TO THE STREAM POLLUTION CONTROL
BOARD OF THE STATE OF INDIANA

IN THE MATTER OF THE PETITION

OF

DELAWARE COUNTY, INDIANA,
To Form and Organize a
Regional Sewage District
Pursuant to Indiana Code 1971,
19-3-1.1, As Amended

RECEIVED
APR 30 1975
STATE BOARD OF HEALTH
OFFICE OF THE HEARING COMMISSIONER

Certified
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APR 24 1975
STATE OF INDIANA
STREAM POLLUTION CONTROL
BOARD

PETITION

The County of Delaware, in the State of Indiana, by its Board of County Commissioners and County Council, respectfully petitions your Honorable Board for an order establishing and organizing a regional sewage district, and in support thereof alleges and says as follows:

1. That the undersigned being the duly elected, qualified and acting members of the Board of County Commissioners and the County Council of Delaware County, in the State of Indiana; propose the establishment of a regional sewage district, to be known as the "Delaware County Regional Wastewater District", hereinafter referred to as the "District."

2. That the principal office of said District shall be located in the Delaware County Building, 100 West Main Street, Muncie, Indiana 47305.

3. (a) That the purpose to be accomplished by the establishment of said District is to create an entity which is empowered to construct, contract for or otherwise provide facilities in the area to be served for the collection, treatment and disposal of sewage, and to do those things and possess those powers enumerated in IC 19-3-1.1-1 et. seq., as supplemented and amended so as to be beneficial to and improve the public health, safety and welfare of Delaware County and the State of Indiana.

(b) That the need for the District is to eliminate and prevent the pollution of rivers, streams, creeks and other bodies of water within the boundaries of the District and to make development of the serviced areas of Delaware County possible without unnecessary discharging of untreated or improperly treated effluent into the existing watercourses.

(c) That the District will protect, enhance and be conducive to the health, safety, convenience and general welfare of the people of Delaware County and the people of the State of Indiana by the elimination and prevention of pollution by sewage effluent of bodies of water located in or running through the District.

(d) That sewage collection and disposal in the District is currently being provided by private systems and plants and individual septic tanks and soil absorption systems.

(e) That these current systems are frequently prone to premature failure; and when such malfunctioning systems are not or cannot be repaired, relief is usually accomplished through the illegal drainage of effluent away from residences via connection either directly or indirectly to subsurface storm drains, agricultural drainage tiles, open drainage ditches, creeks, streams or rivers, thus adding to the pollution of the waterways, wells and air of Delaware County.

(f) That projected development cannot take place in Delaware County without an adequate system for collection, treatment and disposal of sewage.

(g) That there is no existing indebtedness in the proposed District for the proposed purpose.

4. That the territory to be included in and encompassed by the proposed District is all the area within the boundaries of Delaware County, Indiana, except:

(a) the territories currently being serviced by the following sanitary districts:

(1) Muncie Sanitary District.

(b) the territories currently being serviced by the following entities holding certificates of territorial authority issued by the Public Service Commission of Indiana:

(1) Yorktown Sewage Treatment Plant;

(2) Gaston Sewage Treatment Plant;

(3) Town of Eaton Sewage Works;

(4) Farmington Utilities, Inc.;

(5) Albany Sewage Treatment Plant;

(6) Central Sewage Treatment Company, Inc. (Raintree Estates)

(7) Hutuck Corporation Utilities (Country Village).

5. That your petitioners' recommendations concerning the manner of selection, number and term of the Board of Trustees of said proposed District are as follows:

(a) Number. It is recommended that the Board of Trustees of the District consist of three (3) voting members and two (2) non-voting ex-officio members.

(b) Selection. It is recommended that the three (3) voting members of said Board of Trustees be appointed by the duly elected, qualified and acting Board of County Commissioners of Delaware County, with each Trustee to be a resident freeholder, and appointed one each from the three existing commissioner districts in Delaware County. The two (2) non-voting ex-officio members should be the Delaware County Surveyor and a representative from the Delaware County Board of Health.

(c) Term. It is recommended that the three (3) voting members of the first Board of Trustees be appointed for the following terms: one (1) member to be appointed for a term of two (2) years, one (1) member to be appointed for a term of three (3) years, and one (1) member to be appointed for a term of four (4) years. Thereafter, appointments should be for terms of four (4) years each. Terms should expire on the first day of January of the year in which such terms are to expire.

6. That until said District is in receipt of revenue from its operations or proceeds from the sale of bonds, your petitioners propose to furnish the funds necessary to pay all expenses incurred for legal fees, engineering services, and other expenses deemed necessary or proper for the organization and establishment of said District; and that out of the first net revenues from the operation of said District, or out of the net proceeds of the sale of revenue bonds, whichever first occurs, said District will repay the petitioners all of the moneys so advanced for the foregoing purposes.

7. That the estimates of the costs of accomplishing the purpose of the District, in providing various sewage treatment facilities for the collection, treatment and disposal of sewage in those areas within the proposed district that are in need of such systems, will vary depending upon the size of the project and the area to be serviced and any agreements as to cooperative construction of the facilities. It is intended that the costs and expenses of such projects will be paid for; (1) by fixing, charging and collecting reasonable rates and other charges in the area serviced by the facilities to every person whose premises are either directly or indirectly provided with sewage services by such facilities, or (2) by the issuance and sale of revenue bonds to cover the cost of construction of such facilities, or both. The cost of providing, operating and maintaining facilities

will be differenct for each such project but it is intended that user charges and hook-on or connection fees will not exceed a fair and equitable rate or charge per user for any single project, with the individual property owner being given an extended period in which to pay the connection charges. Further, it is intended that, as individual projects are considered by the Board of Trustees, separate feasibility studies will be undertaken to better estimate the costs of providing, operating and maintaining the sewage system works and the cost to individual property owners in the project area.

WHEREFORE, your petitioners pray for a hearing upon this petition after the giving of proper notice; that the relief prayed for herein be granted; that the "Delaware County Regional Wastewater District" be formed; and for all other proper relief.

BOARD OF COUNTY COMMISSIONERS
OF DELAWARE COUNTY, INDIANA

BY: _____
ALLEN D. ABRAMS

_____
JOHN P. ISENBARGER

_____
LEONARD THOMAS

COUNTY COUNCIL OF DELAWARE COUNTY,
INDIANA

BY: _____
HERBERT H. BISHOP

_____
WALTER C. BURT

_____
GILBERT A. FULLER

_____
CHALMERS A. KING

_____
METTIE ANN LEITCH

_____
VIRGIL E. MANSFIELD

_____
JOHN W. SHEPPARD

B-283

Delaware County Regional Wastewater District

I have reviewed the petition of the Board of County Commissioners of Delaware County for the formation of a Regional Sewer District. The petition satisfies the requirements of IC 1971, 19-3-1.1 as to form and legality. I recommend that the Board accept the petition and appoint a hearing officer in this matter.

RGGrant

June 3, 1975