Log # 24846

BOWERS, BREWER, GARRETT & WILEY
ATTORNEYS AT LAW
301 WARREN STREET
P.O. BOX 769
HUNTINGTON, INDIANA 46750-0769
TELEPHONE: (219) 356-4800
FAX: (219) 356-5196

DAVID L. BREWER
ROBERT S. GARRETT
JOSEPH K. WILEY
LEE M. BOWERS, II
JAMES W. BOWERS
OF COUNSEL

FRED H. BOWERS
1870-1937
MILO N. FEIGHTNER
1873-1945
LEE M. BOWERS
1896-1964
ARTHUR J. PALMER
1906-1989

WARREN OFFICE
(219) 375-2622

August 16, 1996

Indiana Department of Environmental Management
Commissioner, Office of Water Management
ATTN: Report/Quality Control
P.O. Box 6015
Indianapolis, Indiana 46206-6015

RE: Petition to Establish a Regional Sewer District

Dear Sirs:

Please find enclosed for filing an original Petition to Establish the Bippus Regional Sewer District along with attachments.

If you have any questions concerning this petition or if there is any additional information you need to process this petition, please contact the undersigned.

Thank you for your attention to this matter.

Yours truly,

BOWERS, BREWER, GARRETT & WILEY

Lee M. Bowers, II

enclosure

cc: Mike Mettler, Health Department

Dept. of Environmental Mgmt.
Commissioner's Office
AUG 2 1 1996

RECEIPT

I acknowledge that, on behalf of the Huntington City Township Public Library, I have received a copy of the PETITION TO ESTABLISH THE BIPPUS REGIONAL SEWER DISTRICT, with attachments, which will be made available for public inspection at the Library.

Dated this 10th day of October, 1996.

Joan Keefer

JOAN KEEFER
Printed Name

DEPT HEAD IN. ROOM
Position

IN THE MATTER OF THE PETITION OF HUNTINGTON COUNTY AND WARREN TOWNSHIP, HUNTINGTON COUNTY TO FORM A REGIONAL SEWER DISTRICT	BEFORE THE COMMISSIONER, IDEM BOARD OF THE STATE OF INDIANA CAUSE NO:_____

PETITION TO ESTABLISH THE BIPPUS REGIONAL SEWER DISTRICT

I. Filing Entities:

This petition for the establishment of the Bippus Regional Sewer District is filed jointly by Huntington County, by and through its Board of Commissioners and Warren Township, by and through the Warren Township Trustee.

The filing of this petition has been authorized by written resolution of the Huntington County Council and the Board of Trustees of Warren Township, copies of said written resolutions are attached to this petition, incorporated herein by reference, and identified as Exhibits "A" and "B" respectively.

II. Name of Proposed District:

Bippus Regional Sewer District

III. Principal Office:

The location and mailing address of the principal office is as follows:

Bippus Regional Sewer District
c/o Vince Hoover
8108W Bracken Road
Huntington, Indiana 46750

IV. Necessity of the Proposed District:

A. History - The community of Bippus is not served by any municipal utilities. The community residents receive their water from individual wells, with an average depth of 125 feet. The wells are drilled to bedrock.

B. Condition of Facilities - Wastewater treatment is supposed to be accomplished by individual septic tanks discharging to absorption fields. In many instances, absorption fields are not present following septic tanks. With this situation, raw sewage flows directly from the septic tanks to local drainage systems, either subsurface tile or open drain. According to the County Sanitarian, none of the houses in the community meet the new construction codes for septic tanks and absorption fields. Lot sizes are inadequate for proper sizing of absorption fields given the soil types in the area. As described by the Soil Conservation Service, soil types are "severely limited as sites for septic tank absorption fields because of the wetness and slow permeability".

There is a system of storm drains in the community which consists of field tiles. These drains are currently being utilized as a combined sewer system to transport both storm water and sanitary wastes from the septic tanks and failing absorption fields. This is in violation of several state statutes. During rainfall events, there is a problem with standing water in the community. This is caused by the presence of not only rain water in the drains, but also wastewater which cannot percolate into the ground. The standing water, which is a combination of both the rain water and the wastewater presents a health hazard to the residents of the community, as discussed later. The storm drains will be better able to handle rainfall once the septic tank effluent is removed from the flow stream.

Approximately 90% of the homes and businesses within the proposed districts have failed septic systems. These failures are due

to small lot sizes and poor soil conditions.

C. Health and Safety - Standing wastewater presents a health problem. Pools of sewage provide excellent breeding sites for the Culex pipiens mosquito, a known carrier of St. Louis Encephalitis. In addition, the problems with the wastewater treatment can have a serious effect on the water wells in the area. The potential for contamination of the wells is high given the shallow depth of the wells and the poor permeability of the soils. Contamination of the wells may expose people to contact with pathogenic organisms such as those which cause Shigellosis, Typhoid Fever, Infectious Hepatitis, Amebiases, Giardiasis, and Ascariasis. The pathogenic organisms are shed not only in human feces, but are also commonly carried by wash water used by the infected person.

Samples have been taken by the County Sanitarian at two of the drainage ditches around the community. One sample was taken from the Mary Paul County Drain at the outlet south of County Road 700N, and the other sample was taken from the L. Pinkerton County Drain at the outlet west of State Road 105. Both samples tested positive for E. Coli. The children of the community play in these ditches during the warm summer months.

D. System O & M - The existing on-site wastewater treatment systems in Bippus are inadequately sized for the soil types. Proper maintenance of the systems will not improve this condition. As previously described, the lot sizes will not allow for an adequately sized absorption field; therefore changes in the operation and maintenance of the on-site systems will not solve the problems associated with the systems.

E. Growth - Without a resolution of its wastewater problems, the community cannot grow. The County Health Department will not issue permits for new septic systems; therefore, businesses cannot locate in the area. The County Sanitarian has stated that he will not issue a permit for the restaurant in Town if it is sold or other improvements are requested until the wastewater problem is resolved. Currently the restaurant is for sale.

V. Purpose to be Accomplished:

The purpose to be accomplished by the establishment of the Bippus Regional Sewer District is to create the organization by which the presently existing inadequate wastewater disposal and treatment facilities can be upgraded to provide for proper sewage treatment and disposal.

This entity would also provide the necessary organization for funding, operation, maintenance and future oversight of the proposed improvements.

The proposed improvements, discussed hereinafter, would accomplish two main goals:

(1) the sewage treatment facilities proposed would eliminate and alleviate the present inadequate wastewater treatment systems in the Town of Bippus. The present systems are not providing adequate treatment of wastewater which has resulted in contamination of local county drains, and a high risk for contamination of well water. Creation of a community wastewater treatment facility would eliminate the need for individual on-site wastewater treatment systems which are the cause of the existing and potential public health and safety problems identified hereinabove.

(2) Provide a wastewater treatment facility which would allow for future growth of the Town of Bippus. Presently, individual, on-site wastewater treatment systems are the only option available in the Town of Bippus. Because of lot sizes and soil types, as described above, such individual on-site wastewater treatment systems are, and will continue to be, inadequate for proper wastewater treatment. The Huntington County Sanitarian and the Huntington County Health Department cannot issue new permits for individual on-site wastewater treatment systems as these systems cannot be safely utilized. Without a modification of the presently existing wastewater treatment facilities, the Town of Bippus will not grow and no new development can occur there.

VI. Territory to be Included in the District:

The real estate to be included in the proposed district includes the entire Town of Bippus. A plat map of the Town of Bippus is attached hereto, incorporated herein, and identified as Exhibit "C", is highlighted with the boundaries of the proposed district.

The proposed district is situated to incorporate all presently existing platted areas in the Town of Bippus and is situated such that the public health, safety, convenience and welfare of the residence of the Town of Bippus can be promoted by organization, operation and maintenance of a single district for the entire Town of Bippus.

The proposed district included approximately 162 residents. There are 172 plats in the proposed district with 102 of those plats with homes or businesses.

A complete list of affected parties is attached to this

Petition, incorporated herein by reference and identified as Exhibit "D".

VII. Board of Trustee of the District:

The Board of Trustees of Warren Township shall appoint the three (3) member Board of Trustees for the Bippus Regional Sewer District. Each appointee shall serve for a term of four (4) years.

VIII. Financing the Operation of the District:

A. Start-up Costs.

1. Preengineering Fees - There is no up front cost for preengineering fees. The engineering firm engaged to perform the preliminary work necessary to prepare the funding applications and preliminary feasibility studies will not request payment until receipt of funding.

B. Income Survey - The Huntington County Health Department will fund the costs of an income survey of the proposed district.

C. Legal Fees - The Huntington County Health Department will fund preliminary legal fees incurred in the establishment of the proposed district.

D. Estimation of Costs - The following table is an estimate of the total costs for the proposed wastewater treatment facility. Included in the total project estimate is the cost for a detailed engineering analysis, design engineering, construction inspection, legal and accounting costs. Construction Engineering includes the cost of construction contract administration, review of contractor pay requests, engineering monitoring of the project, and preparation of necessary change orders. Design Engineering includes

survey work, preparation of plans and specifications, and bidding of the project. Grant Administration is included assuming the community will receive an Indiana Department of Commerce grant.

TABLE 1

PROJECT COST SUMMARY

ITEM	COST
Sewer Construction	$650,900
Lagoon Construction	445,000
Design Engineering	66,750
Construction Engineering	22,250
Construction Inspection	50,000
Grant Administration	25,000
Legal, Accounting, Etc.	40,000
TOTAL PROJECT	$1,299,900

Funding options which may be available to the community include the Indiana Department of Commerce, the Rural Economic and Community Development Administration (RECD), formerly the Farmers Home Administration), the State revolving loan fund, and local financing. Local financing can include borrowing the funds from a local bank or from the Indiana Bond Bank.

The Indiana Department of Commerce offers ninety (90%) percent grant money to communities which meet the income level requirements. An income survey is required to determine if the community can meet the income requirements. IDOC grants are made twice per year and are awarded competitively. An additional cost associated with the award of an IDOC grant is the need for a grant administrator, and Twenty-five Thousand Dollars ($25,000.00) has been included in the cost of the project.

The RECD offers grants up to fifty (50%) percent for eligible projects. The community may qualify for an RECD grant based on

income levels; however, the process for obtaining this money is very time consuming and can take several years. In addition, it is usually necessary for the Town to be under enforcement action from IDEM to qualify for the grants. Loans for the remainder of the project are also available from the RECD at below prime for a period of up to forty (40) years.

The State Revolving Fund (SRF) offers lower interest loans, but is also a time consuming process. It requires that the community be placed on a project priority list and complete each phase for review by IDEM before advancing to the next phase. The SRF offers zero (0%) percent interest for the first two (2) years, and two (2%) percent interest for the remaining eighteen (18) years of the loan.

Funding through a local bank is the quickest method for accomplishing the project and involves the least paperwork. It requires that a local bank be willing to purchase the bond necessary to pay for the project. If a local bank cannot purchase the bond, then they must be sold through the Indiana Bond Bank. Typically, a project of this magnitude cannot proceed without some form of grant financing, and local financing or a bond issuance through the Indiana Bond Bank is not feasible.

Annual Operating Budget - Tables 2 and 3 provide the estimated monthly user charge for the proposed project based on varying levels of grant funding. Operation and maintenance costs include the cost for electrical power at the lift stations and at the plant, and the cost of a part time operator to run the necessary tests for discharge permit compliance. Also included is funding for a part time billing clerk to mail the bills on a monthly basis.

Table 2 estimates the user charge with no grant funding from any source, and compares the user fee for a loan from RECD with a loan from the SRF. The RECD loan is calculated using a five and one-half (5.5%) percent interest rate for forty (40) years, and the SRF loan is calculated using a two (2%) percent rate for twenty (20) years. Grant administration costs have been removed from the total project cost. An additional Twenty Thousand Dollars ($20,000.00) has been added to the cost of the SRF funding to allow for completion of a Facilities Plan which is required by the program.

TABLE 2

MONTHLY USER CHARGE NO GRANT

ITEM	RECD	SRF
Total Project Cost	$1,299,900.00	$1,299,900.00
Monthly Loan Payment	$ 6,705.00	$ 5,837.00
Coverage at 10%	671.00	584.00
Total Monthly Payment	$ 7,376.00	$ 6,421.00
Monthly O, M, & R	$ 1,667.00	$ 1,667.00
Total Monthly Costs	$ 9,043.00	$ 8,088.00
Monthly User Fee	$ 93.23	$ 83.38

The monthly user fee is calculated using ninety-seven (97) customers. Table 2 indicates that monthly user fees will be essentially the same regardless of the lending agency if grant funds are not utilized. As stated previously, the community may be eligible for grant funding from RECD for up to fifty (50%) percent of the eligible project cost, and for a Five Hundred Thousand Dollar ($500,000.00) grant from the IDOC if it meets the income level criteria.

Table 3A identifies the monthly estimated user fee with a

loan and grant from RECD. The Table assumes a fifty (50%) percent grant and a loan payable at five and one-half (5.5%) percent interest for thirty-eight (38) years. Table 3B identifies the monthly user fee if a grant is obtained from IDOC, and a loan and grant are obtained from the RECD. This table also assumes a loan at 5.5% interest for a period of 38 years. Table 3C identifies the monthly user fee if a IDOC grant is obtained and a loan from the State Revolving Loan Fund (SRF) is utilized. The SRF interest rate used in this Table is 3.5% for a period of 30 years.

TABLE 3A

RECD LOAN AND GRANT

ITEM	RECD
Project Cost	$ 1,299,900.00
Less 50% Grant	649,950.00
Loan Amount	$ 649,950.00
Monthly Loan Payment	$ 3,428.50
Coverage at 10%	342.85
Total Monthly Loan Payments	$ 3,771.35
Monthly O, M, & R	$ 1,667.00
Total Monthly Costs	$ 5,438.35
Monthly User Fee	$ 56.06

TABLE 3B

RECD LOAN AND GRANT/IDOC GRANT

Project Cost	$ 1,299,900.00
Less IDOC Grant	$ 500,000.00
Less RECD Grant	$ 399,950.00
Loan Amount	$ 399,950.00
Monthly Loan Payment	$ 2,109.75
Coverage at 10%	$ 210.97
Total Loan Payments	$ 2,320.72
Monthly O, M, & R	$ 1,667.00
Total Monthly Costs	$ 3,987.72
Monthly User Fee	$ 41.11

TABLE 3C

IDOC GRANT AND SRF LOAN

Project Cost	$ 1,299,900.00
Less IDOC Grant	$ 500,000.00
Loan Amount	$ 799,900.00
SRF Monthly Loan Payment	$ 3,593.92
Coverage at 10%	$ 359.39
Total Monthly Loan Payments	$ 3,953.31
Monthly O, M, & R	$ 1,667.00
Total Monthly Costs	$ 5,620.31
Monthly User Fee	$ 57.94

IX. Description of Proposed Wastewater Treatment Facility:

A. Design Considerations - The customer base in Bippus is residential consisting of approximately eighty (80) homes. There are also two (2) churches, eighteen (18) active or currently inactive businesses, one (1) community center, and one (1) park with rest room facilities. For preliminary design purposes, a population of one hundred sixty-two (162) people is used, which is the 1990 census population as best estimated utilizing census tracts. Using a daily per capita sewage flow of one hundred (100) gallons per person per day results in a daily average flow of sixteen thousand two hundred (16,200) gallons. The per capita flow of one hundred (100) gallons per person per day is the recommended flow for unsewered communities in Ten States Standards. Ten States Standards is the design standard for wastewater treatment used by the State of Indiana.

It is most likely that the type of wastewater which will be generated in Bippus will be of a domestic nature. The pollutants found in the wastewater will closely follow the concentrations found in domestic wastes throughout the country. The design waste strength

is standard domestic waste as described following.

TABLE 4

FLOW AND WASTELOAD PROJECTIONS

Average Daily Flow	16,200 GPD
BOD5	200 PPM
Suspended Solids	150 GPM
Ammonia as NH3-N	25 PPM

B. Conventional Gravity Sewer - A conventional gravity sewer system utilizes eight (8) inch diameter and larger pipe to transport waste from each home to a centralized treatment facility. The Community of Bippus will not require pipe sizes larger than eight (8) inches. Manholes are required at four (400) foot intervals, at all changes in pipe direction or slope, and at the end of lines. Lift stations may be required when the depth of the sewer becomes too deep, and it is cheaper to pump the wastes to a higher elevation. It is estimated that two (2) lift stations will be required in Bippus.

Table 6 is an itemized cost estimate for the gravity sewer system. Included in the cost are items which may be necessary for the construction, including the two (2) lift stations, sewer laterals to the property lines, storm drain repair, and road repair. Also included is an emergency generator to allow operation of the lift stations during power outages. PVC sewers are used for estimating purposes. Construction costs in Tables 5 and 6 are estimated based on recently bid projects.

TABLE 5

GRAVITY SEWER ESTIMATED PROJECT COST

ITEM	QUANTITY	TOTAL PRICE
8" PVC Sewer	8,770 LF	$ 245,560.00
6" Sewer Lateral	2,300 LF	34,500.00
Manholes	30 EA	60,000.00
Wyes	91 EA	6,825.00
Lift Stations	2 EA	50,000.00
Asphalt Road Repair	4,000 LF	80,000.00
Stone Alley & Drive Repair	4,770 LF	23,850.00
Portable Generator	1 EA	16,000.00
Mobilization	1 LS	30,000.00
Videotape	1 LS	5,000.00
Restoration	1 LS	20,000.00
Storm Drain Repair	1 LS	20,000.00
Total Construction		$ 591,735.00
Contingencies (10%)		59,165.00
TOTAL SEWER CONSTRUCTION		$ 650,900.00

C. Lagoon Systems - A lagoon system consists of a series of ponds which hold the sewage until a sufficient level of treatment is achieved. The IDEM establishes the limits for the wastewater being discharged, and these limits determine the size and number of ponds. Lagoons are divided into two (2) main types, controlled discharge and flow through. A controlled discharge lagoon is needed when the IDEM determines that flow in the receiving stream is too low to accept wastewater discharge on a continual basis. A controlled discharge lagoon requires two (2) treatment cells and a storage cell. A flow through lagoon is used when the receiving stream has adequate flow to accept wastewater on a continual basis and consists of two (2) cells. A Wasteload Allocation must be requested from IDEM to determine the size of the storage cell in Bippus. For purposes of this report, it is assumed that 180 days of storage will be required.

TABLE 6

LAGOON SYSTEM ESTIMATED PROJECT COST

ITEM	QUANTITY	TOTAL PRICE
Land	5 AC	$ 15,000.00
Excavation	1 LS	85,000.00
Clay Liner	1 LS	50,000.00
Piping	1 LS	24,500.00
Control Structures	2 EA	40,000.00
Flume and Metering	1 LS	60,000.00
Electrical	1 LS	20,000.00
Control Building	1 LS	20,000.00
Fencing	2000 LF	30,000.00
Riprap	1 LS	20,000.00
Equipment	1 LS	20,000.00
Access Drives	1 LS	10,000.00
Restoration	1 LS	10,000.00
Total Construction		$ 404,500.00
Contingencies (10%)		40,500.00
TOTAL LAGOON CONSTRUCTION		$ 445,000.00

Included in the cost estimate is equipment and a control building. The equipment which may be necessary is a tractor and backhoe for mowing at the lagoon site. The control building is a small structure to house controls for the controlled discharge lagoon and the equipment. Advantages of lagoon systems include their low relative construction cost and ease of operation.

X. Additional Information:

Attached to this Petition is the following additional information:

1. Feasibility Study
2. Soil type evaluation
3. Photographs
4. Letter from County Health Department
5. Fecal coliform bacteria sample analysis data contained in the Feasibility Study

6. The biggest centralized public library nearest to the proposed district is: Huntington City/Township Public Library, 200 West Market Street, Huntington, Indiana 46750

WHEREFORE, the Petitioners request that the Indiana Department of Environmental Management appoint a Hearing Officer, provide proper notice and hold a hearing pursuant to IC 13-3-2 et seq., and after considering the materials contained in this Petition and the evidence and comments presented at the hearing, find that the conditions of IC 13-3-2 et seq. have been complied with, that the proposed district is capable of accomplishing the purposes set forth in this Petition in an economically feasible manner and that the Commissioner issue an Order establishing the Bippus Regional Sewer District as an independent municipal corporation with all powers granted to such entity under IC 13-3-2 et seq.

BOARD OF COMMISSIONERS OF HUNTINGTON COUNTY

Gregory K. Sprinkle

Lonnie Mead

Ned M. Simons

TRUSTEE OF WARREN TOWNSHIP

Vince W. Hoover

bippus-p/jas

RESOLUTION OF HUNTINGTON COUNTY COUNCIL

WHEREAS, on June 15, 1995, Gove Associates of Indianapolis, Indiana, prepared and submitted a Preliminary Feasibility Study for wastewater collection and treatment for the Town of Bippus; and

WHEREAS, it is in the best interests of the County to establish a plan to provide for the collection, treatment and disposal of sewage and wastewater for the Town of Bippus; and

WHEREAS, the present method of disposal of sewage and wastewater being utilized in the Town of Bippus is insufficient for present and future needs of the Town of Bippus; and

WHEREAS, in order to establish such plan and to carry out the recommendations contained in the feasibility study, it is necessary to establish a Regional Sewage District under the provisions of Indiana Code 13-3-2, et.seq.; and

WHEREAS, the Huntington County Council desires to authorize and empower the Board of Commissioners of Huntington County to file a petition to establish a Regional Sewage District, in conjunction with the Township Board of Warren Township and to submit such petition to the Department of Environmental Management pursuant to the procedures established under Indiana Code 13-3-2, et.seq.

THEREFORE, BE IT RESOLVED, that the County Council of Huntington County, Indiana, hereby authorizes the Board of Commissioners of Huntington County, pursuant to the procedures established under Indiana Code 13-3-2, et.seq. to file a petition, in conjunction with the Township Board of Warren Township, to establish a Regional Sewage District in order to implement the recommendations for wastewater

EXHIBIT "A"

collection and treatment as set forth in the Preliminary Feasibility Study for the Town of Bippus.

Dated this 20th day of November, 1995.

HUNTINGTON COUNTY COUNCIL

Robert L. Emley

Robert L. Emley

Larry A. Whinery

Kerry Richardson

Kerry Richardson

Terry R. Abbett

Terry R. Abbett

Carl E. Smith

Carl E. Smith

Kent D. Maxwell

Kent D. Maxwell

Jack T. Barlow, Jr.

Jack T. Barlow, Jr.

county-r/jas

RESOLUTION OF BOARD OF TRUSTEES OF WARREN TOWNSHIP

WHEREAS, on June 15, 1995, Gove Associates of Indianapolis, Indiana, prepared and submitted a Preliminary Feasibility Study for wastewater collection and treatment for the Town of Bippus; and

WHEREAS, it is in the best interests of the Township to establish a plan to provide for the collection, treatment and disposal of sewage and wastewater for the Town of Bippus; and

WHEREAS, the present method of disposal of sewage and wastewater being utilized in the Town of Bippus is insufficient for present and future needs of the Town of Bippus; and

WHEREAS, in order to establish such plan and to carry out the recommendations contained in the feasibility study, it is necessary to establish a Regional Sewage District under the provisions of Indiana Code 13-3-2, et.seq.; and

WHEREAS, the Township Board desires to authorize the empower the Township Trustee to file a petition to establish a Regional Sewage District, in conjunction with the Huntington County Commissioners and to submit such petition to the Department of Environmental Management pursuant to the procedures established under Indiana Code 13-3-2, et.seq.

THEREFORE, BE IT RESOLVED, that the Board of Trustees for Warren Township, hereby authorizes the Township Trustee, pursuant to the procedures established under Indiana Code 13-3-2, et.seq. to file a petition, in conjunction with the Huntington County Commissioners, to establish a Regional Sewage District in order to implement the recommendations for wastewater collection and treatment as set forth

in the Preliminary Feasibility Study for the Town of Bippus.

Dated this 5th day of February, 1996.

BOARD OF TRUSTEES OF WARREN TOWNSHIP

Vince W. Hoover

Vince W. Hoover

Garl Michel

Garl Michel

Marion Hiner

Marion Hiner

Lee Schmalzried

Lee Schmalzried

twp-r/jas

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Evan Bayh
Governor

Michael O'Connor
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

January 3, 1997

Lee Bowers, II
Bowers, Brewer, Garrett & Wiley
301 Warren Street
P.O. Box 769
Huntington, IN 46750-0769

Re: Bippus Regional Sewer District

Dear Mr. Bowers:

After reviewing the Petition to form the Bippus Regional Sewer District, the Indiana Department of Environmental Management (IDEM) has determined that the Petition must be amended as follows before a public hearing can be scheduled. You may amend the Petition by sending a letter to IDEM stating that you wish to amend the Petition and providing the information or change as IDEM has requested.

First, according to IC 13-26-2-3(3)(D), the Petition must state whether there is any outstanding indebtedness for the purpose proposed in the proposed district. The Petition fails to state whether there is any outstanding indebtedness and the letter to the Chief Sanitarian regarding the fire equipment debt fund is inadequate. Please provide IDEM with the correct information in your amended Petition.

Second, the Petition refers to IC 13-3-2, et seq., statutory provisions that were repealed and recodified by the legislature on July 1, 1996. The new statutory citation for the formation of regional sewer districts is IC 13-26, et seq. The letter amending your Petition should note the conversion of the repealed citations to the recodified citations.

Also, please note that IC 13-26-2-6 requires IDEM to hold the hearing inside the proposed district territory, or within ten (10) miles of its proposed boundary. IDEM requests that you suggest locations where a public hearing could be held. The hearing date will be determined by the designated hearing officer for the matter. You are, however, welcome to provide IDEM with possible hearing dates in the coming months available to you, the Board of County Commissioners, and the Township Trustee.

Once IDEM receives the letter amending the Petition and the suggested locations for a public hearing, IDEM will set a public hearing on this matter. If you have any questions regarding this matter, please feel free to contact me at (317) 233-2355.

Sincerely,

Loraine L. Seyfried
Office of Legal Counsel

cc: Greg Glover
Huntington County Board of Commissioners
Warren Township Trustee

JAN 3 0 1997

BOWERS, BREWER, GARRETT & WILEY
ATTORNEYS AT LAW
301 WARREN STREET
P.O. BOX 769
HUNTINGTON, INDIANA 46750-0769
TELEPHONE: (219) 356-4800
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1896-1964
ARTHUR J. PALMER
1906-1989

WARREN OFFICE
(219) 375-2622

January 28, 1997

Indiana Department of Environmental Management
ATTN: Loraine L. Seyfried
Office of Legal Counsel
P.O. Box 6015
Indianapolis, Indiana 46206-6015

RE: Petition to Establish a Regional Sewer District

Dear Ms. Seyfried:

Thank you for your letter of January 3, 1997 regarding the Bippus Regional Sewer District. Please find enclosed an Addendum amending the Petition as you requested.

As to the meeting location for the public hearing, previous meetings concerning this matter have been held at the Bippus Community Building on 886W in the Town of Bippus. This location meets the statutory criteria.

Mr. Ed Michel is the contact person to schedule events at the Community Building. His telephone number is (219) 355-1351.

I do not have any proposed hearing dates, however, I believe that all of the relevant persons will be able to attend the hearing if sufficient notice is provided.

Please contact me if you have any questions concerning this information.

Yours truly,

BOWERS, BREWER, GARRETT & WILEY

Lee M. Bowers, II

enclosures

cc: Mike Mettler, Health Department

ADDENDUM TO PETITION TO ESTABLISH
BIPPUS REGIONAL SEWER DISTRICT

1. Statement of Outstanding Indebtedness.

There is no outstanding indebtedness for the purpose proposed in the proposed district as documented by letters from the Township Trustee and the Auditor of Huntington County, Indiana, attached to this Addendum as Exhibits "A" and "B" respectively.

2. Amendment of Statutory Citations.

The Petition is amended to delete any reference to Indiana Code Sec. 13-3-2, et seq. which was repealed effective July 1, 1996 and to convert any such references to Indiana Code Sec. 13-26, et seq.

bippus-p/LMB

Warren Township Trustee
8108 Bracken Rd.
Huntington, IN 46750
(219) 344-1761

January 13, 1997

Lee Bowers II
Bowers, Brewer, Garrett & Wiley
301 Warren St.
P.O. Box 769
Huntington, IN 46750

Dear Mr. Bowers:

This is in response to your inquiry into the debt of Warren Township for the purpose of establishing the Bippus Regional Sewer District.

There is NO outstanding indebtedness for the purpose proposed in the proposed district.

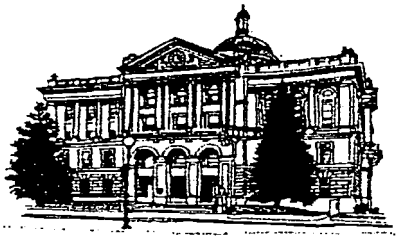
If you should have questions, please do not hesitate to contact me.

Sincerely,

Vincent W. Hoover

Vincent Hoover
Warren Township Trustee
Huntington county, Indiana

ADDENDUM EXHIBIT "A"



Huntington County Auditor Office

phone: (219) 358-4825
fax: (219) 358-4823

Carl E. Smith, Auditor

January 13, 1997

Lee Bowers, II
Bowers, Brewer, Garrett & Wiley
301 Warren St.
P.O. Box 769
Huntington, IN 46750

Dear Mr. Bowers:

This is in response to your inquiry into the debt of Huntington County for the purpose of establishing the Bippus Regional Sewer District.

There is NO outstanding indebtedness for the purpose proposed in the proposed district.

If you should have questions, please do not hesitate to contact me.

Sincerely,

Carl E. Smith
Auditor

ADDENDUM EXHIBIT "B"

Warren Township Trustee
8108 Bracken Rd.
Huntington, IN 46750
(219) 344-1761

October 16, 1996

Mr. Mike Mettler, Chief Sanitarian
Huntington Co. Department of Health
Courthouse, Room 205
Huntington, IN 46750

Dear Mike:

This is in response to your inquiry into the debt of Warren Township for the purpose of establishing the Bippus Regional Sewer District.

The debt of the Township is as follows:

Fire Equipment Debt Fund	$18,000
TOTAL	$18,000

If you should have questions, please do not hesitate to contact me.

Sincerely,

Vincent Hoover
Warren Township Trustee
Huntington county, Indiana

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Evan Bayh
Governor
Michael O'Connor
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis. Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

Lee M. Bowers, II
Bowers, Brewer, Garrett & Wiley
301 Warren St.
P.O. Box 769
Huntington, IN 46750-0769

November 6,1996

re:Bippus Regional Sewer District

Dear Mr. Bowers:

On October 2, 1996, during a phone conversation with you, I mentioned a number of things that I needed to complete my reveiw of the petition to form the Bippus RSD. To date I've not received any of the following information :

- -A list of all eligible entities.
- ✓ -Confirmation that the petition has been place in the local library.
- -Proof of publication that the petition has been public noticed and has been placed in the public library.
- ✓ -An accurate and clear map. We weren't able to make any determinations based on the map you originally sent us.
- ✓ -We need to know if there currently is any public debt in the area for the purpose of water pollution control.
- ✓ -We need to know if there will be a connection fee.

Please send this information to me as soon as possible so that I may complete my reveiw of the petition.

Sincerely,

Greg Glover

BOWERS, BREWER, GARRETT & WILEY
ATTORNEYS AT LAW
301 WARREN STREET
P.O. BOX 769
HUNTINGTON, INDIANA 46750-0769
TELEPHONE: (219) 356-4800
FAX: (219) 356-5196

DAVID L. BREWER
ROBERT S. GARRETT
JOSEPH K. WILEY
LEE M. BOWERS, II
JAMES W. BOWERS
OF COUNSEL

FRED H. BOWERS
1870-1937
MILO N. FEIGHTNER
1873-1945
LEE M. BOWERS
1896-1964
ARTHUR J. PALMER
1906-1989

WARREN OFFICE
(219) 375-2622

OFFICE OF WATER MANAGEMENT
JUL 3 11 AM

July 1, 1997

IDEM
ATTN: Greg Glover
100 North Senate Ave.
P.O. Box 6015
Indianapolis, Indiana 46206-6015

RE: Bippus Regional Sewer District

Dear Greg:

Please find enclosed the revised legal description for the sewer district along with a revised map of Bippus. Please advise if there is anything further you need to proceed with this matter.

Yours truly,

BOWERS, BREWER, GARRETT & WILEY

Lee M. Bowers, II

enclosures

cc: Mike Mettler
Health Department

REGULAR SESSION OF THE BOARD OF COUNTY COMMISSIONERS
HUNTINGTON COUNTY, INDIANA JULY 29, 1996

The Huntington County Board of Commissioners met with Lonnie Mead and Ned M. Simons present. Gregory K. sprinkle being noted absent.

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IN THE MATTER OF DISCUSSION)
BIPPUS SEWER DISTRICT)

Mike Mettler, Chief Sanitarian; and Lee Bowers, Attorney; came before the Commissioners to dicuss the petition for the proposed Bippus Sewer District. Lee Bowers told the Commissioners he is here to follow up on the action taken by County Council which granted the County Commissioners the authority to sign the petition for the Bippus Sewer District. Lee explained to the Commissioners that the feasability study was completed last summer and that all the appropriate paperwork has been sent on IDEM.

Lonnie Mead asked where the funding for this project will come from. Lee told the Commissioners that the project will be paid back the residents who will use the sewer district, but they will be able to apply for grants and or loans throught FHA and organizations like this.

Lee explained if the sewer district is approved the Warren Township Trustee will appoint a three member board to represent the residents of Bippus as far as repayment and different things are concerned.

Ned Simons made a motion to sign the petition to move forward with the proposed Bippus Sewer District at Bippus, Indiana and to follow the direction of IDEM, Lonnie Mead seconded the motion. The motion passed unanimously.

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IN THE MATTER OF RECOMMENDATION)

Jim Cadoret, Director of Planning gave the Commissioners a recommendation of the overtime pay for County employees from the Huntington County Wide Steering Committee.

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IN THE MATTER OF PUBLIC)
HEARINGS - REZONE GROUND)

Notice is hereby given that the Huntington County Board of Commissioners will on Monday, July 29, 1996, at 10:00 a.m. in the Commissioner's Room, First Floor, Huntington County Courthouse, Huntington, Indiana, hold a public hearing on the following petitions:

1. Docket PC-96-009 - Application filed by Knecht Excavating, Inc. requesting to reclassify the zoning of the following described property from A (Agriculture) to GB (General Business):
general location: west side of state road 105, south of County Road 800N in Bippus, Indiana.
legal description: Part of the Northeast Quarter of Section 28, Township 29 North, Range 8 east of the Second Principal Meridian in Huntington County, Indiana. A 12.850 acre parcel.

2. Docket PC-96-010 - Application filed by Darwin Stoffel requesting to reclassify the zoning of the following described property from OS (Open Space) to SR (Suburban Residential):
general location: 6707 North Goshen Road
legal description: Part of the Northwest Quarter of Section 32, Township 29 North, Range 10 East, in Huntington County, Indiana. A 12.72 acre parcel.

HUNTINGTON COUNTY DEPARTMENT OF HEALTH
COURTHOUSE, ROOM 205
HUNTINGTON, IN 46750
(219)358-4831

May 6, 1996

Ms. Kathy Prosser, Commissioner
Indiana Dept. Of Environmental Management
105 S. Meridian Street
P.O. Box 6015
Indianapolis, IN 46206-6015

Dear Ms. Prosser:

Re: Bippus Regional Sewer District
T. 29 N., R. 8 E
Huntington County

This letter is to advise you of the needs and benefits of the formation of the Bippus Regional Sewer District. The unincorporated town of Bippus has an approximate population of 162. Bippus has 102 out of the 172 plats of lots developed with approximately 75 homes, two churches, eighteen current or vacant businesses, one community building, one new fire station, and one park with restroom facilities.

Current wastewater treatment in Bippus is handled by individual on-site septic systems. Drinking water is obtained from individual private wells. There are very few proper and legal septic systems in Bippus. The majority of homes and businesses are served by a "tank and tile" system which has only a septic tank for treatment and then discharges into storm sewers, field tiles, and streams. A legal septic system, according to Indiana Rule 410 IAC 6-8.1, consists of a septic tank and an absorption field that does not discharge off the property.

A number a factors make it practicably impossible for residents of Bippus to maintain a suitable on-site sewage disposal system. The average lot size in Bippus is only about one-third of an acre with many lots which are smaller. This does not allow enough room for a properly sized septic system and meet the required safe separation distances from individual private wells. Also, the soil conditions in Bippus are poorly suited for sewage disposal. Because of heavy clay content in the soil causing slow percolation there is not enough room available on most lots to have a reliable absorption field.

Water samples taken from Bippus area ditches to confirm the source of pollution revealed an extremely excessive E.-Coli count. E.-Coli is a species of coliform bacteria present in the intestines of humans and other animals which is used as an indicator of fecal contamination. Test results reported E.-Coli levels from 270- 180,000 organisms per 100 ml. these values exceed the maximum value of 248/100 ml allowed by State water quality standards.

Based on the aforementioned conditions, it is the position of this Department that the Indiana Department of Environmental Management approve the formation of the Bippus Regional Sewer District. Since Bippus is unincorporated, this regional sewer district would allow the town to apply for and receive funding to install a centralized sewerage and treatment system. By providing this service, it would greatly reduce, even abolish, the present risk that the existing conditions pose to public health (i.e., surface and ground water contamination, disease causing micro-organisms, unhealthy conditions in and around discharge sites).

If you should have any further questions regarding this matter, please feel free to contact me at this office.

Sincerely,

Mike Mettler

Michael Mettler
Environmental Sanitarian

BOWERS, BREWER, GARRETT & WILEY
ATTORNEYS AT LAW
301 WARREN STREET
P.O. BOX 769
HUNTINGTON, INDIANA 46750-0769
TELEPHONE: (219) 356-4800
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1906-1989

WARREN OFFICE
(219) 375-2622

OFFICE OF WATER MANAGEMENT IDEM
Nov 20 1 12 PM '96

November 18, 1996

Mr. Grey Glover
OWM
100 North Senate Ave.
P.O. Box 6015
Indianapolis, Indiana 46206-6015

RE: Bippus Regional Sewer District

Dear Mr. Glover:

Please find enclosed copies of the documented information you requested regarding the Petition to establish the Bippus Regional Sewer District.

Additional information you requested is as follows:

1. There will not be a connection fee for any of the initial customers. Future customers will be assessed a tap-in fee.

2. The largest newspaper in the area is the Huntington Herald-Press, 7 North Jefferson St., Huntington, Indiana 46750.

3. The eligible entities in the area are Warren Township and Huntington County, both of the petitioners in this matter.

Please let me know if there is any additional information you need to process this Petition.

Yours truly,

BOWERS, BREWER, GARRETT & WILEY

Lee M. Bowers, II

enclosures