STATE of INDIANA

STREAM POLLUTION CONTROL BOARD

INDIANAPOLIS 46206

1330 West Michigan Street

RETURN RECEIPT

STATE OF INDIANA )
) SS:
COUNTY OF MARION )

BEFORE THE STREAM POLLUTION CONTROL BOARD OF THE STATE OF INDIANA

IN THE MATTER OF THE PETITION OF THE CITIZENS OF THE BRINGHURST AREA OF MONROE TOWNSHIP, AND THE MONROE TOWNSHIP, CARROLL COUNTY, INDIANA, TO FORM AND ORGANIZE A REGIONAL SEWER DISTRICT PURSUANT TO IC 19-3-1.1-5

CAUSE NO. B-747

TO: Mr. Dick N. Bishop
Attorney at Law
P.O. Box 4
19 South Center Street
Flora, IN 46929

Dear Mr. Bishop:

Re: Finding of Fact and Recommended Order for Formation of Bringhurst Regional Sewer District
Cause No. B-747

Enclosed is a copy of the Finding of Fact and Recommended Order of the Hearing Officer in the above matter pursuant to IC 13-3-2-5, filed on the 14th day of May, 1980.

Please be notified that the matter will be considered by the Stream Pollution Control Board at its regularly scheduled meeting of May 20, 1980, in Room A-419, Indiana State Board of Health Building, 1330 West Michigan Street, Indianapolis, Indiana.

Dated at Indianapolis, Indiana, this 14th day of May, 1980.

Oral H. Hert
Technical Secretary

Enclosure
cc: Ms. Brucelle Northcutt
Mr. Lee Reppert
Mr. Richard D. Curts
Ms. Marlyn Y. Clark

MAY 14 2 19 PM '80

STATE OF INDIANA

STREAM POLLUTION CONTROL BOARD

STATE OF INDIANA
STREAM POLLUTION
CONTROL BOARD
INDIANAPOLIS 46206

1330 West Michigan Street

FINDINGS OF FACT AND RECOMMENDATIONS OF
JOSEPH W. KAREN, HEARING OFFICER
ON BEHALF OF THE STREAM POLLUTION CONTROL BOARD
OF THE STATE OF INDIANA

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| STATE OF INDIANA ) | | BEFORE THE STREAM POLLUTION CONTROL BOARD |
| ) | SS: | OF THE STATE OF INDIANA |
| COUNTY OF MARION ) | | |
| IN THE MATTER OF THE PETITION OF ) | | |
| THE CITIZENS OF THE BRINGHURST ) | | |
| AREA OF MONROE TOWNSHIP, AND THE ) | | |
| MONROE TOWNSHIP, CARROLL COUNTY, ) | | CAUSE NO. B-747 |
| INDIANA, TO FORM AND ORGANIZE A ) | | |
| REGIONAL SEWER DISTRICT PURSUANT ) | | |
| TO IC 19-3-1.1-5 ) | | |

## FINDINGS OF FACT

1. On December 12, 1979, a petition for the formation of the Bringhurst Regional Sewer District was filed with the Stream Pollution Control Board of the State of Indiana.

2. Said petition was filed by certain citizens of the Bringhurst area of Monroe Township, Carroll County, Indiana, known collectively as the "Proposed Bringhurst Regional Sewer District Steering Committee" and was signed by eight (8) named individuals of said Committee and Ms. Brucelle Northcutt, Monroe Township Trustee with the approval of the Monroe Township Advisory Board. Such filing was a valid filing under both IC 19-3-1.1-3 and IC 13-3-2-3 in that said Monroe Township was a political subdivision authorized to file such petition under IC 19-3-1.1-3, and is now an "eligible entity" as required by IC 13-3-2-3 and its Advisory Board is the Township "fiscal body" as required by IC 13-3-2-3.

3. The petition was filed with the Board of County Commissioners of the County of Carroll on January 24, 1980, pursuant to IC 19-3-1.1-3.

4. At its regularly scheduled meeting of January 15, 1980, the Stream Pollution Control Board of the State of Indiana found said petition to conform with the requirements of IC 19-3-1.1-3, and appointed Joseph W. Karen as its duly authorized hearing officer to set same for hearing pursuant to IC 19-3-1.1-4.

5. A Notice of Hearing was issued for publication on April 9 and April 16, 1980, in the Carroll County Comet, a newspaper of general circulation in Carroll County. In addition, Notice of Hearing was sent, certified mail, return receipt, to the President of the Board of Commissioners of Carroll County, to the Monroe Township Trustee, to the President of the Town Board of Flora, to the Clerk of Carroll County, and to Mr. Dick N. Bishop, Attorney for Petitioner, and receipt thereof is entered in the files of this Cause.

6. Pursuant to such notice, a public hearing was held pursuant to IC 19-3-1.1-5 and IC 13-3-2-5 at 7:00 p.m., E.S.T., in the Bringhurst Methodist Church, Monroe Township, a location in, or within 10 miles of the proposed district.

7. The proposed district shall be for the purpose of collecting, treating, and disposing of sewage from approximately one hundred (100) residential dwellings and five (5) business or commercial users located within the proposed district, so as to promote the public health, safety, convenience and welfare of the residents of the proposed district.

Investigations beginning in 1969 by the Carroll County Health Department have revealed the following:

a. Sewage ponding on the surface creating a public health hazard to the Community.

b. Basements in the Community flood with sewage routinely, creating a public health hazard to the residents.

c. Sewage originating from the approximately 90 residents and business buildings is directed into tiles which discharge into Kun's ditch, which then passes through the Town of Flora. This not only causes pollution to Kun's ditch, but also creates a health hazard to the residents of Flora.

d. Samples have been collected from Kun's ditch and contributing tiles. The samples were examined by the Indiana State Board of Health Water & Sewage Laboratory. Total coliform counts ranged from 2,200 to 20,000,000. Fecal coliforms ranged from 430 to 2,400,000. These high counts indicated that corrective measures are warranted.

e. In addition, the lots in Bringhurst are approximately 60 feet by 120 feet. This small of an area is insufficient to install a satisfactory operating on-site waste disposal system. Soils in the Bringhurst area are extremely wet and are rated severe by the United States Soil Conservation Service, prohibiting the installation of septic tanks and absorption fields.

8. The area to be served by the proposed district contains no political subdivision having an economic or legal capacity for the provision of sewage service in the district.

9. The Bringhurst area is now largely served by individual septic systems, many with off-lot discharges to Bachelor Run Creek via Montgomery, Kuns, and Ayres Drains.

10. The proposed district appears to be economically feasible.

## RECOMMENDATION OF HEARING OFFICER

It is recommended that the Petition herein be approved by the Stream Pollution Control Board and that the Recommended Final Order herein set forth be approved pursuant to IC 13-3-2 and IC 19-3-1.1.

## RECOMMENDED FINAL ORDER

1. That a regional sewer district to be known as the "Bringhurst Regional Sewer District" be organized as an independent municipal corporation of the State of Indiana.

2. That the purpose of said District is to provide for the collection, treatment, and disposal of sewage within and without said District.

3. That the territory to be included in the District is shown on attached map, Exhibit A, and is more particularly described as follows:

> an area commencing in the center of the Flora-Bringhurst Road at the south edge of the Flora corporation boundary line, and running thence east 400 feet; thence south 1,000 feet south of County Road 150 South; thence west to the center of Indiana State Road 75, 2,000 feet; thence east to the east side of the Conrail property line, also known as Penn Central property line; thence north to the Flora corporate boundary line; thence east along said boundary line to the middle of the Flora-Bringhurst Road, to the place of beginning.

4. That the District be governed by a Board of Trustees (the Board) consisting of five members constituted as follows:

Two trustees shall be appointed by the Trustee of Monroe Township, Carroll County, Indiana, for an initial term to expire December 31, 1981.

One trustee shall be appointed by the County Commissioners of Carroll County for a term to expire December 31, 1981.

One trustee shall be appointed by the President of the Board of Trustees of the Town of Flora, and one trustee appointed by the Board of Trustees of the Town of Flora, for an initial term to expire December 31, 1982.

After expiration of initial terms, appointments shall be for terms of four years to expire on the last day of the fourth calendar year following the expiration of the initial terms, and every four years thereafter.

All appointments shall be made from residents of the Bringhurst Regional Sewer District, except that the Board of Trustees of the Town of Flora may make their one (1) appointment from the residents of the Town of Flora.

All trustees shall hold office until their successors are appointed and qualified.

5. That the Board of Trustees for the District shall provide sufficient bond for all officers, trustees, or employees who have any power to dispense funds of the District. Said bond, as a miminum, shall be in an amount equal to, plus ten (10) percent of those funds anticipated to be received by the District, divided by six (6), which amount shall be determined annually by the Board of Trustees.

6. The office of the District shall be:

Bringhurst Regional Sewer District
Flora Fireside Room
27 West Main Street
Flora, IN 46929

7. That within nine (9) months from the date of the Order, the 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 proposed facilities pursuant to the provision of IC 13-3-2-5(c). Such plan shall include an updated estimate of the costs of accomplishing the purposes of the District.

Respectfully submitted:

Joseph W. Karen
Hearing Officer

May 14, 1980