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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 )
FLORENCE REGIONAL SEWAGE DISTRICT) CAUSE NO. 91-W-J-603

3/2/92

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

### FINDINGS OF FACT

1. On December 4, 1991, the Switzerland County Council and Switzerland County Commissioners, petitioned the Indiana Department of Environmental Management for an Order establishing a Regional Sewage District, to be known as the Florence 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 the 27th day of February, 1992 at the Florence Christian Church, Florence, Indiana.

4. Notice of said hearing was given by publication in a newspaper of general circulation in Switzerland 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 Florence Regional Sewage District.

6. The principle office of the proposed District would be within said District.

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 a part of York Township and a part of Jefferson Township of Switzerland County, Indiana described as follows:

    Beginning at the Northeast corner of Section 31, Township 2 North, Range 1 West; thence South to the Ohio River; thence Westerly with the Ohio River to Log Lick Creek; thence Northeasterly with Log Lick Creek to the West line of Section 3, Township 1 North, Range 2 West; thence North with said West line of Section 3 to the Northwest corner of said Section; thence East with the North line of Sections 2 and 3 to the Northeast corner of Section 2; thence North with the West line of Section 36, Township 2 North, Range 2 West to the Northwest corner of said Section 36; thence East with the North lines of Section 36 and Section 31 to the point of beginning.

    Containing all of Sections 1, 2 and 3, T1N, R2W; Section 6, T1N, R1W; Section 31, T2N, R1W; Section 36, T2N, R2W located in York Township and that part of Section 4, T1N, R2W that lies East of the center of Log Lick Creek in Jefferson Township.

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 members to be appointed to staggered terms of five (5) years each.

15. That the estimated cost of construction in the District is estimated to be $600,000.00.

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 Sewage District, to be known as the Florence 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 construct and operate a sanitary sewage system.

3. That the District shall include: A part of York Township and a part of Jefferson Township of Switzerland County, Indiana described as follows:

   Beginning at the Northeast corner of Section 31, Township 2 North, Range 1 West; thence South to the Ohio River; thence Westerly with the Ohio River to Log Lick Creek; thence Northeasterly with Log Lick Creek to the West line of Section 3, Township 1 North, Range 2 West; thence North with said West line of Section 3 to the Northwest corner of said Section; thence East with the North line of Sections 2 and 3 to the Northeast corner of Section 2; thence North with the West line of Section 36, Township 2 North, Range 2 West to the Northwest corner of said Section 36; thence East with the North lines of Section 36 and Section 31 to the point of beginning.

   Containing all of Sections 1, 2 and 3, T1N, R2W, Section 6, T1N, R1W; Section 31, T2N, R1W; Section 36, T2N, R2W located in York Township and that part of Section 4, T1N, R2W that lies East of the center of Log Lick Creek in Jefferson Township.

4. The Board of Trustees of the District shall consist of five (5) members to be appointed by the Switzerland County Commissioners for initial terms of one (1), two (2), three (3), four (4) and five (5) year terms, respectfully, initially 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: March 2, 1992

James M. Garrettson
Administrative Law Judge

Enclosure