Dept. of Environmental Mgmt.
Commissioner's Office
JUN 24 1992

STATE OF INDIANA )
) SS:
COUNTY OF SWITZERLAND )

IN RE: AMENDED PETITION FOR THE ESTABLISHMENT OF A REGIONAL SEWAGE DISTRICT FOR EAST ENTERPRISE AND THE AREA IMMEDIATELY SURROUNDING IT, IN COTTON TOWNSHIP OF SWITZERLAND COUNTY, INDIANA.

The Switzerland County Council, and the Switzerland County Commissioners petition the Department of Environmental Management pursuant to I.C. 13-3-2-3 for the establishment of a regional sewage district as follows:

1. The proposed name of such district would be:

EAST ENTERPRISE REGIONAL SEWAGE DISTRICT

2. The principal office for such proposed district would be located within such district in Cotton Township of Switzerland County, Indiana.

3. The sanitary sewage needs of those residents now residing within such proposed district are currently being met with individual and private septic systems.

4. Upon formation of such district, it would further be proposed to construct and operate a sanitary sewage system that would collect and treat the sanitary sewage of the residents of such district.

5. 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 and for those residents and others who might utilize the area for enjoyment or any other purpose.

6. 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 reservoirs which provide water to the East Enterprise area.

7. Some of the residents 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.

8. The proposed district is intended at this time to encompass all property within the hatched service area shown on the attached map.

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

10. Petitioners recommend that the Board of Trustees of such proposed district, if formed, be selected by appointment by the County Commissioners of Switzerland County for ultimately staggered four year terms. RESIDENCE REQ.?

11. Initial estimates for the cost of the proposed system are projected to be SEVEN HUNDRED THIRTY-TWO THOUSAND AND NO/100 DOLLARS ($732,000.00).

12. The initial estimates for the cost of operation and maintenance of such system once constructed are projected to be THIRTY THOUSAND AND NO/100 DOLLARS ($30,000.00) annually.

13. Revenue bonds would be sold by such district, if formed, to raise sufficient funds to pay for the cost of the construction of such system and for other costs relative to the construction thereof.

14. User fees would be charged to the residents and/or property owners of the district in order to repay the amount of such bonds and in order to operate and maintain such system.

WHEREFORE, Petitioner would request that the Department of Environmental Management determine this petition to be sufficient, and that pursuant to I.C. 13-3-2-4 that agency appoint a hearing officer, who shall then proceed to act upon this petition as required by law.

Dated this 1st day of June, 1992.

SWITZERLAND COUNTY COUNCIL

Michael L. Jones, President

Earl Conner

Donald Covington

Kenneth Griffin

Chester James

William Levell

Charles Seymour

SWITZERLAND COUNTY COMMISSIONERS

Gary L. Scott, ~~President~~

Robert P. Bovard

Raymond Clifton

Dept. of Environmental Mgmt.
Commissioner's Office
JUN 24 1992

STATE OF INDIANA )
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IN RE: AMENDED PETITION FOR THE ESTABLISHMENT OF A REGIONAL SEWAGE DISTRICT FOR EAST ENTERPRISE AND THE AREA IMMEDIATELY SURROUNDING IT, IN COTTON TOWNSHIP OF SWITZERLAND COUNTY, INDIANA.

The Switzerland County Council, and the Switzerland County Commissioners petition the Department of Environmental Management pursuant to I.C. 13-3-2-3 for the establishment of a regional sewage district as follows:

1. The proposed name of such district would be:

EAST ENTERPRISE REGIONAL SEWAGE DISTRICT

2. The principal office for such proposed district would be located within such district in Cotton Township of Switzerland County, Indiana.

3. The sanitary sewage needs of those residents now residing within such proposed district are currently being met with individual and private septic systems.

4. Upon formation of such district, it would further be proposed to construct and operate a sanitary sewage system that would collect and treat the sanitary sewage of the residents of such district.

5. 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 and for those residents and others who might utilize the area for enjoyment or any other purpose.

6. 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 reservoirs which provide water to the East Enterprise area.

7. Some of the residents 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.

8. The proposed district is intended at this time to encompass all property within the hatched service area shown on the attached map.

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

10. Petitioners recommend that the Board of Trustees of such proposed district, if formed, be selected by appointment by the County Commissioners of Switzerland County for ultimately staggered four year terms.

11. Initial estimates for the cost of the proposed system are projected to be SEVEN HUNDRED THIRTY-TWO THOUSAND AND NO/100 DOLLARS ($732,000.00).

12. The initial estimates for the cost of operation and maintenance of such system once constructed are projected to be THIRTY THOUSAND AND NO/100 DOLLARS ($30,000.00) annually.

13. Revenue bonds would be sold by such district, if formed, to raise sufficient funds to pay for the cost of the construction of such system and for other costs relative to the construction thereof.

14. User fees would be charged to the residents and/or property owners of the district in order to repay the amount of such bonds and in order to operate and maintain such system.

WHEREFORE, Petitioner would request that the Department of Environmental Management determine this petition to be sufficient, and that pursuant to I.C. 13-3-2-4 that agency appoint a hearing officer, who shall then proceed to act upon this petition as required by law.

Dated this 1st day of June, 1992.

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Charles Seymour

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Raymond Clifton

Dept. of Environmental Mgmt.
Commissioner's Office
JUN 24 1992

STATE OF INDIANA )
) SS:
COUNTY OF SWITZERLAND )

IN RE: AMENDED PETITION FOR THE ESTABLISHMENT OF A REGIONAL SEWAGE DISTRICT FOR EAST ENTERPRISE AND THE AREA IMMEDIATELY SURROUNDING IT, IN COTTON TOWNSHIP OF SWITZERLAND COUNTY, INDIANA.

The Switzerland County Council, and the Switzerland County Commissioners petition the Department of Environmental Management pursuant to I.C. 13-3-2-3 for the establishment of a regional sewage district as follows:

1. The proposed name of such district would be:

EAST ENTERPRISE REGIONAL SEWAGE DISTRICT

2. The principal office for such proposed district would be located within such district in Cotton Township of Switzerland County, Indiana.

3. The sanitary sewage needs of those residents now residing within such proposed district are currently being met with individual and private septic systems.

4. Upon formation of such district, it would further be proposed to construct and operate a sanitary sewage system that would collect and treat the sanitary sewage of the residents of such district.

5. 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 and for those residents and others who might utilize the area for enjoyment or any other purpose.

6. 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 reservoirs which provide water to the East Enterprise area.

7. Some of the residents 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.

8. The proposed district is intended at this time to encompass all property within the hatched service area shown on the attached map.

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

10. Petitioners recommend that the Board of Trustees of such proposed district, if formed, be selected by appointment by the County Commissioners of Switzerland County for ultimately staggered four year terms.

11. Initial estimates for the cost of the proposed system are projected to be SEVEN HUNDRED THIRTY-TWO THOUSAND AND NO/100 DOLLARS ($732,000.00).

12. The initial estimates for the cost of operation and maintenance of such system once constructed are projected to be THIRTY THOUSAND AND NO/100 DOLLARS ($30,000.00) annually.

13. Revenue bonds would be sold by such district, if formed, to raise sufficient funds to pay for the cost of the construction of such system and for other costs relative to the construction thereof.

14. User fees would be charged to the residents and/or property owners of the district in order to repay the amount of such bonds and in order to operate and maintain such system.

WHEREFORE, Petitioner would request that the Department of Environmental Management determine this petition to be sufficient, and that pursuant to I.C. 13-3-2-4 that agency appoint a hearing officer, who shall then proceed to act upon this petition as required by law.

Dated this 1st day of June, 1992.

SWITZERLAND COUNTY COUNCIL

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SWITZERLAND COUNTY COMMISSIONERS

Gary L. Scott, ~~President~~

Robert P. Bovard

Raymond Clifton

8/17 Area Flood mit. action DK 14728

Dept. of Environmental Mgmt.
Commissioner's Office
AUG 14 1991

STATE OF INDIANA )
) SS:
COUNTY OF SWITZERLAND )

IN RE: PETITION FOR THE ESTABLISHMENT OF A REGIONAL SEWAGE DISTRICT FOR EAST ENTERPRISE AND THE AREA IMMEDIATELY SURROUNDING IT, IN COTTON TOWNSHIP OF SWITZERLAND COUNTY, INDIANA.

The Switzerland County Council, Switzerland County Commissioners ~~and the Department of Natural Resources~~ petition the Department of Environmental Management pursuant to I.C. 13-3-2-3 for the establishment of a regional sewage district as follows:

1. The proposed name of such district would be:

EAST ENTERPRISE REGIONAL SEWAGE DISTRICT

2. The principal office for such proposed district would be located within such district in Cotton Township of Switzerland County, Indiana.

3. The sanitary sewage needs of those residents now residing within such proposed district are currently being met with individual and private septic systems.

4. Upon formation of such district, it would further be proposed to construct and operate a sanitary sewage system that would collect and treat the sanitary sewage of the residents of such district.

5. 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 and for those residents and others who might utilize the area for enjoyment or any other purpose.

6. 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 reservoirs which provide water to the East Enterprise area.

7. Some of the residents 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.

8. The proposed district is intended at this time to encompass all property within the hatched service area shown on the attached map.

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

10. Petitioners recommend that the Board of Trustees of such proposed district, if formed, be selected by vote of the residents of the district for ultimately staggered four year terms and that such district be divided in four districts with one trustee being elected at-large without any residence requirement other than residing within the district, although all trustees would be voted upon and elected by all residents of the district.

11. Initial estimates for the cost of the proposed system are projected to be SEVEN HUNDRED THIRTY-TWO THOUSAND AND NO/100 DOLLARS ($732,000.00).

12. The initial estimates for the cost of operation and maintenance of such system once constructed are projected to be THIRTY THOUSAND AND NO/100 DOLLARS ($30,000.00) annually.

13. Revenue bonds would be sold by such district, if formed, to raise sufficient funds to pay for the cost of the construction of such system and for other costs relative to the construction thereof.

14. User fees would be charged to the residents and/or property owners of the district in order to repay the amount of

such bonds and in order to operate and maintain such system.

WHEREFORE, Petitioner would request that the Department of Environmental Management determine this petition to be sufficient, and that pursuant to I.C. 13-3-2-4 that agency appoint a hearing officer, who shall then proceed to act upon this petition as required by law.

Dated this 5th day of August, 1991.

SWITZERLAND COUNTY COUNCIL

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Raymond Clifton

Raymond Clifton

~~INDIANA DEPARTMENT OF NATURAL RESOURCES~~

Director

Contact; Ronald J. Hocker
1-812-427-2137
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July 24,1992

Anita Kimmell

Chip Landman
Rosemary Spalding

Jim Roesinger

East Enterprise Regional Sewer District (RSD)

East Enterprise Regional Sewer District (RSD) was formed in January 1992. On the RSD, through its attorney Ron Hocker, filed a petition to amend the RSD plan. The amendment involved changing the manner in which the members of the District Board of Trustees were chosen (I.E. from elected to appointed). No one objected to the formation of the district and presumably no one would object to the amendment.

The standard operating procedure regarding modification of plans is to publish a notice in the local paper allowing thirty (30) days for comment (example attached). If no comments/objections are received, no hearing is held and vice versa.

Mr. Hocker, attorney for the RSD is concerned because the notice has not been published and a thirty (30) day delay will adversely effect project funding. Mr. Hocker wants an Order approving his amended plan ASAP. Hocker did not inform me of any deadline at the time he submitted his amended petition. He did indicate that one of the Commissioners in the county was a friend of the Governor and that he might contact him.

Options

(1) Follow SOP and publish a notice in the local paper allowing thirty (30) day comment period.

(2) Publish notice of the modification and a copy of the Order signed by Commissioner Prosser.

Analysis

The RSD statute specifically gives the Department the power to amend RSD plans (IC 13-3-2-9). The statute is silent as to any obligation to give notice to anyone in any specific manner. The general notice provisions of the AAA would apply (IC 4-21.5-3-6). The Order would be effective fifteen (15) days from date served unless an appeal was filed.

The thirty (30) day comment period which is currently followed simply provides additional time in which to receive comments. It also implies that the Order