STATE OF INDIANA	)	BEFORE THE INDIANA DEPARTMENT
	) SS:	ENVIRONMENTAL MANAGEMENT
COUNTY OF MARION	)	

IN THE MATTER OF	)
THE MODIFICATION OF THE	)
DELAWARE COUNTY REGIONAL	)
WASTEWATER DISTRICT	)

FIRST ORDER MODIFYING THE ORDER FORMING THE DELAWARE COUNTY REGIONAL WASTEWATER DISTRICT

On November 7, 2001, the Delaware County Regional Wastewater Board of Trustees (Board of Trustees) requested the Indiana Department of Environmental Management (IDEM) amend the January 20th, 1976 Order Adopting the Findings of Fact and Recommended Order for the organization of Delaware County Regional Wastewater District. IDEM recognizes the November 7, 2001 letter as a formal petition by the Board of Trustees, in accordance with Indiana Code 13-26-1-2, IC 13-26-2-3(5) and IC 13-26-4 *et seq.*, to amend its bylaws to permit it to restructure the Board of Trustees.

IC 13-26-2-3 provides, in relevant part, "[a] petition to establish a district under this chapter must state the following: ... (5) [t]he petitioner's recommendations on the manner of selection; the number; and the term, not exceeding four (4) years; of the members of the board of trustees...." The Board of Trustees petitioned IDEM to amend the January 20th, 1976 Order, so that the current seven (7) member Board of Trustees is amended to a nine (9) member board to comply with IC 13-26-4-5.

The Commissioner of the IDEM now orders that the Order of January 20th, 1976, forming the Delaware County Regional Wastewater District, be amended as follows:

A. One (1) of the Trustees shall be appointed for an initial term of one (1) year, which term shall be calculated commencing on January 1, of the year following his or her appointment. The Trustee shall be appointed by the Delaware County Commissioners.

B. One (1) of the Trustees shall be appointed for an initial term of two (2) years, which term shall be calculated commencing on January 1, of the year following his or her appointment. The Trustee shall be appointed by the Delaware County Commissioners.

C. One (1) of the Trustees shall be appointed for an initial term of three (3) years, which term shall be calculated commencing on January 1, of the year following his or her appointment. The Trustee shall be appointed by the Delaware County Commissioners.

D. One (1) of the Trustees shall be appointed for an initial term of four (4) years, which term shall be calculated commencing on January 1, of the year following his or her appointment. The Trustee shall be appointed by the majority vote of the Madison County Council.

E. One (1) of the Trustees shall be appointed for an initial term of three (3) years, which term shall be calculated commencing on January 1, of the year following his or her appointment. The Trustee shall be appointed by the majority vote of the Madison County Commissioners.

F. One (1) of the Trustees shall be appointed for an initial term of three (3) years, which term shall be calculated commencing on January 1, of the year following his or her appointment. The Trustee shall be appointed by the executive of the Town of Yorktown.

G. One (1) of the Trustees shall be appointed for an initial term of one (1) year, which term shall be calculated commencing on January 1, of the year following his or her appointment. The Trustee shall be appointed by the majority vote of the Delaware County Council.

H. One (1) of the Trustees shall be appointed for an initial term of two (2) years which term shall be calculated commencing on January 1, of the year following his or her appointment. The Trustee shall be appointed by executive of the Town of Chesterfield.

I. One (1) of the Trustees shall be appointed for an initial term of four (4) years which term shall be calculated commencing on January 1, of the year following his or her appointment. The Trustee shall be appointed by the executive of the City of Muncie.

J. All appointment terms, subsequent to the expiration of the initial terms described above, shall be for a period of four (4) years.

K. Upon a vacancy on the Board of Trustees, for any reason, the appointing authority for that Trustee shall appoint a replacement Trustee to complete the term of the Trustee who vacated his or her office.

That, in all other respects, Delaware County Regional Wastewater District will remain subject to the terms of the Order dated January 20, 1976.

Under IC 4-21.5-3-5(f), this Amended Order becomes effective (18) days after its mailing. If you wish to challenge this decision, IC 4-21.5-3-7 requires that a petition for administrative review be filed. This petition describing your intent must be submitted to the Office of Environmental Adjudication, ISTA Building, 150 W. Market Street, Suite 618, Indianapolis, Indiana, within (18) days from the mailing of this notice. This petition also must be filed in accordance with IC 4-21.5-3-7, and must include facts demonstrating that the petitioner is the applicant, a person aggrieved by this decision, or a person entitled to review by law.

Pursuant to IC 4-21.5-3-5(d), the Office of Environmental Adjudication will Provide the petitioner, or any other person(s) requesting notice, with notice of prehearing conferences, preliminary hearings, hearings, stays, or orders disposing of the petition for review if a written request for such notice is submitted to the Office of Environmental Adjudication at the above address.

Dated at Indianapolis, Indiana, this 17th day of December 2001

Lori F. Kaplan

Lori F. Kaplan
Commissioner
Indiana Department of
Environmental Management

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Frank O'Bannon
Governor

Lori F. Kaplan
Commissioner

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Notice of Decision

You are hereby notified that the Commissioner of the Indiana Department of Environmental Management signed on December 17, 2001 the Order Modifying the Order forming the Delaware County Regional Wastewater District pursuant to IC 13-26-2-10.

The Modifying Order is on file at the principal office of the District: Delaware County Regional Wastewater District, Delaware County Building, Room 208, Muncie, Indiana, 47305.

Pursuant to IC 13-26-2-11, IC 4-21.5-3-2, and IC 4-21.5-5-5, the Final Order becomes effective thirty-three (33) days after service through the United States mail, unless a petition for judicial review is filed before or on the thirty-third (33rd) day. If you wish to challenge this decision, standing and substantive requirements of the verified petition for review are specified in IC 4-21.5-5-3 and IC 4-21.5-5-7, respectively. Pursuant to IC 4-21.5-5-9, a person seeking judicial review of the final Order may, by filing a verified petition, request an order of the court staying the Order pending a decision by the court.