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

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

FINDINGS OF FACT AND RECOMMENDED ORDER

OF THE HEARING OFFICER

FINDINGS OF FACT

1. On or about July 14th, 2004, the Harrison County Council and the Harrison County Commissioners petitioned the Indiana Department of Environmental Management (IDEM) for an Order to establish a regional sewer district (RSD) in Harrison County.

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

3. The petition complies with the provisions of IC 13-26-2-3.

4. A public hearing was held on June 30th, 2005 in the Corydon Central High School, 375 Country Club Road, Corydon, Indiana.

5. Notice of the hearing was given during the weeks of June 6 - 10th, June 13 – 17th, and June 20 – 24th, 2005, by publication in the following newspapers of general circulation: 1) The Corydon Democrat and 2) The Courier-Journal. Notice was given by mail to each eligible entity involved.

6. The principle office of the Harrison County RSD shall be located at the Harrison County Engineer's Office, Harrison County Courthouse, Room 107, 300 North Capital Av. Corydon, Indiana 47112. After formation and after providing written notice to IDEM, the Harrison County RSD Board may relocate its office.

7. The sanitary sewage needs of those residents located within the Harrison County RSD are currently being met with septic systems, many of which are failing.

8. Upon formation, the Harrison County RSD may construct and operate a system that will collect and treat the sanitary sewage of the residents of the Harrison County

RSD. The Harrison County RSD may contract with a municipality or municipalities to meet the sewage treatment needs of the residents of the Harrison County RSD. The RSD may implement a septic maintenance/management program as needed.

9. The residents of the Harrison County RSD currently obtain their water for drinking and other purposes from municipal water supplies, cisterns, or individual wells. Contamination from failing septic systems may detrimentally affect the water quality and public health in the Harrison County RSD.

10. The Harrison County RSD did not incur debt when it organized.

11. The Harrison County RSD is being formed to reduce pollution to the environment by eliminating inadequate septic systems through construction of a sanitary sewer collection system and by treating collected sewage.

12. The current method of collection and disposal of sanitary sewage from some of the residents in the proposed Harrison County RSD adversely affects the water quality and public health within that proposed district.

13. The Harrison County RSD shall be governed by a Board of seven (7) voting members to be appointed as follows:

    A. The Harrison County Commissioners shall appoint two (2) members. The term shall expire December 31st, 2009.

    B. The Harrison County Commissioners shall appoint one (1) member, with a recommendation from the Harrison County Economic Development Committee. The term shall expire December 31st, 2007.

    C. The Harrison County Council shall appoint two (2) members. The term shall expire December 31st, 2008.

    D. The Harrison County Board of Health shall appoint one (1) member. The term shall expire December 31st, 2007.

    E. All affected incorporated Towns and Cities working with the RSD shall appoint one (1) member. The executive of the municipality used shall appoint one member to the board. If more than one municipality provides services to the District, the appointment will rotate between or among the utilities providing the service. In this case, the term shall be a one-year term. All utilities having a contract with the District will sit on the Board as ex-officio and only one vote shall exist amongst all utility members. The by-laws of the District will define this issue further. The term shall expire December 31st, 2006.

    F. All appointment terms, except (E), subsequent to expiration of the initial terms described above, shall be for a period of four (4) years.

G. In the event a vacancy occurs on the Harrison County RSD Board, the appointing authority for that trustee shall appoint a new board member within sixty (60) days to complete the term of the vacant board member position(s).

14. The estimated monthly sewage rate is projected to be $40.00 to $65.00; provided, the Harrison County RSD pursues and receives all public funding.

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

16. The source of funds to provide for the operating and maintaining costs of the Harrison County RSD will be derived from monthly user fees.

17. The Harrison 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 territory to be included in the District is all of unincorporated Harrison County, Indiana, excluding the existing municipalities' service area and the Harrison County Forest property.

19. The District must promote public health, safety, convenience, and welfare in its territory.

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

21. Within nine (9) months from the date of this Order, on or before June 19, 2006, the Harrison County RSD shall file with the Commissioner of IDEM, a detailed plan for the construction and operation of Harrison RSD's facilities.

22. Many options for the treatment and collection of wastewater were studied in the engineering report for the district. The complete engineering report is on file with the department.

23. Establishment of the District will be conducive to the public health, safety, convenience and welfare to the residents of the District as the District plans to collect, dispose and treat sewage. Treatment or management of sewage is currently being provided by individual septic tanks or other on-site systems.

24. The plan for financing the cost of operations of the Harrison County RSD until it is in receipt of revenue from its operation or proceeds from the sale of bonds may include a 40 year loan from U.S.D.A. Rural Utility Services or the Indiana State Revolving Fund (SRF) and private contributions.

25. There are no eligible entities providing sewers in the current territory of the Harrison County RSD.

26. Upon formation, the District may construct or contract for treatment, pumping, transmission, and storage and distribution systems for the municipal and rural supply needs.

RECOMMENDED ORDER

The Hearing Officer recommends the following:

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

2. The Harrison County RSD is being formed to reduce pollution to the environment by eliminating inadequate septic systems through construction of a sanitary sewer collection system and by treating collected sewage.

3. The territory to be included in the District is all of unincorporated Harrison County, Indiana, excluding the existing municipalities' current service area and the Harrison County Forest property.

4. The Harrison County RSD shall be governed by a Board of seven (7) voting members to be appointed as follows:

   A. The Harrison County Commissioners shall appoint two (2) members. The term shall expire December 31st, 2009.

   B. The Harrison County Commissioners shall appoint one (1) member, with a recommendation from the Harrison County Economic Development Committee. The term shall expire December 31st, 2007.

   C. The Harrison County Council shall appoint two (2) members. The term shall expire December 31st, 2008.

   D. The Harrison County Board of Health shall appoint one (1) member. The term shall expire December 31st, 2007.

   E. All affected incorporated Towns and Cities working with in the RSD shall appoint one (1) member. The executive of the municipality used shall appoint one member to the board. If more than one municipality provides services to the District, the appointment will rotate between or among the utilities providing the service. In this case, the term shall be a one-year term. All utilities having a contract with the District will sit on the Board as ex-officio and only one vote amongst all utility members. The by-laws of the District will define this issue further. The term shall expire December 31st, 2006.

F. All appointment terms, except (E) subsequent to expiration of the initial terms described above, shall be for a period of four (4) years.

G. In the event a vacancy occurs on the Harrison County RSD Board, the appointing authority for that trustee shall appoint a new board member within sixty (60) days to complete the term of the vacant board member position(s).

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

6. Within nine (9) months from the date of this Order, on or before June 19, 2006, the Harrison County RSD shall file with the Commissioner of IDEM, a detailed plan for the construction and operation of Harrison RSD's facilities.

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

8. Establishment of the District will be conducive to the public health, safety, convenience and welfare to the residents of the District as the District plans to collect, dispose and treat sewage. Management or treatment of sewage is currently being provided by individual septic tanks or other on-site systems.

9. The District must promote public health, safety, convenience, and welfare in its territory.

10. Upon formation, the District may construct or contract for treatment, pumping, transmission, and storage and distribution systems for the municipal and rural supply needs.

Dated: September 7, 2005 Hearing Officer Lynne Newlon