INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

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STATE OF INDIANA)		BEFORE THE INDIANA DEPARTMENT
)	SS:	OF ENVIRONMENTAL MANAGEMENT
COUNTY OF MARION)		
IN THE MATTER OF:)		
)		
THE FORMATION OF THE)		
EVERTON REGIONAL)		CAUSE NO. 92-W-J-662
SEWER DISTRICT)		

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

FINDINGS OF FACT

1. On May 15, 1992, the Fayette County Council and Fayette County Commissioners, petitioned the Indiana Department of Environmental Management for an Order establishing a Regional Sewer District, to be known as the Everton Regional Sewer District, in Fayette County, Indiana.

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

3. A public hearing was held on June 11, 1992, at the Everton Community Center.

4. Notice of said hearing was given by publication in a newspaper of general circulation in Fayette County 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 Everton Regional Sewer District.

6. The principle office of the proposed District would be the Everton Water Office, R. R. #3, Connorsville, Indiana.

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 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.

12. The proposed District would include the following area:

    Beginning at a point where the extension of Fayette County Road 150 South intersects the centerline of the West Fork of the Whitewater River; thence, East along the centerline of said County Road 150 South and its line extended to the Fayette-Union County line; thence, South with the Fayette-Union County line to the Fayette-Franklin County line; thence, West with the Fayette-Franklin County line to the Range line dividing Range 13 East and Range 12 East; thence, North on said Range line to its intersection with Fayette County Road 510 South; thence, Westerly with the centerline of said County Road 510 South and its extension to the centerline of the Whitewater River; thence, Northerly with the centerline of the Whitewater River to the point of beginning.

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 five (5) members, to be appointed by the Fayette County Commissioners.

15. That the estimated cost of construction in the District is estimated to be $1,514,000.00.

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 Sewer District, to be known as the Everton Regional Sewer 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 provide collection and disposal of residential sewage of the residents of the District.

3. That the District shall include the following area:

   Beginning at a point where the extension of Fayette County Road 150 South intersects the centerline of the West Fork of the Whitewater River; thence, East along the centerline of said County Road 150 South and its line extended to the Fayette-Union County line; thence, South with the Fayette-Union County line to the Fayette-Franklin County line; thence, West with the Fayette-Franklin County line to the Range line dividing Range 13 East and Range 12 East; thence, North on said Range line to its intersection with Fayette County Road 510 South; thence, Westerly with the centerline of said County Road 510 South and its extension to the centerline of the Whitewater River; thence, Northerly with the centerline of the Whitewater River to the point of beginning.

4. The Board of Trustees of the District shall consist of five (5) members, appointed by the Fayette County Commissioners to initial terms of one (1), two (2), three (3), four (4), and five (5) year terms and five (5) year terms thereafter.

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: June 12, 1992

James M. Garrettson
Administrative Law Judge

Enclosure

Mailing List:

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