TRANSCRIPT OF

September 17, 2001

PUBLIC HEARING

OF FULDA REGIONAL SEWER DISTRICT

HEARING OFFICER:
LYNNE NEWLON,
Assistant Commissioner for the Office of Water Management

OCT 29 4 56 PM '01
WATER MANAGEMENT
OFFICE OF
CLERK

PUBLIC HEARING HELD ON 9-17-01 at 7:00 P. M. AT FULDA PARISH CENTER REGARDING "FULDA REGIONAL SEWER DISTRICT"

(WELCOME WAS MADE BY ATTORNEY FRANCIS LUEKEN, WHO ALSO LED THE AUDIENCE IN THE PLEDGE OF THE ALLEGIANCE AND A SILENT PRAYER IN HONOR OF THE PUBLIC SERVANTS AND IN MEMORY OF THE DECEASED IN THE 9-11-01 TRAGEDY)

MS. LYNNE NEWLON, HEARING OFFICER:

Good evening. I would like to get things started.

Would the Official Reporter designated for the hearing please stand and raise your right hand and state your name?

REPORTER:

Cynthia Ann Parsley.

MS. LYNNE NEWLON:

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

REPORTER:

I do.

MS. LYNNE NEWLON:

Thank you. Okay, my name is Lynne Newlon. I am a Senior Environmental Manager in the Office of Water Management at the Indiana Department of Environmental Management. I am the Hearing Officer this evening. This hearing this

evening is September 17, 2001 is before the Department of Environmental Management, henceforth referred to as either the Department or IDEM, in the matter of the proposed formation of the Fulda Regional Sewer District. Also here with me tonight is Mr. William Hawkins, over there, and he is an attorney with IDEM.

At this time, I would like to submit the Petition and Notification as Exhibits 1 and 2. Oral statements will be heard at this evening's hearing. 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. I do have cards up here. You are more than welcome to take one. It has an 800 number on it, my E-mail, as well as the address. I will also accept E-mail as written comments. I print them out and put them in the file.

For the record, notice of time and place of this hearing was given as provided in Indiana Code 13-26-2-6 by publication in the Spencer County Leader and the Spencer County Journal Democrat during the weeks of August 20th through the 24th; August 27th through the 31st, September 3rd through the 7th, and September 10th through the 14th, 2001.

Sign-in sheets have been provided. Has everybody signed in? I appreciate it. If you wish to present IDEM with information this evening, please indicate. Also, if you will 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 authorized spokesperson.

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. At that time, we will conduct an informal question and answer session.

After the hearing, the Hearing Officer takes the testimony received at the hearing and drafts a report and makes the recommendation whether to approve, disapprove or to approve conditionally 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 decides to sign that document, then it is mailed to the Petitioner and the district becomes legal 33 days after the Petitioner receives the Order.

As with any final decision or any agency, that decision is appealable and information on how to appeal that decision will be included in the notice that you receive of from IDEM.

Indiana Code 13-26-2-3 sets out the requirements for the formation of the district. Rather than read the statute to you in its entirety, I will go, follow these requirements. I strongly recommend comments be limited to these requirements, as these comments will be most useful to IDEM in its decision. The statute requires the following:

That the petition is filed by the eligible entity and the proposed district name and location of the principal office be stated.

That the petition state the need for the district, the purpose the district will accomplish, and how the district will be conducive to public health, safety, convenience or welfare.

That the petition 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.

That the petition state whether there is 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 recommendations regarding the make-up of the Board of Trustees and the manner of selection.

That the petition must state the plan for financing the cost of the operation of the district until it receives revenues from operation or proceeds from bond sales.

That the petition must state an estimated cost of accomplishing the purpose of the district, an estimate of the costs of operating and maintaining the works, and the sources of funding of these costs, including the estimates of the rates and charges to be required.

Again, the Department is extremely interested in any information that 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 will limit people's testimony to 5 minutes. If you want to express more, I would ask that you submit the remaining information in writing to IDEM before October 1, 2001. When I call your name, if you decide you don't want to speak now,

you may decline. I will go through the names. There are several people who want to give testimony. Then I will open it up and anybody will have an opportunity to give testimony. Please speak clearly and remember this is being recorded. I must ask that one person speak at a time and I will ask you that will come up here and address, because we'll pick up your voice better in the recorder.

I want to thank you for your cooperation. And first off, Dennis Mullis, M U L L I S, is that correct?

MR. MULLIS:

Yeah.

HEARING OFFICER:

Okay.

MR. MULLIS:

I just wanted to give everybody a little history of Fulda's Sewer Committee and what it has been doing. I'll just read this to you. The Fulda Sewer Committee was formed in 2000 during the Spencer County Wastewater Feasibility Study as residents and businesses in the Fulda community grew more aware and concerned about the impact of their ineffective septic systems, the community's environment and even its future survival. At a community meeting with an engineering firm and attorney, attended by over half of Fulda's residents, they all supported the Committee's plan to pursue formation of the regional sewer district to have sanitary sewers installed in the Fulda community. Committee members presented the signatures of all Fulda residents showing their support of the Committee's efforts to several IDEM officials at its pre-planning meeting in Indianapolis on April the 18th.

In the past two weeks, committee members have secured the signatures of all Fulda residents on 51 letters which read as follows: As an affected property owner pertinent to the proposed Fulda Wastewater Project, this letter is a statement of intent to grant an easement for the construction of wastewater facilities to the Fulda Regional Sewer District, subject to negotiation of conditions for the above described easement. Only a few non-resident property owners have not yet been contacted. These written commitments should make it quite clear that the Fulda community is fully behind the formation of the sewer district.

HEARING OFFICER:

Okay, thank you.

Ward Wilson:

ENGINEER WARD WILSON:

I'm Ward Wilson. I'm with Bernard, Lochmuehler and Associates and I really didn't have business going on. I just wanted to introduce ourselves and say that we will answer any questions. We are the Consulting Engineers on this project, and Jason DuPont out of Evansville.

HEARING OFFICER:

So with any questions and answers that you have, these gentlemen are here to hopefully answer all your questions.

Bev Mehling, M E H L I N G?

MS. BEVERLY MEHLING:

Yes. As the Harrison Township Trustee and the petitioner for the formation of the Fulda Regional Sewer District, I wish to state my total support and that of my

board for the efforts by the Fulda Sewer Committee and the Fulda residents to address the need for sanitary sewers. It will improve the community's environment and assure that Fulda can continue to be a community that people will want to live and work in. The benefits to them and to all of Spencer County will be many and longlasting.

HEARING OFFICER:

Okay. Now down through the list. Is there anyone else that would like to come forward and give testimony?

(NO PERSONS FROM THE AUDIENCE RESPOND)

HEARING OFFICER:

Okay. In closing, I would like to remind everyone that written comments may be submitted to the Department before October 1, 2001. Once again, my address is on my cards. There are plenty of cards that I have set out. Send them to: Lynne Newlon, 100 North Senate Avenue, P. O. Box 6015, Indianapolis, Indiana 46206-6015. These proceedings are now concluded. This cause is therefore adjourned until further notice of the Hearing Officer.

(HEARING IS CONCLUDED) (HEARING OFFICER PROCEEDS WITH THE QUESTION AND ANSWER SESSION)

HEARING OFFICER:

Okay, that's the formal part. Now we're just going to have questions and answers. Hopefully, if anyone, we have the experts here. Anybody have any questions or answers regarding this project?

I have only received positive comments to date.

No questions, comments, concerns?

TRANSCRIPT OF

September 17, 2001

PUBLIC MEETING

OF FULDA REGIONAL SEWER DISTRICT

HEARING OFFICER:
LYNNE NEWLON,
Assistant Commissioner for the Office of Water Management

PERSON # 1:

How long before it's going to get started?

HEARING OFFICER:

How long before it's going to get started?

MR. FRANCIS LUEKEN, ATTORNEY:

I will be first. Then the engineers can give a more technical answer. This is the first of several meetings. This whole process has to be complied with first in order to have, hopefully before the end of this year, the formation of this Regional Sewer District. There will come in a matter of months from now, maybe just a few months from now, another formal hearing on what is called the Preliminary Engineering Report and I'll let our engineers comment more on that. Then there will follow more detailed work, and simultaneous with that will be efforts to follow up on what our Harrison Township Trustee, Beverly Mehling, has already done in submitting an application to the State budget agency for grant funding for this project. It's in limbo, I guess, right now. Lynne may have some updates. She might be able to share with us on that. But in the past practice, you could not have any further order until the District, itself, is formed. We are hopeful that there will be funds there whenever it is complete. The circumstances there, with the community, would justify the granting of funds to the community ,so that as we stated in a community gathering, must go, the best case scenario right now would be that rates would be able to be brought down to a 60 to 65 dollar per month range if things will fall through as they have in the past. Things are not quite like that have been in the past either with State funds and so on, as you have been reading in the paper. So everything is, there is a lot of work ahead.

A lot of work ahead for the engineers, for the committee, for me, and for the community to show your support for this project.

Do you guys want to comment?

ENGINEER WILSON:

Ward Wilson again. To start off, I guess would say that it has already started. I think we've, we have seen the community support. In my view, you are further along that a lot of similar communities would be. And I think another thing that has started is what Francis has done in getting the grant, getting the low-interest loan money lined up. That's, I don't want to minimize the engineering, because I'm an engineer, but that's just as important as the technical design on the work. And we have begun the technical design. As he said, we'll be doing a Preliminary Engineering Report, which requires steps. We have to do that. It's kinda a study and design together. And then once that's accepted by the State, then we'll go into full design. So I feel like it's moving along about as fast as it probably could, because you've got some steps, some hoops you've got to go through. But you're doing that to get you some free money and some low-interest loan money and try to get as much as you can. I don't know how much you will be able to get, but I know Francis is doing a good job in winding that up.

Yes?

PERSON #2:

I know what I want to ask, but I don't know what the technical terms is. Where, where is all of this going to go? What is that thing called, you know, where the sewer runs into?

ENGINEER WILSON:

Yeah. We've looked at several options and I guess when we'll get the Preliminary Engineering Report done, we're still looking at all of the options. But we thought about building a treatment plant here in town. And another option would be to run a pipeline, a sewer to St. Meinrad's wastewater treatment facility, (Inaudible town) town, near the Archabbey. And we just looked at several different options. We looked at a lot of different ways to do it, but those were the two main things. And the way that it works out is it is actually cheaper to build a plant here, but to just build a plant versus building a sewer line. But it's cheaper to build a sewer line over the years, because you don't have operation and maintenance. If you build a plant here, you would have constant headaches trying to keep that plant operating correctly. You're like to have (Inaudible word) problems with your permit. You would have a permit to discharge. The community is so small. The smaller the plants, small plants sometimes have problems. So then in this case, you're spending more money up front, but down the road you won't have to worry about a permit. You won't even have a permit. St. Meinrad will hold the permit. And they have plenty capacity. They have no problem. They have a letter already in hand, as I understand. They have no problem.

PERSON #3:

And they would be willing to do this?

ENGINEER WILSON:

Oh yes. They've written a letter. In fact, we got, we worked on that early on. It's the way I look at the project, I always look at for what the fatal flaws, the things

that really trick us up. If they didn't want to take it, that option is gone. But they've been very supportive all along and they wrote a letter very early on that said that they would accept the waste. And we did some more estimates and said, "Well maybe, it might be a little bit more flow than we said before." So we went back to them. They said, "Sure, that's fine." So we said, "Well, we'll put it in writing." So they have. They have been very helpful, and we're talking about good rates. So it comes down to, you know, over the years you'll be glad I think you went that route, because you won't have operational costs. You'd have plenty here. I mean you would have to pay an operator, hire someone to operate. You couldn't afford to have a full-time operator there. So it would be somebody who would work at several plants, which means that plant wouldn't always get that much attention. I mean, you couldn't afford to have a full-time operator, yet I remind you that most plants need a full-time operator. So, you know, it's a better option. And we've written all of this out. We'll be presenting that, I don't want to present that as a done deal. You all could change that, I suppose, but I think we've got it worked out to show the costs, and our report will show what it cost it dollars up front, but also what your rates are going to be. And your rates will be higher if you build a plant here in town, quite a bit higher. The cheapest we could work it out is, to get the lowest monthly rates, that's kinda like when you buy a car you want to know how low you can get those rates. The cheapest deal was to go to St. Meinrad. And I feel good about going to St. Meinrad with the wastewater, because of the operational, the liability I would call it. You're a lot less likely to have problems down there.

ENGINEER DUPONT:

Just to answer your question about the time frame, our time line right now will follow on schedule as to when construction starts sometime probably next year in 2002, with the system being in operation some time in early 2003.

ENGINEER WILSON:

And we had an equipment manufacturer come and present to the committee some of the equipment we looked at. We'll being doing that again. You'll be able to see what kind of equipment we're talking about. We'll explain it, probably more detail than you want to see. We'll give you all the information you want. I think the Preliminary Engineering Report will explain it pretty well. We'll do some presentation orally and then probably have the Equipment Manufacturer man, if you all are interested, what it would look like.

Yes?

PERSON #4:

So you're leaning more towards a suction type of line here (Inaudible word) around here?

ENGINEER WILSON:

Right, yeah. That was another thing that we kinda looked at is. It's always nice when you can you use gravity flow, because you don't have pumps and you don't have those issues. Here because the bedrock is so shallow, that would be a very expensive system. These pump systems have a small diameter. They have a 3 inch diameter pipe that goes down aside the road. And it doesn't have to be deep, you know. It doesn't have to be deep enough to flow by gravity, because it pumps instead of pressure. If you had a gravity line, you would have to go down 6 to 8 feet at least,

depending on the bottom (Inaudible word). You would be in the rock. You would have bigger pipes too. So I personally, I like it when you can do gravity. You just have less problems, but here it would be so expensive.

PERSON #5:

How many pumps are you proposing in that order?

ENGINEER WILSON:

Well actually the system, the way it works is each house, not every single house, but almost every house would have a small pump system so it is more distributed out. And we, I don't think we have determined yet whether we may need 1 or 2 more repump stations to get it all the way to St. Meinrad. We've go , get it up to a certain point. You know, gravity does work for us, I know that, but quite a few actually. You know, you have a lot of pumps, but you don't have as near the cost of the pipe.

PERSON #5:

So each house would have to maintain their own pump?

ENGINEER WILSON:

No. The way that works is that the Sewer District would own and maintain the pumps. We can't really, with the funding and some other things, the homeowner would not have to. In fact, probably it would not even be on your electric meter, but the property would be Sewer District.

Now we would need property easements. But again, they're so much simpler than cutting open a big pipe, you know, for a gravity system. They can be put in a lot of different places again because they are pumps. When you have gravity, you've got

to go downhill. You can only go certain places. Because they are pumps, well actually there is gravity that flows in pump stations. So you don't have a whole lot of options. But we do have a lot of options on (Inaudible phrase),where they ought to be.

Well we'll be around some more for some more questions and we'll be glad to answer them.

HEARING OFFICER:

Any other questions, concerns, comments?

PERSON # 6:

What about the property owners that do not have households on them?

ENGINEER WILSON:

Don't have what?

HEARING OFFICER:

Do you mean. . .

PERSON #6:

No household on the property.

ENGINEER WILSON:

Property where there is no construction, no buildings?

HEARING OFFICER:

Their household?

ENGINEER DUPONT:

Right now there's no plans to put any system in, which they can easily be added in the future. The pump station, if your property is along the route, along the pipe lone somewhere that, the pump could be added later to service a home in that

area, that services a home in that area, on that property, but right now the plan is, well there are no plans to, you know, to add a pump station where there is no structure.

ENGINEER WILSON:

Well we have laid out the system. As Jason described laid out, we tried to go as far out in the (Inaudible word). So more than likely we're close to (Inaudible word) about the boundaries of this Water Sewer District. It's basically the whole area here and then of course on the road up toward St. Meinrad. So there will be a pipe near your property.

ENGINEER DUPONT:

Now I think we need to look at a couple of properties you said don't have construction on them now, but may?

ENGINEER WILSON:

Yeah.

ENGINEER DUPONT:

So I think we have anticipated, you know, the development here. We haven't anticipated a big development like a subdivision or anything like that. We don't understanding that there isn't anything like that in the works.

HEARING OFFICER:

The property owners did see a Notice of this hearing, because it is mandated that they provide (Inaudible phrase) of property owners. So there may be people that got letters that own property but don't have a structure on it. And that's the fact that all freeholders, which are property owners, within the district area get a Notice of this hearing. So should have been at least 50 to 75 letters that went out to property owners.

PERSON # 8:

Is this system going to be big enough, since you're going on about development, you get sewers, you know around 50, for 50 developments, is this system going to be big enough or are you going to have to come back 2 to 3 years later and find another capacity?

ENGINEER:

We feel that the design capacity for anything but a large subdivision. I think round numbers, we estimated the flow in this be somewhere around 10 or 11,000 gallons a day, but we've got capacity for 15,000. That's pretty big. That's estimating this (Inaudible word). And I want to say too, I don't want to talk about this like it's all done. It's not. You won't see the preliminary design, we'll have a drawing that shows all the properties and where all the lines will be. And we'll be in this room probably and talk about where they should be. We'll give it our best shot at it at this time. It's not final by any means. So even when we do see that drawing, don't feel like – "Well they missed my property." We can move things around.

HEARING OFFICER:

Any other questions? Yes sir.

PERSON #9:

What about the grant money you receive, well let's say it ain't really the amount that we were looking for (Inaudible phrase), end of next year. Is there a time line where that's all you're going to get, it's not going to get any better and you've got no, or I'm not able to pay. How long can you go after the grant money?

HEARING OFFICER:

Well usually on projects like this you go after more than one source, go after all that you can apply for. And there's different time lines on different ones. Do you eant to, I mean I think you're going up to Sullivan, Indiana fund-raiser. Are you pursuing. . .

MR. FRANCIS LUEKEN:

And the Community Wastewater Systems Fund.

HEARING OFFICER:

And you focused on your congress.

MR. FRANCIS LUEKEN:

We have in the past, during our congress, looked at the Department of Congress, Community Focused on C. F. F. Fund. That was the fund that became available to the St. Meinrad community through a special income survey that was done in the community. It was very close, but they did exceed. I have discussed that with the committee members. I had over time allowed you to re-examine it again, the levels, the change, year by year applicant, of the update what the, after the first of this year what the numbers are. But that process has a cap on it of no more than a half a million dollars. There's administration expenses and significant hoops to jump through early on in order to get you application inside the door. And we'll focus initially on the Community Wastewater System Fund that was funded by billing out on this past session of the General Assembly. There was less complications with that in the past, at least, and it doesn't have, has not had in the past that half million dollar cap to it. So as Lynne said, we'll surely look at any and all alternatives, but by way

against the expenses involved in order to, let's say you get your application inside the door.

HEARING OFFICER:

There is no guarantee. I mean it's no easy answer, just keep applying and try to get all of it that you can, and it does take more than one source.

Yes sir?

MR. JAMES EBERT, SPENCER COUNTY COUNCILMAN:

I'm Jim Ebert, with the Spencer County Council. I apologize for being late. Earlier last year, we passed the tax code, the CODIT tax. I did vote against that, because first of all there was only one (Inaudible word) to it. Secondly there was no plan set up for any small community or absolutely no plans. The specific reason I voted against that bill. You know, communities like Fulda or Harrison Township, or any part of the county is entitled. You are going to receive a small percentage from this area, but I really don't know how it is going to be set up. I don't think anybody does, but, and we have people on top of this thing, especially in this area since we're one of the front-runners along with Mariah Hill, possibly there might be some extension of some (Inaudible word). I don't know, Francis, is there a chance or not. I think there will be. I think there's always a chance when (Inaudible phrase), so therefore when the time comes, I would like to see the Representative, I don't see Alt here. But I remember his son-in-law passed away. I send my sympathy to him. I just remembered that. But I think we should keep on top of that since this is my district that I represent, so therefore I will keep a close eye on it to because I feel that (Inaudible phrase) is such a, and I don't want to segregate the community because then

it becomes, you know, nasty. But by working together, I believe we can arrive at some kind of agreement later on, possibly a year on down the road.

HEARING OFFICER:

Anyone else? Comments, questions, concerns?

I want to thank you for coming out tonight.

The meeting is dismissed.

MR. FRANCIS LUEKEN:

And we thank you, Lynne, for coming down in leading this program.

Cindy Parsley
Spencer Circuit Court
P.O. Box 152
Rockport, In 47635

OFFICE OF WATER MANAGEMENT
OCT 29 4 55 PM '01

ok to pay
Lynne Newlon
4-414-10

STATEMENT

TO: Ms. Lynne Newlon,
Office of Water Quality
Indiana Department of Environment Management
100 North Senate Avenue
P. O. BOX 6015
Indianapolis, IN 46206-6015

RE: TRANSCRIPT OF PUBLIC HEARING AND MEETING FOR THE FULDA REGIONAL SEWER DISTRICT

For preparation of complete transcript of the true, accurate and full record of the public hearing and public meeting held at Fulda Parish Center, Fulda, Indiana on the 17th day of September, 2001 with regard to the "Fulda Regional Sewer District" project.

Charge (Per page) $3.00

Number of Pages: 21

	$ 63.00
Fee for travel & Recording	50.00
	$113.00 TOTAL

Cynthia A. Parsley

Cynthia A. Parsley,
Court Reporter
Spencer Circuit Court

DATE: Oct. 25, 2001