BEFORE THE WATER POLLUTION CONTROL BOARD
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:)
)
HANCOCK COUNTY REGIONAL WATER AND SEWER DISTRICT)

PETITION FOR ORGANIZATION OF A REGIONAL WATER AND SEWER DISTRICT

The Hancock County Commissioners hereby file this petition with the Water Pollution Control Board of the State of Indiana's Department of Environmental Management for the establishment of a regional water and sewer district pursuant to IC Section 13-3-2 et seq. In support of this petition the Commissioners state as follows:

1. The proposed regional water and sewer district shall be known as the "Hancock County Regional Water and Sewer District."

2. The principal offices of the proposed district will be located at the Hancock County Courthouse, 9 E. Main Street, Greenfield, Indiana, 46140.

3. The proposed district is necessary for the improvement of the health and welfare of the residents because, among other things, many residents are now connected to individual private septic systems that may be inadequate. The current method of sewage collection and disposal through individual and private septic systems may be creating current and future health problems for the residents of the proposed district in addition to detrimentally affecting the water quality of the area of the proposed district.

4. The proposed district is necessary for the improvement of the health and welfare of the residents because, among other things, many residents are now connected to individual wells that may be inadequate. The residents of the proposed district currently obtain their water for drinking and other personal uses from individual and private wells that can and may have been affected detrimentally by continued use of the present method of collection and disposal of the sanitary sewage of the residents of the proposed district, and which can and has produced water of inadequate quality or quantity due to the area's hydrology.

5. Development of the areas of the proposed district has been heavily impacted by the lack of centralized water service and/or centralized wastewater collection and treatment service.

6. There is currently no outstanding indebtedness for the purposes of the proposed district.

7. The area to be contained within the proposed district shall include all of Hancock County, excluding solely those areas served as at the date of formation of the proposed district by existing private, semi-public or public sanitary sewer utilities or water and sewer utilities (as described in Attachment A which is incorporated herein by reference).

8. On the date that the proposed district is approved and becomes effective, those areas served as of the formation of the proposed district by existing private, semi-public or public sanitary sewer utilities or water utilities listed in Attachment A may choose to obtain water and/or wastewater service from the proposed district by requesting the district to petition the Indiana Department of Environmental Management under Indiana Code 13-3-2-9 to be incorporated into the area of the new district after the district is formed. The Town of McCordsville has so requested as indicated by the signature of the President of the Town Council below. Upon approval of this petition, the Town of McCordsville will be included in the district.

9. The proposed district shall be governed by a Board of Trustees of five (5) members. Three members of the Board of Trustees shall be the three elected County Commissioners or other such persons as appointed by the Board of County Commissioners. The fourth member shall be appointed by the Board of County Commissioners. The fifth member shall be appointed by the Town Council of McCordsville. The initial term of office of each member of the Board of trustees shall be established as follows. The members of the Board of Trustees shall be divided into three classes. The first class shall include the member whose term as County Commissioner is the next term to expire (the "first Commissioner") or, if this County Commissioner is not appointed to the Board of Trustees, the member who is appointed by the County Commissioners in his place. The term of the trustee in the first class shall expire at the first meeting of the Board of Trustees that is after the expiration of the term of the first Commissioner as a member of the Board of County Commissioners. The second class shall include the member whose term as County Commissioner is the next term to expire after that of the first Commissioner (the "second Commissioner") or, if this County Commissioner is not appointed to the Board of Trustees, the member who is appointed by the County Commissioners in his place. The second class shall also include the fourth member appointed by the Board of County Commissioners. The term of the trustees in the second class shall expire at the first meeting of the Board of Trustees that is after the expiration of the term of the second Commissioner as a member of the Board of County Commissioners. The third class shall include the member whose term as County Commissioner is the next term to expire after that of the second Commissioner (the "third Commissioner") or, if this County Commissioner is not appointed to the Board of Trustees, the member who is appointed by the County Commissioners in his place. The third class shall also include the member appointed by the Town Council of McCordsville. The term of the trustees in the third class shall expire at the first meeting of the Board of Trustees that is after the expiration of the term of the third Commissioner as a member of the Board of County Commissioners. At each such meeting of the Board of Trustees referenced above at which the term of a member is expiring, new members shall be chosen for a term of three years to succeed those whose term expires. However, each member shall hold

office until his respective successor is appointed and qualified. In no event shall the term of a member exceed four years.

10. The proposed district intends to contract with one or more private parties for the provision of services. Those private parties will be responsible for financing all project costs, designing, and constructing the system without use of public funds or EPA construction grants, and for owning and operating the system under the oversight of the trustees who will be responsible for assuring that the contract's requirements for service are maintained and that sufficient service charges are established and collected to meet contractual obligations.

11. The initial project shall be developed in two areas of the county (as described in Attachment B which is incorporated herein by reference). Area A is approximately 26 square miles in northwestern Hancock County. Area B is approximately two square miles in and around the unincorporated town of Charlottesville in eastern Hancock County. Subsequent projects will be planned to provide water and/or sewer service in portions of the district to address the needs of existing development and potential future development. By organizing and developing the district in this way, environmental problems can be avoided in the developing areas of Hancock County. The major reasons for developing the district are:

a. The existing topography of the area makes drainage difficult. The land is generally level and provides little or no drainage relief.

b. A majority of the Hancock County soils are classified as deep, very poorly drained, moderately fine texture, nearly level soils formed in glacial till on uplands. These soils are limited for uses associated with residential development.

c. Presently in the northern part of area A there are approximately 400 single family dwellings. Potential development could bring the total number of single family dwellings in this area to 5,200. This potential development could create new problems similar to those experienced with many of the existing septic systems in the area, or potential development could be severely inhibited because of these problems.

d. Presently sewer service to the Mount Comfort Airport and surrounding area is inadequate. The potential for expansion of the airport and commercial development around the airport and the I-70/Mount Comfort Road interchange could bring the number of equivalent dwelling units to 6,000. A sewer system and centralized treatment facility are needed to adequately and efficiently serve this area.

e. The existing septic systems in area B (Charlottesville) are inadequate. A sewer system and treatment facility are needed to address the threats to the health of residents in this area.

The initial project will consist of gravity collector sewers, pump stations and treatment plants to serve areas A and B. The project is estimated to cost approximately $7.4 million. The

system in area A will be expanded in subsequent phases to provide additional capacity as development occurs, minimizing the initial capital cost. The proposed rates for this initial project could range between $35 and $55 month per equivalent dwelling unit. The proposed connection fee could range from $750 to $1,500 per equivalent unit for existing development and from $2,000 to $4,000 per equivalent unit for new development. These rates are comparable to the rates of other areas served by similar sized districts. The estimated cost of operating and maintaining the initial phase of the project ranges between $150,000 and $700,000 annually, depending on the level of wastewater flow handled by the system.

12. Authorization for entities included in this plan is provided by the Hancock County Commissioners and the Hancock County Council, which has fiscal responsibility for all areas of the county included in the plan. Authorizing signatures of both authorities are attached to this plan.

The undersigned petitioners request that the Indiana Department of Environmental Management determine this petition to be sufficient and, pursuant to IC 13-2-2-4, to appoint a hearing officer to act upon this petition as required by law.

Signed this 8th day of March 1995, by the HANCOCK COUNTY BOARD OF COMMISSIONERS, the HANCOCK COUNTY COUNCIL, and the TOWN COUNCIL OF McCORDSVILLE.

HANCOCK COUNTY COMMISSIONERS

William I. Silvey

Armin Apple

Roger Wilson

ATTEST: Marilyn W. Coates
Hancock County Auditor

HANCOCK COUNTY COUNCIL

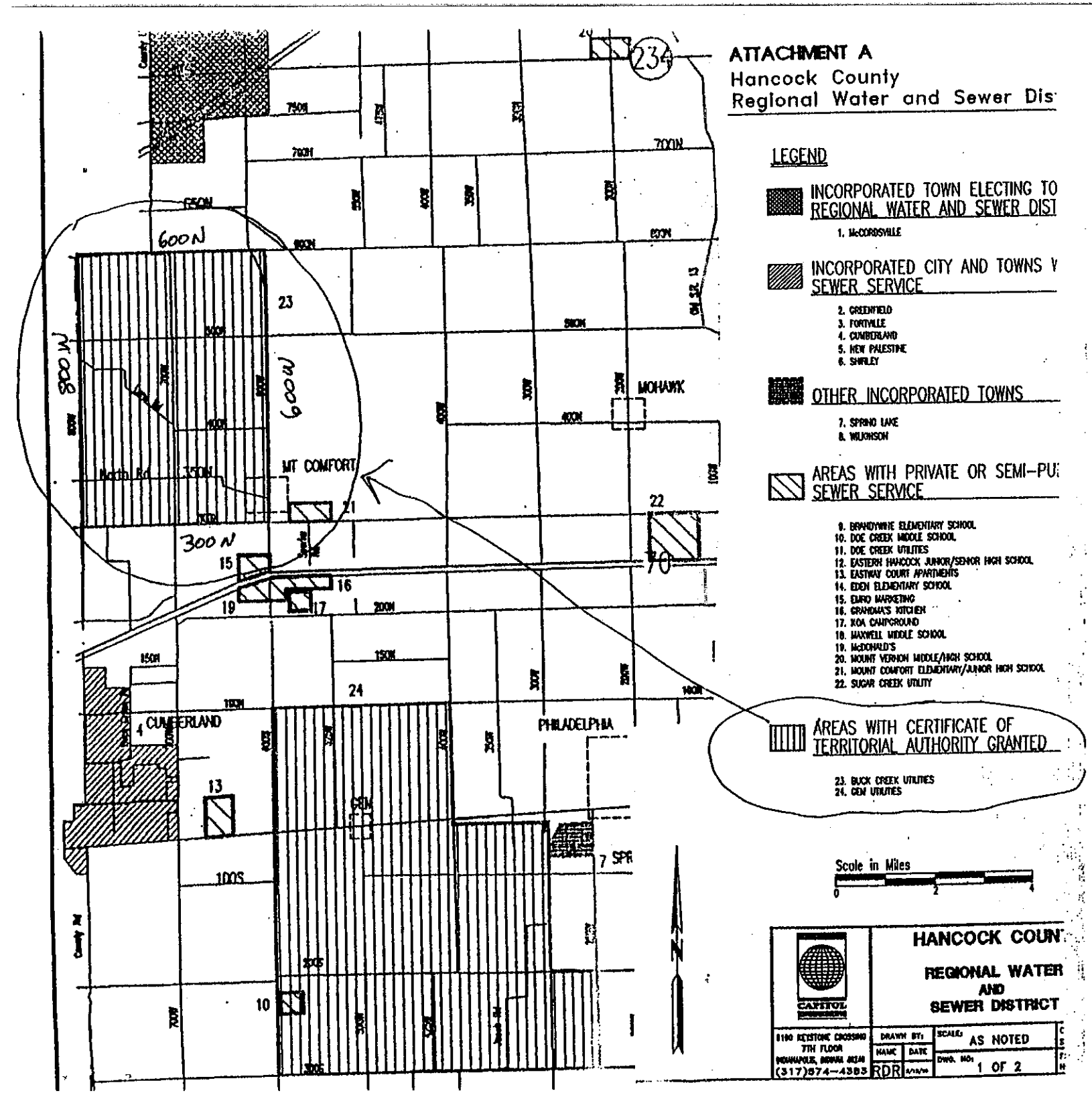
BY: Richard M Pickett
Richard Pickett, President

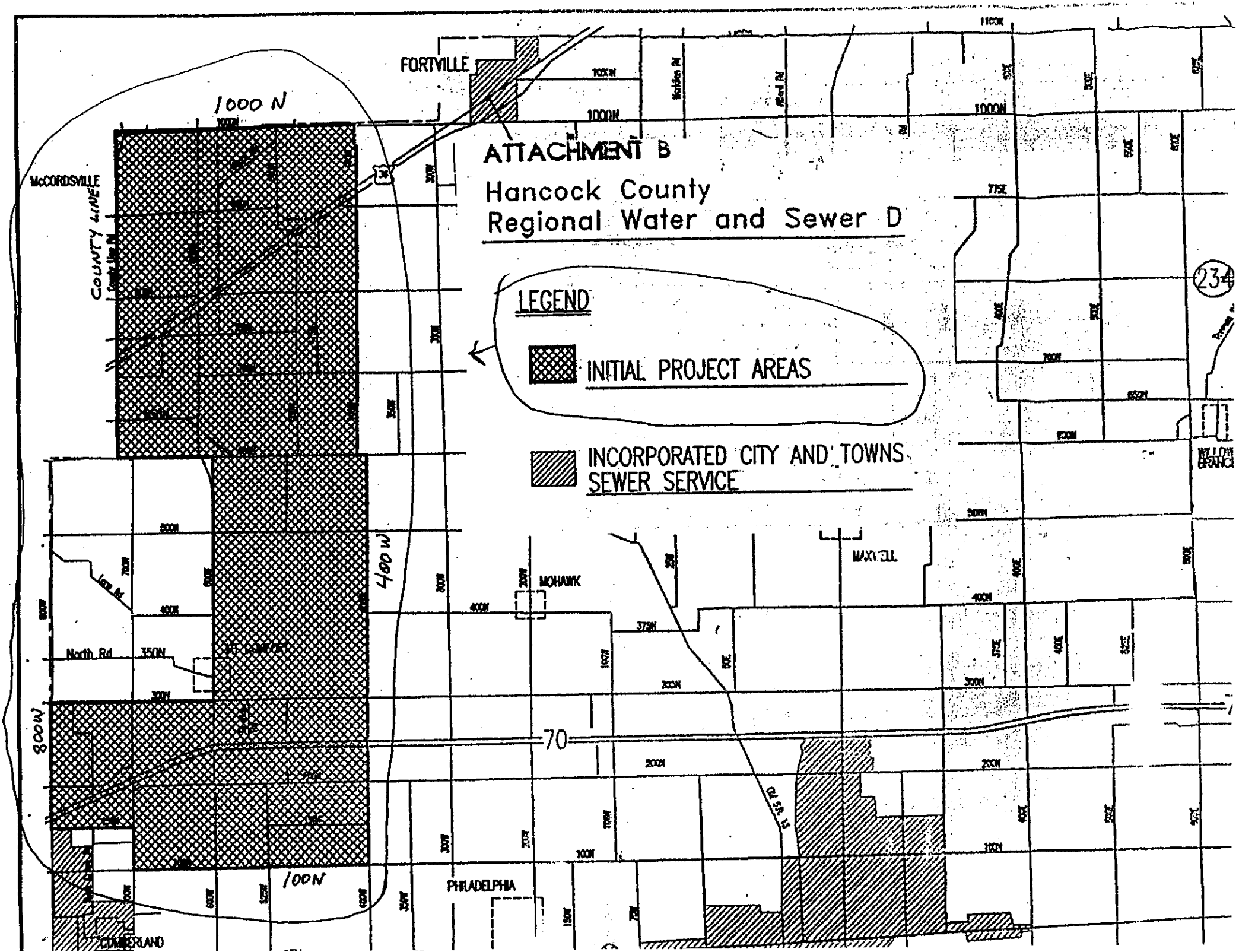
ATTEST: William I Silvey

McCORDSVILLE TOWN COUNCIL

By: Thomas O Silvey
Tom Silvey, President

ATTEST: Marilyn W. Coates
Hancock County Auditor


ATTACHMENT A
Hancock County
Regional Water and Sewer Dis
LEGEND
INCORPORATED TOWN ELECTING TO REGIONAL WATER AND SEWER DIST
1. McCORDSVILLE
INCORPORATED CITY AND TOWNS V SEWER SERVICE
2. GREENFIELD
3. FORTVILLE
4. CUMBERLAND
5. NEW PALESTINE
6. SHIRLEY
OTHER INCORPORATED TOWNS
7. SPRING LAKE
8. WILKINSON
AREAS WITH PRIVATE OR SEMI-PU SEWER SERVICE
9. BRANDYWINE ELEMENTARY SCHOOL
10. DOE CREEK MIDDLE SCHOOL
11. DOE CREEK UTILITIES
12. EASTERN HANCOCK JUNIOR/SENIOR HIGH SCHOOL
13. EASTWAY COURT APARTMENTS
14. EDEN ELEMENTARY SCHOOL
15. EURO MARKETING
16. GRANDMA'S KITCHEN
17. KOA CAMPGROUND
18. MAXWELL MIDDLE SCHOOL
19. McDONALD'S
20. MOUNT VERNON MIDDLE/HIGH SCHOOL
21. MOUNT COMFORT ELEMENTARY/JUNIOR HIGH SCHOOL
22. SUGAR CREEK UTILITY
AREAS WITH CERTIFICATE OF TERRITORIAL AUTHORITY GRANTED
23. BUCK CREEK UTILITIES
24. GEN UTILITIES
Scale in Miles
0
2
4
CAPITOL
HANCOCK COUN
REGIONAL WATER AND SEWER DISTRICT
8100 KEYSTONE CROSSING 7TH FLOOR INDIANAPOLIS, INDIANA 46240 (317)574-4383
DRAWN BY: RDR
SCALE: AS NOTED
DWG. NO: 1 OF 2
600N
300N
MOHAWK
MT COMFORT
CUMBERLAND
PHILADELPHIA
North Rd
CR 325 E
CR 300
Jacob Rd


ATTACHMENT B
Hancock County
Regional Water and Sewer D
LEGEND
INITIAL PROJECT AREAS
INCORPORATED CITY AND TOWNS SEWER SERVICE
FORTVILLE
McCORDSVILLE
COUNTY LINE
1000 N
400 W
800W
100N
MOHAWK
PHILADELPHIA
CUMBERLAND
North Rd
70
234

RESOLUTION NO. 1996-2-1
OF THE BOARD OF COMMISSIONERSOF HANCOCK COUNTY
TO DEFINE TERMS FOR THE CREATION OF THE
HANCOCK COUNTY REGIONAL WATER AND SEWER DISTRICT

WHEREAS, the Hancock County Commissioners have petitioned the Indiana Department of Environmental Management ("IDEM") to create the Hancock County Regional Water and Sewer District (the "District");

WHEREAS, the objective of the District will be to benefit the residents of Hancock County and enhance the quality of life in the county by addressing both the immediate and long-term needs for centralized water and sewer service in the county;

WHEREAS, residents of the county desire to be fully informed about the plans of the District and to have the assurance that they will not be required to connect unnecessarily to the centralized sewer system constructed by the District;

WHEREAS, municipalities in the county desire to ensure that the creation of the District will not limit their ability to annex additional area or expand the service area of their water and sewer systems;

WHEREAS, the County Commissioners want to provide residents with appropriate protection regarding required connections, and have drafted a proposed connection policy for adoption by the District which provides such protection;

WHEREAS, the County Commissioners want to provide residents with the information needed to fully understand the District's plans;

WHEREAS, the County Commissioners want to provide municipalities in the county with the assurance that the District will not detrimentally affect their future growth potential; and

WHEREAS, the County Commissioners will have the authority to create the District and to appoint four of the five members of its board of trustees (the "Board") upon receiving authorization from IDEM;

BE IT RESOLVED AND ORDERED BY THE HANCOCK COUNTY COMMISSIONERS THAT IT IS THE INTENT OF THE COMMISSIONERS THAT:

1. Upon formation of the District, the Board will adopt the Commissioners' proposed connection policy (shown in Exhibit A and included as part of this resolution), which assures that residents will not be required to connect to the sewer system unless their individual systems malfunction or fail or system malfunctions or failures concentrated in a specific area can best be addressed by connecting all residents in that specific area. The connection policy states that the District will provide appropriate information to fully inform affected residents and will obtain their input to assure that needs are addressed in the most effective way. The connection policy also assures that all occurrences of failures identified by the District will be adequately supported and justified by documented sampling data and other information produced by the Hancock County Department of Health or the Indiana State Department of Health.
2. The District will continually place a high priority on informing residents of the county about the plans of the District, particularly where such plans would require groups or areas of residents to connect to the sewer system. The District will use a variety of methods to make adequate information available, such as public meetings, letters to residents, and public notices.
3. Municipalities within Hancock County will be able to continue to extend sewer and water service to new areas when appropriate, as they have in the past. However, if the District notifies a municipality that it is preparing plans to provide service to an area within the District's boundaries, the municipality will notify the District and obtain the District's agreement before proceeding with any extension of water or sewer service in that area.

ADOPTED this 2 day of February, 1996.

Attest: _____
Hancock County Auditor

_____
Armin B. Apple, President

_____
William I. Silvey

_____
Roger L. Wilson

HANCOCK COUNTY REGIONAL WATER AND SEWER DISTRICT
PROPOSED SEWER CONNECTION POLICY

- Residences constructed before January 1, 1996 ("Existing Residences") located on property within 300 feet of a gravity sewer that is part of the regional district system will be required to connect if the septic system serving the Existing Residence has malfunctioned or failed. Existing Residences may also be required to connect if the gravity sewer has been constructed specifically to solve a public health risk created by a general pattern of septic system malfunction or failure in the specific area which includes these Existing Residences. In this case, the board of trustees of the regional district (the "Board") will issue public notices, hold public meetings, mail written information to residents, and use any other appropriate means to provide information that will fully inform affected residents and to obtain their input in order to address needs in the most effective way. The Board will utilize the Hancock County Department of Health, the Indiana State Department of Health or other knowledgeable resources to assist in evaluating septic system performance and public health issues. The connection fee for these required connections would be the subsidized rate, projected to be not more than $2,000 per EDU, if the connection is made within one year after the gravity sewer serving the Existing Residence is first placed in service. If connection is required in the future because the septic system serving an Existing Residence malfunctions or fails, and connection is not made until more than one year after the gravity sewer is first placed in service, the connection fee would be the unsubsidized fee in effect at that time. (All residences in the original community of McCordsville, the Champion Lakes subdivision and Charlottesville would be required to connect under this provision.)

- Existing Residences located on property within 300 feet of a gravity sewer may connect to the system voluntarily. The connection fee would be the subsidized rate, projected to be no more than $2,000, if connection is requested within one year after service is first provided within 300 feet of the property. If connection is requested after one year, the connection fee would be the unsubsidized fee in effect at that time. Voluntary connection requests of this type are subject to the availability of collection and treatment capacity.

- No repairs to or replacement of a septic system serving an Existing Residence will be allowed after a gravity sewer is placed in service within 300 feet of the property on which the Existing Residence is located. If the septic system serving such an Existing Residence malfunctions or fails, the property owner will be required to connect to the sewer. The connection fee will be the subsidized rate, projected to be not more than $2,000 per EDU, if the connection is made within one year after the gravity sewer serving the Existing Residence is first placed in service. If connection is made after one year, the connection fee will be the unsubsidized fee in effect at that time.

- Existing non-residential developments located on property within 300 feet of a gravity sewer line will be required to connect at the unsubsidized connection fee in effect at that time.

- All new developments within the service area, whether residential or non-residential, will be required to connect at the full connection fee in effect at the time of connection. The Board may grant a variance to this requirement for a new single family residence that is not part of a subdivision or other larger development, if it is not financially feasible for either the regional district or the property owner to provide a way to connect because the new residence is located a great distance from existing sewer system facilities. Such a variance may not be granted to other new developments, such as residential subdivisions, commercial developments and industrial developments.

- In any case where connection is required, the Board shall notify the property owner. The property owner shall connect to the sewer within 90 days after notification has been given and the sewer line is completed and able to accept wastewater.