STATE OF INDIANA	)	BEFORE THE INDIANA DEPARTMENT
	) SS:	OF ENVIRONMENTAL MANAGEMENT
COUNTY OF MARION	)	

IN THE MATTER OF:	)
THE FORMATION OF THE	)
BEAN BLOSSOM REGIONAL	)
SEWER DISTRICT	)

FINDINGS OF FACT AND RECOMMENDED ORDER

OF THE HEARING OFFICER

FINDINGS OF FACT

1. On or about June 24, 2004, the Brown County Council petitioned the Indiana Department of Environmental Management (IDEM) for an Order to establish a regional sewer district (RSD) in Brown County.

2. The submitted petition complies with the provisions of IC 13-26-2.

3. The proposed name of the regional sewer district is the Bean Blossom Regional Sewer District (RSD).

4. A public hearing was held on October 19th, 2005 at the Fruitdale Fire Department, 5200 North State Road 135, Morgantown, Indiana.

5. Notice of the hearing was given during the weeks of October 3-7, October 10-14, and October 17-23, 2005, by publication in the following newspapers of general circulation: 1) The Brown County Democrat and 2) The Herald Times. Notice was given by mail to each eligible entity involved.

6. The principle office of the Bean Blossom RSD shall be located at Jackson Township Trustee's office, at 5076 North State Road 135, Morgantown, Indiana 46160. The mailing address is P.O. Box 297, Morgantown, Indiana 46160. The Bean Blossom RSD Board of Trustees (Bean Blossom RSD Board), upon formation, may relocate the office upon written notice to IDEM.

7. The sanitary sewage needs of those residents now residing within such Bean Blossom RSD are currently being met with septic systems, many of which are failing.

8. The residents of the Bean Blossom RSD currently obtain their water for drinking and other purposes from public water supplies, cisterns, or individual wells. Contamination from failing septic systems may detrimentally affect the water quality and public health in the Bean Blossom RSD.

9. The current method of collection and disposal of the sanitary sewage of some of the residents of the Bean Blossom RSD detrimentally affects the water quality and public health within the proposed district.

10. Upon formation, the Bean Blossom RSD may construct and operate a system that will collect and treat the sanitary sewage of the residents of the Bean Blossom RSD. The Bean Blossom RSD may contract with a district or municipality to meet the sewage treatment needs of the residents of the Bean Blossom RSD. The RSD may implement a septic maintenance/management program as needed.

11. The purposes to be accomplished by the formation of the Bean Blossom RSD are to provide for the collection, treatment, and disposal of sewage within the district pursuant to IC 13-26-1-1.

12. The Bean Blossom RSD did not incur debt when it organized.

13. The Bean Blossom RSD shall be governed by three (3) board members.

    A. The Brown County Council shall appoint one (1) member that owns property or resides in Jackson Township, Brown County, Indiana. The term shall expire December 31st, 2009.

    B. The Brown County Council shall appoint one (1) member that owns property or resides in Jackson Township, Brown County, Indiana. The term shall expire December 31st, 2008.

    C. The Brown County Council shall appoint one (1) member that owns property or resides in Jackson Township, Brown County, Indiana. The term shall expire December 31st, 2007.

    D. All appointment terms, subsequent to expiration of the initial terms described above shall be for a period of four (4) years.

    E. In the event a vacancy occurs on the Bean Blossom RSD Board, the appointing authority for that trustee shall appoint a new board member within thirty (60) days to complete the term of the vacant board member position(s).

14. The estimated monthly sewage rate is projected to be approximately $40.00 to $65.00, provided the Bean Blossom RSD pursues and receives all public funding.

15. The Bean Blossom RSD shall apply for available public funding as needed.

16. The source of funds to provide for the operating and maintaining costs of the Bean Blossom RSD will be derived from monthly user fees.

17. The Bean Blossom RSD appears capable of accomplishing the purposes for which it was formed, in an economically feasible manner, provided it maximizes all practicable public funding options and receives anticipated grants.

18. The territory to be included in the District is;

    Includes land within the northeast quarter section of Section 36, Township 10 N., Range 2 E; the northwest quarter section of Section 31, Township 10 N., Range 3 E.; the southwest quarter section of Section 30, Township 10 N., Range 3 E., and; the southeast quarter section of Section 25 Township 10 N., Range 2 E. of Jackson Township, Brown County, Indiana.

19. The District must promote public health, safety, convenience, and welfare in its territory.

20. The Bean Blossom RSD Board shall provide sufficient bond for all officers, Trustees or employees who have any power to disburse funds of the Bean Blossom RSD.

21. On or before July 15th, 2007, the Bean Blossom RSD shall file with the Commissioner of IDEM, a detailed plan for the construction and operation of Bean Blossom RSD's facilities known as the District Plan.

22. Options for the treatment and collection of wastewater have been preliminary studied and further studies will be prepared after the formation of the district.

23. Establishment of the District will be conducive to the public health, safety, convenience and welfare of the residents of the District as the District plans to collect, dispose and treat sewage that is currently being provided by individual septic tanks or other on-site systems.

24. The plan for financing the cost of operations of the Bean Blossom RSD until it is in receipt of revenue from its operation or proceeds from the sale of bonds may include a 40 year loan from U.S.D.A. Rural Utility Services or the Indiana State Revolving Fund (SRF) and private contributions.

25. There are no eligible entities providing sewers in the current territory of the Bean Blossom RSD.

26. Upon formation, the District may construct or contract for treatment, pumping, transmission, and storage and distribution systems for the municipal and rural supply needs.

RECOMMENDED ORDER

The Hearing Officer recommends the following:

1. That a Regional Sewer District, to be known as the Bean Blossom Regional Sewer District (Bean Blossom RSD) be organized as an independent political entity of the State of Indiana as a body corporate and politic.

2. The purposes to be accomplished by the formation of the Bean Blossom RSD are to provide for the collection, treatment, and disposal of sewage within the district pursuant to IC 13-26-1-1.

3. The territory to be included in the District is;
   Includes land within the northeast quarter section of Section 36, Township 10 N., Range 2 E; the northwest quarter section of Section 31, Township 10 N., Range 3 E.; the southwest quarter section of Section 30, Township 10 N., Range 3 E., and; the southeast quarter section of Section 25 Township 10 N., Range 2 E. of Jackson Township, Brown County, Indiana.

4. The Bean Blossom RSD shall be governed by three (3) board members.

   A. The Brown County Council shall appoint one (1) member that owns property or resides in Jackson Township, Brown County, Indiana. The term shall expire December 31st, 2009.

   B. The Brown County Council shall appoint one (1) member that owns property or resides in Jackson Township, Brown County, Indiana. The term shall expire December 31st, 2008.

   C. The Brown County Council shall appoint one (1) member that owns property or resides in Jackson Township, Brown County, Indiana. The term shall expire December 31st, 2007.

   D. All appointment terms, subsequent to expiration of the initial terms described above shall be for a period of four (4) years.

   E. In the event a vacancy occurs on the Bean Blossom RSD Board, the appointing authority for that trustee shall appoint a new board member within thirty (60) days to complete the term of the vacant board member position(s).

5. The Bean Blossom RSD Board shall provide sufficient bond for all officers, trustees or employees who have any power to disburse funds of the Bean Blossom RSD.

6. On or before July 15th, 2007, the Bean Blossom RSD shall file with the Commissioner of IDEM, a detailed plan for the construction and operation of Bean Blossom RSD's facilities known as the District Plan.

7. The Bean Blossom RSD shall apply for all available public funding as needed.

8. Establishment of the District will be conducive to the public health, safety, convenience and welfare of the residents of the District as the District plans to collect, dispose and treat sewage that is currently being provided by individual septic tanks or other on-site systems.

9. The District must promote public health, safety, convenience, and welfare in its territory.

10. Upon formation, the District may construct or contract for treatment, pumping, transmission, and storage and distribution systems for the municipal and rural supply needs.

Dated: June 14, 2006 Hearing Officer Lynne L. Newlon