STATE OF INDIANA

INDIANAPOLIS 46206

STREAM POLLUTION CONTROL BOARD

1330 West Michigan Street
633-5467

CERTIFIED MAIL

IN THE MATTER OF THE PETITION OF)
THE DELAWARE COUNTY BOARD OF)
COUNTY COMMISSIONERS, STATE OF)
INDIANA, TO FORM A REGIONAL) CAUSE NO. B-283
WASTEWATER DISTRICT PURSUANT TO)
IC 1971, 19-3-1.1, AS AMENDED,)
TO BE KNOWN AS THE "DELAWARE)
COUNTY REGIONAL WASTEWATER)
DISTRICT")

TO: Mr. Phillip Johnson, Chief
Environmental Division
Delaware County Board of Health
Room 207
Delaware County Building
Muncie, Indiana 47305

NOTICE OF FILING OF FINDINGS OF FACT AND RECOMMENDATIONS

You are hereby notified that on October 21, 1975, William C. Vaughn III, Hearing Officer in the above-captioned cause, has, after hearing, made his Findings and Recommendations on the petition to form the Delaware County Regional Wastewater District and has filed the same with the Technical Secretary of the Stream Pollution Control Board.

A copy of said Findings and Recommendations is enclosed and made a part of this notice.

It should be noted that if the Stream Pollution Control Board orders that those entities holding certificates of territorial authority from the Public Service Commission be included in the regional district, those entities are exempt, pursuant to IC 1971, 19-3-1.1-5.2(b), from all ordinances and regulations adopted by the Board of Trustees of such district until such time as connection is made to the sewerage system of said district and said district commences rendition of service within the area covered by such certificate of territorial authority.

The Indiana Stream Pollution Control Board will consider the Findings and Recommendations at its meeting on October 28, 1975, and, after notice to those seven entities holding certificates of territorial authority as listed in paragraph 4(b) of the petition, will make its final order and determination in this matter at its regularly scheduled meeting in November.

Dated at Indianapolis, Indiana, this 22nd day of October, 1975.

Very truly yours,

Oral H. Hert

Oral H. Hert
Technical Secretary

Enclosure
cc: Board of County Commissioners
County Council
Yorktown Sewage Treatment Plant
Gaston Sewage Treatment Plant
Town of Eaton Sewage Works
Farmington Utilities, Inc.
Albany Sewage Treatment Plant
Central Sewage Treatment Company, Inc.
(Raintree Estates)
Hutuck Corporation Utilities
(Country Village)

STATE of INDIANA

INDIANAPOLIS 46206

STREAM POLLUTION CONTROL BOARD

1330 West Michigan Street
633-5467

FINDINGS OF FACT AND RECOMMENDATIONS
OF WILLIAM C. VAUGHN III, HEARING OFFICER
BEFORE THE
STREAM POLLUTION CONTROL BOARD OF THE
STATE OF INDIANA

IN THE MATTER OF THE PETITION OF THE DELAWARE COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF INDIANA, TO FORM A REGIONAL WASTEWATER DISTRICT PURSUANT TO IC 1971, 19-3-1.1, AS AMENDED, TO BE KNOWN AS THE "DELAWARE COUNTY REGIONAL WASTEWATER DISTRICT"	)	CAUSE NO. B-283

Upon receipt of the petition of the Board of County Commissioners of Delaware County, Indiana, with the approval of the County Council of Delaware County, Indiana, for the establishment of a regional wastewater district pursuant to IC 1971, 19-3-1.1, the Stream Pollution Control Board of the State of Indiana, pursuant to the provisions of IC 1971, 19-3-1.1-5 requested that notice be published once each week for two consecutive weeks on Monday, August 18, 1975, and on Monday, August 25, 1975, in The Muncie Press, Muncie, Indiana, of hearing to be held August 28, 1975, at 1:00 p.m., EST, in the Commissioner's Court, Room 309, Delaware County Building, Main Street and Walnut, Muncie, Indiana. Upon the failure of such notice to be published on August 25, 1975, the hearing on August 28, 1975, was adjourned and continued until September 16, 1975, at the same time and place as the original hearing. Notice of the continued hearing was requested to be published once each week for two consecutive weeks in The Muncie Press on September 5, 1975, and September 12, 1975.

SUMMARY OF TESTIMONY

Phillip Johnson, Chief, Environmental Division, Delaware County Board of Health, testified as to the need for a county-wide regional sewer district. He stated that the population growth in the county, coupled with small lot sizes and poor absorption properties of much of the soil in the county, creates problems with even the best designed septic systems. He stated that septic systems costing $1,000 to $1,200 would be good for about six months and then would fail, causing the property owners to connect their septic systems

to field tiles which would eventually flow into the streams in the county. He presented visual evidence of pollution in the form of pictures and slides.

Charles Scull, Administrator, Delaware County Health Dept., stated that 1439 malfunctioning septic systems have been detected. He also stated that soil percolation tests have shown that septic systems are not really feasible because of the poor percolation rates.

Allen D. Abrams, County Commissioner, testified that an Environmental Committee was formed seven years ago and that he was strongly in favor of the regional sewer district.

John Moll, Attorney and Chairman of the Chamber of Commerce Task Force on Sewage Disposal, discussed the Septic Tank Ordinance and its possible detrimental effects on future growth if strictly enforced. He stated that the Chamber of Commerce supports the regional district.

Charles Hole, President of the Delaware County Board of Health, spoke in favor of the proposed district.

John M. Shirey, Daleville, stated that Daleville was the largest unincorporated area in the state and expressed a desire that the district, if formed, provide service to the Daleville area as soon as possible.

Many other citizens expressed their support and approval for the proposed district and no one expressed any opposition to the proposed district.

Prior to the hearing, staff comments from the Planning Section of the Water Pollution Control Division, Indiana State Board of Health, were presented to the Hearing Officer. These comments recommended that those private sewage disposal companies, holding certificates of territorial authority (C.T.A.), that were excluded in the petition, be included in the proposed regional district. The comments further stated that such inclusion would not affect the authority of these utilities and would be beneficial in the planning analysis of their service areas when the proposed regional district applies for federal and state grant funds.

Subsequent to the hearing, the Muncie Sanitary District requested that two small areas adjacent to the Sanitary District be excluded from the regional district for the reason that annexation into the Sanitary District had been requested by the property owners and was imminent. The legal descriptions of these two areas were included and are made exhibits to these findings along with copies of the plats. The town of Selma requested to be excluded from the regional district.

FINDINGS OF FACT

1. That the County Commissioners of Delaware County, Indiana, with the approval of the Delaware County Council, filed their petition with the Stream Pollution Control Board, for an Order establishing a regional sewer district pursuant to IC 1971, 19-3-1.1.

2. That the Indiana Stream Pollution Control Board at its meeting on June 3, 1975, determined that a sufficient petition had been filed in accordance with IC 1971, 19-3-1.1, and appointed a Hearing Officer.

3. That notice of public hearing on said petition was published on August 25, 1975, in the Muncie Press. Proof of publication is made a part of the record.

4. That a public hearing on said petition was held within the proposed district, in Room 309 of the Delaware County Bldg., Muncie, Indiana, at 1:00 p.m., EST, on August 28, 1975, and September 16, 1975.

5. That the recommended name is the "Delaware County Regional Wastewater District," with its principal office at Delaware County Bldg., 100 W. Main Street, Muncie, Indiana 47305.

6. That the area to be served by said district contains no political subdivisions having adequate legal authority or capability to provide for the county-wide collection, treatment and disposal of sewage.

7. That the purpose to be accomplished by said district is to provide for the collection and treatment of sewage of residents of the proposed district.

8. That poor absorption characteristics of the soil in the County makes it unsuitable for the septic systems now in use and that a sewage system is needed.

9. That the proposed project appears economically feasible considering the availability of federal and state grants.

10. That the area to be included in the district should be as described in paragraph 4 of the petition with the exclusion of the two areas proposed to be annexed by the Muncie Sanitary District which descriptions are attached as exhibits, but with the inclusion of those entities holding certificates of territorial authority as listed in paragraph 4(b)(1) through (7) of the petition.

RECOMMENDATIONS OF HEARING OFFICER

1. That the petition should be approved with modifications, as stated below in paragraph 4, pursuant to IC 1971, 19-3-1.1-5(a).

2. That the district, to be known as the "Delaware County Regional Wastewater District," be organized as an independent political entity of the State of Indiana.

3. That the purpose of the district shall be the collection and treatment of sewage and all other lawful activities as permitted by IC 1971, 19-3-1.1.

4. That the district shall include all the territory in Delaware County except the territory currently being serviced by the Muncie Sanitary District and also except for those two areas proposed to be annexed by the Muncie Sanitary District whose descriptions are

attached as exhibits. Further, that the district shall include those entities holding certificates of territorial authority issued by the Public Service Commission of Indiana as stated in paragraph 4(b)(1) through (7).

5. That the district be governed by a seven-member Board of Trustees to be appointed as follows:

(a) Five members will be voting members while two members will be non-voting ex-officio members one of whom will be the Delaware County Surveyor and the other will be a representative of the Delaware County Board of Health.

(b) It is recommended that three of the voting members of said Board of Trusteees 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 from each of the three existing commissioner districts in Delaware County.

(c) The other two voting members should be appointed one by the Delaware County Council and one by the Delaware County Board of Health.

(d) The term of the voting members should be as follows:

(1) The three members appointed by the County Commissioners should be appointed for an initial term as follows: one member for a term of two years, one member for a term of three years and one member for a term of four years.

(2) The other two voting members should be appointed for an initial term of one year.

(3) The ex-officio members should be appointed for an initial term of four 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 the Board of Trustees shall provide sufficient bond for all officers, trustees or employees who have any power to dispense funds of the district. Said bond, as a minimum, shall be in an amount equal to, plus 10% of, those funds anticipated to be received by the district during a fiscal year, divided by six (6) which amount shall be determined annually by the Board of Trustees.

7. That six months from the date of its creation, the Delaware County Regional Wastewater District shall file with the Stream Pollution Control Board, a detailed plan for the construction and operation of the district's facilities pursuant to IC 1971, 19-3-1.1-5(a).

Dated this 21st day of October 1975.

William C. Vaughn III

William C. Vaughn III
Hearing Officer