INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Evan Bayh
Governor
Kathy Prosser
Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:)
THE FORMATION OF)
THE EAST ENTERPRISES REGIONAL) CAUSE NO. 91-W-J-554
SEWAGE DISTRICT.)

ORDER GRANTING MODIFICATION OF THE EAST ENTERPRISE REGIONAL SEWAGE DISTRICT

Come now the Switzerland County Council and the Switzerland County Commissioners has submitted a petition to modify the plan of the East Enterprise Regional Sewage District which reads as follows:

[H.I.]

and the Commissioner being duly advised in the premises now grants said petition.

IT IS NOW ORDERED BY THE Commissioner that the plan of the East Enterprise Regional Sewage District is amended to state that the District Board of Trustees shall be selected by appointment by the County Commissioners of Switzerland County. Further, the members of the Board of Trustees of the District shall serve staggered terms of four (4) years as designated by the County Commissioners of Switzerland County. In all other respects the East Enterprise Regional Sewer District plan remains unchanged and in full force and effect.

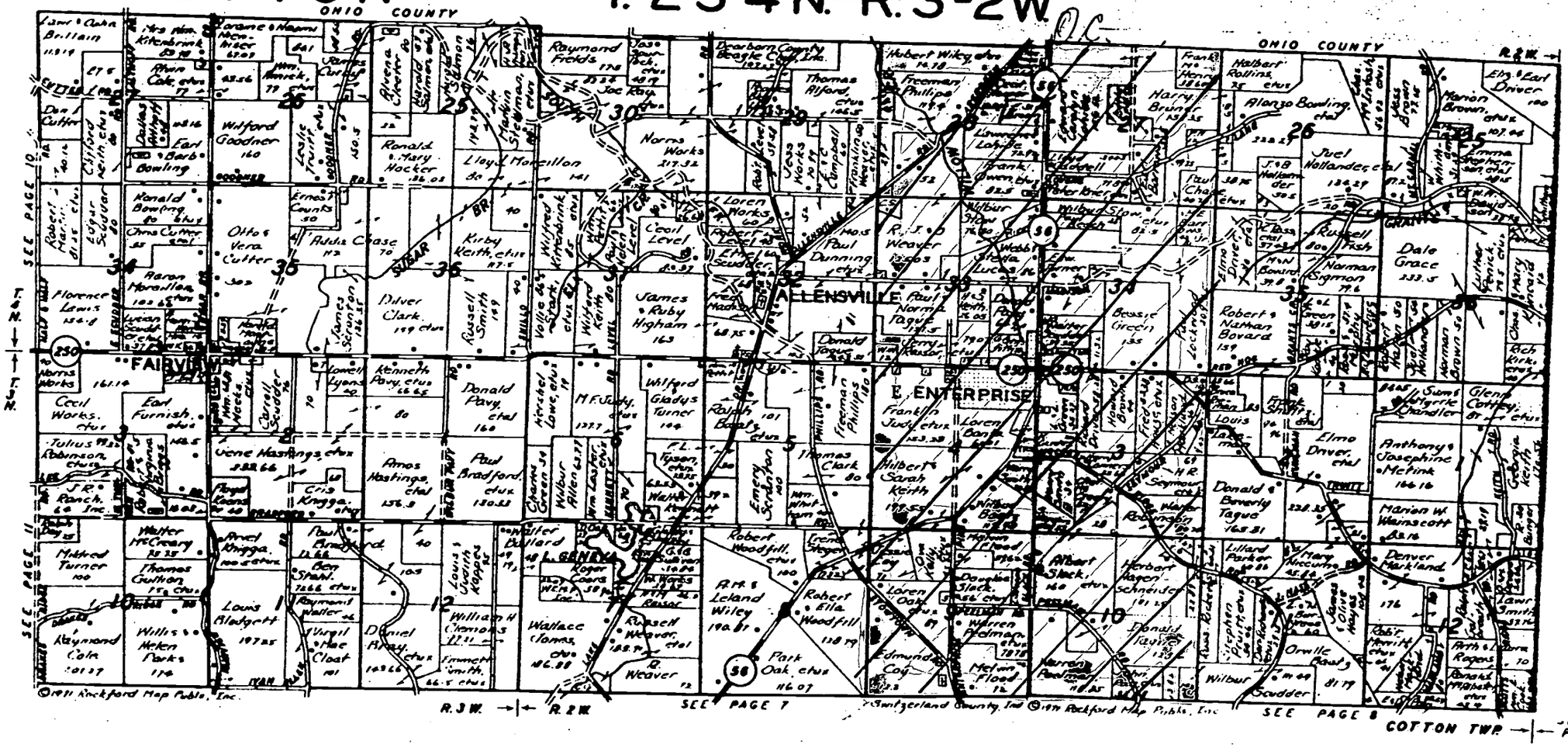
This order becomes effective eighteen (18) days after the date of this order unless a person agrieved or adversely affected by the permit files an appeal. An appeal is initiated by filing a written petition for administrative review with the Technical Secretary pursuant to IC 4-21.5-3-7, within eighteen days of the date of this order's publication.

All of which is ORDERED at Indianapolis, Indiana, this 13 day of ~~July~~ August, 1992.

Kathy Prosser
Commissioner, Indiana
Department of Environmental
Management

WEST PART COTTON

T. 2-3-4 N.–R. 3-2W.



Date: Aug 12 1992

To: Distribution

From: Cagnina, Jim P.

Re: East Enterprise Regional Sewer District.

They submitted an amended petition to form the board. Do you know the status of this? If not please check with Penrod's office. Thanks. I would like to get back to these people this afternoon.

8/17 TALKED TO JIM ROESINGER - SAID ORDER WAS SIGNED AND SENT TO THERE ATTORNEY WHO WILL PUBLISH IN LOCAL PAPER.

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August 14, 1992

Vevay Reveille - Enterprise/
Switzerland Democrat
P. O. Box 157
Vevay, Indiana 47043

A Notice of Modification of the Plan of the East Enterprise Regional Sewage District and Order Granting Modification of the East Enterprise Regional Sewage District are enclosed for publication in your newspaper.

The Notice and Order are to be published one (1) time on Thursday, August 20, 1992.

Please submit proof of publication and a claim for payment for publication of the legal advertisement.

Sincerely,

James C. Roesinger
Staff Attorney
Office of Legal Counsel

Enclosure

cc: Ronald Hocker

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE

NOTICE OF MODIFICATION OF THE PLAN OF THE
EAST ENTERPRISE REGIONAL SEWAGE DISTRICT

Office of Legal Counsel
105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-7696

The East Enterprise Regional Sewage District (District) has received approval from the Commissioner of the Indiana Department of Environmental Management (Commissioner) to modify its plan as originally adopted by the Commissioner by Order dated January 27, 1992.

Specifically the District Board of Trustees is authorized to be selected by appointment of the County Commissioners of Switzerland County. The members of the Board of Trustees of the District shall serve staggered terms of four (4) years as designated by the County Commissioners of Switzerland County.

!36731 sh 7-23-92

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE

Notice of Intent to Modify the Plan of the Western Wayne Regional Sewer District

Office of Legal Counsel
105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317)/232-8515

The Western Wayne Regional Sewer District (District) has applied for approval from the Commissioner of the Indiana Department of Environmental Management to modify its plan as originally adopted by the Indiana Stream Pollution Control Board which created the District by Order dated September 17, 1974, in Cause No. B-240.

More specifically, the District is requesting that the Town of East Germantown and the Town of Milton now be excluded from the District, which would leave the incorporated areas of the Town of Cambridge City, the Town of Dublin and the Town of Mount Auburn as the territory included within the District. The District is further requesting that its Board of Trustees, consisting of nine (9) members, be reconstituted as follows:

One (1) member representing the Town of Cambridge City whose term expires January 1, 1990.

One (1) member representing the Town of Cambridge City whose term expires January 1, 1991.

Two (2) members representing the Town of Cambridge City whose terms expire January 1, 1992.

One (1) member representing the Town of Dublin whose term expires January 1, 1990.

One (1) member representing the Town of Dublin whose term expires January 1, 1991.

One (1) member representing the Town of Dublin whose term expires January 1, 1992.

One (1) member representing the Town of Mount Auburn whose term expires January 1, 1991.

One (1) member representing the Town of Mount Auburn whose term expires January 1, 1992.

PROCEDURE FOR ISSUANCE OF A FINAL DECISION

A. Comment Period

Interested persons are invited to submit written comments on the request of the District to modify its òrigianl plan. Comments should be submitted so that they are received no later than thirty (30) days from the date of this Public Notice. All comments should be mailed or delivered to:

Mr. Ihor N. Boyko
Office of Legal Counsel
Indiana Department of Environmental Management
105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46205-6015

All written comments received no later than thirty (30) days from the date of this Public Notice will be considered in issuing a final decision. Only comments regarding factors relevant to a final decision under I.C. 13-3-2 will receive a response.

B. Public Hearing

The Indiana Department of Environmental Management shall hold a public hearing if there is a significant degree of public interest in the proposal. Public Notice of such a hearing will be circulated in at least one newspaper in the geographical area of the site and to those persons submitting comments at least thirty (30) days prior to the hearing. A public hearing may be requested by submitting a written request along with any comments to the above address.

GENERAL INFORMATION

The District's request to modify its original plan, any comments received, and other information may be inspected at the Office of Legal Counsel, 105 South Meridian Street, P.O. Box 6015, Indianapolis, Indiana 46206-6015, at any time between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding official holidays. Documents may be copied at a cost of 15 per page. Please bring this notice to the attention of persons who may be interested in this matter.

State Form 4336

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

INDIANAPOLIS

OFFICE MEMORANDUM

DATE: August 7, 1992

TO: Chip Landman

THRU: Anita Kimmell

FROM: Jim Roesinger

SUBJECT: East Enterprise Regional Sewer District (RSD)

East Enterprise Regional Sewer District (RSD) was formed in January 1992. The RSD, through its attorney Ron Hocker, has 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 an RDS plan 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.

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 is not statutorily required. The fifteen (15) day appeal period provided under the Administrative Adjudication Act provides sufficient opportunity to be heard.

Recommendation: The Commissioner should sign the Order regarding the modification and both the Notice of Modifications and the Order should be published.