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

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

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

On February 26, 2002 the Indiana Department of Environmental Management (IDEM) received notice that the Delaware County Regional Wastewater Board of Trustees (Board of Trustees) requests IDEM to amend the First Order Modifying the Order Adopting the Findings of Fact and Recommended Order for the organization of Delaware County Regional Wastewater District. IDEM recognizes the April 17, 2002 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 and the First Order Modifying, so that the current nine (9) member Board of Trustees is amended to a seven (7) member board.

The Commissioner of the IDEM now orders that the Second Order Modifying of 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 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.

E. 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.

F. 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.

G. 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.

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

I. 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 Second 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.