplishing the purpose of the district, an estimated costs of operating and maintaining the works, and the sources of funding of these costs, including estimates and rates to be charged. Again, we are extremely interested in information you can provide. All comments from oral and written, will be reviewed by IDEM and carefully considered in making a decision on this matter. I'm not sure how many people want to testify. I will limit you to five (5) minutes. If you go beyond five (5) minutes and still have more to say I will ask that you give comments in writing. The rest of your comments to me in writing. Ah, I don't believe there are any three (3) by five (5) cards, so what I will do is I'll open the floor up. I will ask you to come up and stand here, because the court reporter is recording everything. And that is part of this public hearing. So, you'll need to come up, state your name and give your testimony, if you are for the project, if you are against it, whatever you choose to say. And again, it will go in the

record then all of this will be reviewed once again. And also, written comments need to be sent to me by December sixth (6th). Postmarked. So, going to open it up to the floor. Is there anyone who would like to give testimony at this time? (No audible responses.) Alright. Okay. In closing I'd like to remind everyone that written comments may be submitted to me, to the Department postmarked by December sixth (6th), two thousand ten (2010). Again, my address, please take one (1) of my cards. I will be here after the meeting if you have any questions. Again, I will open it up real quick. Does anyone want to publically give testimony? (No audible response.) These proceedings are now concluded. This cause is therefore adjourned until further notice of the Hearing Officer.

END OF PUBLIC HEARING

STATE OF INDIANA)
) SS:
COUNTY OF KNOX)

IN THE KNOX CIRCUIT COURT

REPORTER'S CERTIFICATE

I, Margie McCormack, a Reporter of the Knox Circuit Court, Knox County, State of Indiana, do hereby certify that I am an Official Court Reporter of said Court, duly appointed and sworn to report the evidence of causes tried therein.

That upon the Public Hearing on the Petition filed for the establishment of the Freelandville Regional Sewer District held November 9th, 2010, I recorded and transcribed all statements by Ms. Lynne Newlon, IDEM, and the attendees of the hearing.

I further certify that the foregoing transcript, as prepared, is full, true, correct and complete.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my Official Seal this 14th day of November 2010.

Margie McCormack
Knox Circuit Court
Knox County, Indiana