STATE OF INDIANA

STREAM POLLUTION CONTROL BOARD

INDIANAPOLIS 46206

1330 West Michigan Street
633-5467

VIA CERTIFIED MAIL

FINDINGS OF FACT AND RECOMMENDATIONS OF ROBERT G. GRANT, HEARING OFFICER BEFORE THE STREAM POLLUTION CONTROL BOARD OF THE STATE OF INDIANA

IN THE MATTER OF THE PETITION OF THE BOARDS OF TRUSTEES FOR THE TOWNS OF PENDLETON AND INGALLS, INDIANA, FOR THE FORMATION OF A REGIONAL SEWAGE DISTRICT TO BE KNOWN AS THE FALL CREEK REGIONAL WASTE DISTRICT, MADISON COUNTY, INDIANA, PURSUANT TO IC 1974, 19-3-1.1

CAUSE NO. B-254

Upon receipt of the petition of the Board of Trustees of the Towns of Pendleton and Ingalls, Madison County, Indiana for the establishment of a Regional Sewage District pursuant to the provisions of IC 1971, 19-3-1.1. The Stream Pollution Control Board of the State of Indiana, pursuant to the provisions of IC 1971, 19-3-1.1-5, issued notice of hearing, by publication in the Pendleton Times, the Anderson Herald and the Anderson Bulletin on October 3, 10, 14, 15, 1974.

Hearing was held on October 15, 1974, in the shelter house of the city park, Pendleton, Indiana, Robert G. Grant, hearing officer.

The petitioners were represented by Walter Johnson, Attorney at Law, Fortville, Indiana.

SUMMARY OF TESTIMONY

John S. Vasconi, Executive Director of the Madison County Council of Governments, presented background information leading up to filing the petition. After eight meetings between the Towns of Ingalls and Pendleton, the firm of Beam, Longest and Neff was hired to conduct an engineering and cost feasibility report for the district. Mr. Vasconi further reported population trends and expectations for the district and surrounding areas indicating present and future growth potential in Fall Creek Township. It was also reported that there is a large population in the unincorporated areas of Huntsville and South Anderson that need adequate sewage disposal.

Eric Reske, Executive Vice President of Beam, Longest and Neff reported that the present sewage disposal in the proposed district is inadequate to meet the needs of the population. The Town of Pendleton has a 27 year old treatment facility with a capacity of 212,000 gallons per day. The present system is subject to overloading and the equipment is in need of repair and extensive renovation. The Town of Ingalls has no sewage treatment facility and the population is dependent upon individual septic systems.

His studies further revealed that through regionalization the needs of the Towns of Pendleton and Ingalls along with the Indiana State Reformatory could be met at the optimal rate.

Thomas Keesling, Water Quality Planner for the Indiana State Board of Health reported that the Planning Section was in favor of the proposed district. However, it was felt that the district might be more cost effective if the Town of Fortville were included in the district. It was not his wish or that of the Board of Health that the boundaries of the district be changed at this time. It is recommended that when the district is formed that a cost effective analysis for serving the Town of Fortville be initiated. If the study indicates that serving the Town would be cost effective, it is recommended that the district invite the Town of Fortville to join the district.

There was a general discussion of the proposed project among those present; however, no objections were offered to the establishment of the proposed Fall Creek Regional Waste District.

FINDINGS OF FACT

1. That the Board of Trustees for the Towns of Pendleton and Ingalls, Madison County, Indiana, authorized by their respective advisory boards, filed a petition before the Stream Pollution Control Board of the State of Indiana, for an order establishing a regional sewage district pursuant to IC 1971, 19-3-1.1.

2. That the Stream Pollution Control Board at its meeting on September 17, 1974, by motion duly made seconded and unaminously passed, determined that a sufficient petition had been filed in accordance with IC 1971, 19-3-1.1, and Appointed Robert Grant as Hearing Officer.

3. That notice of public hearing was published on the 3, 10, 14, 15 of October, 1974, in the Pendleton Times, Anderson Herald and Anderson Bulletin.

4. That a public hearing on said petition was held on October 15, 1974, in the shelter house of the Pendleton City Park.

5. The proposed name of the district is the Fall Creek Regional Waste District with its principal office in Pendleton, Indiana.

6. That the area to be served by the district contains no political subdivision having the economic capabilities for the collection, treatment and disposal of sewage.

7. That the purpose to be accomplished by said district shall be to provide for sewage collection and disposal so as to promote the public health, safety and welfare of the district.

8. That there is no existing indebtedness in the proposed district.

9. That the economic growth and development of the area of the proposed district is limited due to the lack of adequate sewage facilities.

10. That the proposed project appears economically feasible.

11. That the territory to be served by the district will consist of the incorporated areas of the Towns of Pendleton and Ingalls, Indiana.

RECOMMENDATIONS OF THE HEARING OFFICER:

1. That a regional sewage district, to be known as the Fall Creek Regional Waste District, be organized as an independent political entity of the State of Indiana and as a body corporate and political.

2. That the purpose to be accomplished by said district is to provide for the collection, treatment and disposal of sewage.

3. That the territory to be included in the district will include the incorporated areas of the Towns of Pendleton and Ingalls, Indiana.

4. That the district be governed by a Board of Trustees consisting of nine (9) members to be appointed by the Town Board Presidents of Pendleton and Ingalls as follows:

   1) The Town of Pendleton shall appoint five (5) members to the Board of Trustees. Such members shall be residents of said District.

      a) Two (2) appointments by the President of Pendleton Town Board shall serve four (4) years;

      b) One (1) appointment shall serve three (3) years;

      c) One (1) appointment shall serve two (2) years;

      d) One appointment shall serve one (1) year.

   2) The Town of Ingalls shall appoint four (4) members to the Board of Trustees. Such members shall be residents of said District.

      a) One appointment by the President of Ingalls Town Board shall serve four (4) years;

      b) Two (2) appointments shall serve three (3) years;

      c) One appointment shall serve two (2) years.

5. That the Board of Trustees shall provide sufficient bond for all officers, Trustees or employees who have any power to dispense 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 during a fiscal year of the district, divided by six (6), which amount shall be determined annually by the Board of Trustees.

6. That said district shall conduct a feasibility study to determine the cost effectiveness of serving Huntsville, South Anderson and Fortville. If the analysis indicates cost-effectiveness the district shall invite the township trustees of those townships containing Huntsville and South Anderson and the Town of Fortville to petition to join the district.

7. Six months from the date of this order, the Fall Creek Regional Waste District shall file with the Stream Pollution Control Board of the State of Indiana, a detailed plan for the construction and operation of the district's facilities pursuant to the provisions of IC 1971, 19-3-1.1-5 (a).

Dated at Indianapolis this 22nd day of October, 1974.

Robert G. Grant
Hearing Officer
Stream Pollution Control Board
of the State of Indiana