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INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF THE FORMATION OF THE EAST ENTERPRISE REGIONAL SEWAGE DISTRICT

CAUSE NO. 91-W-J-554

RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER OF THE ADMINISTRATIVE LAW JUDGE

FINDINGS OF FACT

1. On August 14, 1991, the Switzerland County Council and the Switzerland County Commissioners petitioned the Indiana Department of Environmental Management for an Order establishing a Regional Sewage District, to be known as the East Enterprise Regional Sewage District in Switzerland County, Indiana.

2. Said Petition complies with the provisions of IC 13-3-2-3.

3. A public hearing was held on November 7, 1991, at the East Switzerland County Elementary School in East Enterprise, Indiana.

4. Notice of said hearing was given by publication in newspapers of general circulation, the Switzerland Democrat and the Vevay Reveille-Enterprise, for two (2) consecutive weeks prior to said hearing, and by mailing to each eligible entity involved.

5. The proposed name of the District is the East Enterprise Regional Sewage District.

6. The principle office of the proposed District would be in Cotton Township of Switzerland County.

7. The sanitary sewage needs of those residents now residing within such proposed District are currently being met with individual and private septic systems, which are inadequate.

8. Upon formation of such District, it would construct and operate a sanitary sewage system that would collect the sanitary sewage of the residents of such District.

9. Such District is needed to permit the construction of a system to collect and dispose of the sanitary sewage of the residents. The current method of sewage collection and disposal through individual

and private septic systems is deteriorating and is creating current and future health problems for the residents of such proposed District.

10. The current method of collection and disposal of the sanitary sewage of the residents of such proposed District is affecting and can affect detrimentally the water quality of the area of the proposed District.

11. The resident of such proposed District currently obtain their water for drinking and other personal uses from individual and private wells which can also be affected detrimentally by continued use of the present method of collection and disposal of the sanitary sewage of the residents of the proposed District.

12. The proposed District would include Section Three and Section 10, Township Three North, Range Two West (Ward 1); Section Four and Section Nine, Township Three North, Range Two West (Ward 2); Section 28 and Section 33, Township Four North, Range Two West (Ward 3); Section 27 and Section 34, Township Four North, Range Two West (Ward 4).

13. There is no outstanding indebtedness currently in the proposed District for the purpose of the construction of a sanitary sewer system.

14. It is proposed that the Board of Trustees of the District shall consist of one member elected from each of the four Wards and one member elected from the District-at-Large.

15. That the estimated cost of construction in the District is estimated to be $732,000, with estimated annual operation and maintenance costs of $30,000.

16. The District would be eligible to apply for Federal and State grants for construction.

17. The District appears capable of accomplishing the purposes for which it would be formed in an economically feasible manner.

RECOMMENDED ORDER

1. That a Regional Sewage District, to be known as the East Enterprise Regional Sewage District, be organized as an independent political entity of the State of Indiana as a body corporate and political.

2. That the purpose to be accomplished by said District is to establish an entity to finance, construct and operate a sanitary sewage system to collect and treat waste of the residents of the District.

3. That the District shall include: Section Three and Section 10, Township Three North, Range Two West (Ward 1); Section Four and

Section Nine, Township Three North, Range Two West (Ward 2); Section 28 and Section 33, Township Four North, Range Two West (Ward 3); Section 27 and Section 34, Township Four North, Range Two West (Ward 4).

4. The Board of Trustees of the District shall consist of one member elected from each of the four Wards and one member elected from the District-at-Large.

5. That the Board of Trustees provide sufficient bond for all officers, trustees or employees who have any power to dispurse funds of the District. Said bond, as a minimum, shall be in an amount equal to, plus ten percent (10%), of those funds anticipated to be received by the District, divided by three (3) which amount shall be determined annually by the Board of Trustees.

6. That within nine (9) months from the date of this order, the District shall file with the Commissioner of the Indiana Department of Environmental Management, a detailed plan for the construction and operation of the District's facilities.

Dated: December 12, 1991

Wayne E. Penrod
Administrative Law Judge