STATE OF INDIANA)		BEFORE THE INDIANA DEPARTMENT
)	SS:	OF ENVIRONMENTAL MANAGEMENT
COUNTY OF MARION)		

IN THE MATTER OF:)
THE FORMATION OF THE)
GREENE COUNTY)
REGIONAL SEWER DISTRICT)

FINDINGS OF FACT AND RECOMMENDED ORDER

OF THE HEARING OFFICER

FINDINGS OF FACT

1. On or about June 20, 2011, the Greene County Council and the Greene County Commissioners petitioned the Indiana Department of Environmental Management (IDEM) for an Order to establish a regional sewer district in Greene County.

2. The submitted petition complies with the provisions of IC 13-26-2.

3. The proposed name of the regional sewer district is the Greene County Regional Sewer District (Greene County RSD).

4. A public hearing was held on September 22, 2011, at the Richland-Taylor Township Fire Department, 7550 South West Gate Road, Scotland, IN.

5. Notice of the hearing was given by publication in "The Greene County Daily World", "The Shopper", and "The Jasonville Independent".

6. The principle office of the Greene County RSD shall be located at The Rowe Law Firm, LLC, Rural Route 1, Box 988, Linton, Indiana 47441. The Greene County RSD Board of Trustees (Greene County RSD Board), upon formation, may relocate the office upon written notice to IDEM.

7. The sanitary sewage needs of those residents now residing within the proposed territory of the Greene County RSD are currently being met with septic systems, some of which are failing.

8. The residents located within the boundaries of the proposed Greene County RSD currently obtain their water for drinking and other purposes from Eastern Heights Utility Company and individual wells. Contamination from failing septic systems may detrimentally affect the water quality and public health within the proposed Greene County RSD boundaries.

9. The current method of collection and disposal of the sanitary sewage of some of the residents located within the proposed boundaries of the Greene County RSD detrimentally affects the water quality and public health of residents located in the proposed Greene County RSD boundaries.

10. The Greene County RSD is being formed to provide for the collection, treatment, and disposal of sewage within the district pursuant to IC 13-26-1-1. Upon formation, the Greene County RSD may construct and operate a system that will collect and treat the sanitary sewage of the residents of the Greene County RSD. The Greene County RSD may contract with a district or municipality to meet the sewage treatment needs of the residents of the Greene County RSD. The Greene County RSD may implement a septic maintenance and management program as needed.

11. Options for the treatment and collection of wastewater have been preliminarily studied and a construction permit was submitted by the Greene County Commissioners to IDEM on June 4, 2010. IDEM approved the construction permit on July 6, 2010 (permit # 19715).

12. The territory to be included in the District will include all of the unincorporated area of Scotland, Indiana, which is located in Greene County.

13. The proposed Greene County RSD has no outstanding indebtedness.

14. The estimated monthly sewage rate is projected to be approximately $45.00, provided the Greene County RSD pursues and receives public funding as needed.

15. The Greene County RSD shall apply for available public funding as needed.

16. The operation and maintenance costs of the Greene County RSD will be derived from monthly user fees.

17. The Greene County RSD appears capable of accomplishing the purposes for which it was formed in an economically feasible manner, provided it maximizes all practicable public funding options and receives anticipated grants.

18. The plan for financing the cost of operations of the Greene County RSD until it is in receipt of revenue from its operation or proceeds from the sale of bonds may include a forty (40) year loan from the United States Department of Agriculture (USDA) Rural Utility Services or the Indiana State Revolving Fund (SRF) and private contributions.

19. The Greene County RSD shall be governed by five (5) board members.

    A. The Greene County Council shall appoint two (2) members. The term shall expire January 31, 2013.

    B. The Greene County Commissioners shall appoint three (3) members. The term shall expire January 31, 2013.

C. All appointment terms, subsequent to expiration of the initial terms described above, shall be for a period of one (1) year.

D. In the event a vacancy occurs on the Greene County RSD Board, the appointing authority for that trustee shall appoint a new board member within forty five (45) days of the vacancy to complete the term of the vacant board member position(s).

20. The Greene County RSD Board shall provide sufficient bond for all officers and Trustees, or employees who have any power to disburse funds of the Greene County RSD.

21. The Greene County RSD must promote the public health, safety, convenience and welfare of its residents.

22. On or before September 12, 2012, the Greene County RSD shall file with the Commissioner of IDEM, a detailed plan (the "District Plan") for the construction and operation of Greene County RSD's facilities.

RECOMMENDED ORDER

The Hearing Officer recommends the following:

1. That a Regional Sewer District, to be known as the Greene County Regional Sewer District (Greene County RSD), be organized as an independent political entity of the State of Indiana as a body corporate and politic.

2. The purposes to be accomplished by the formation of the Greene County RSD are to provide for the collection, treatment, and disposal of sewage within its boundaries pursuant to IC 13-26-1-1.

3. The territory to be included in the District will include all of the unincorporated area of Scotland, Indiana, which is located in Greene County.

4. The Greene County RSD shall be governed by five (5) board members.

   A. The Greene County Council shall appoint two (2) members. The term shall expire January 31, 2013.

   B. The Greene County Commissioners shall appoint three (3) members. The term shall expire January 31, 2013.

   C. All appointment terms, subsequent to expiration of the initial terms described above, shall be for a period of one (1) year.

D. In the event a vacancy occurs on the Greene County RSD Board, the appointing authority for that trustee shall appoint a new board member within forty five (45) days of the vacancy to complete the term of the vacant board member position(s).

5. The Greene County RSD Board shall provide sufficient bond for all officers and Trustees or employees who have any power to disburse funds of the Greene County RSD.

6. The Greene County RSD must promote the public health, safety, convenience and welfare of its residents.

7. The Greene County RSD shall apply for all available public funding as needed.

8. Upon formation, the Greene County RSD may construct or contract for treatment, pumping, transmission, and storage and distribution systems for the municipal and rural supply needs.

9. On or before September 12, 2012, the Greene County RSD shall file with the Commissioner of IDEM, a detailed plan (the "District Plan") for the construction and operation of Greene County RSD's facilities.

Dated: October 27, 2011 Hearing Officer Lynne Newton