INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We make Indiana a cleaner, healthier place to live

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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)
HANCOCK COUNTY REGIONAL)
WATER AND SEWER DISTRICT)

RECOMMENDED FINDINGS OF FACT AND RECOMMENDED ORDER OF THE HEARING OFFICER

FINDINGS OF FACT

1. On March 13, 1995, the Hancock County Commissioners petitioned the Indiana Department of Environmental Management for an Order establishing a Regional Water and Sewage District to be known as the Hancock County Regional Water and Sewer District in Hancock County.

2. Said Petition complies with the provisions of IC 13-3-2-3.

3. A public hearing was held on December 12, 1995, at the Greenfield Central High School, 810 North Broadway, Greenfield, Indiana.

4. Notice of said hearing was given by publication in newspapers of general circulation in Hancock 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 Hancock County Regional Water and Sewer District.

6. The principal offices of the proposed District would be The Board of Commissioners, Hancock County Courthouse, 9 E. Main Street, Greenfield, Indiana 46140.

7. The sanitary sewage needs of those residents now residing within such proposed District are currently being met with individual and private septic systems, some of which are inadequate and failing.

8. Upon formation of such District, it would construct and operate a sanitary sewage system that would collect and treat 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 in many cases 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 and public health of the area of the proposed District.

11. The residents of the 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 all of Hancock County, Indiana, excluding solely those areas served at the date of formation of the proposed District by existing private, semi-public or public sanitary sewer utilities (as described in Attachment A of the petition).

    The incorporated Town of McCordsville is included in the district, but the City of Greenfield and the Towns of Cumberland, Fortville, New Palestine, Shirley, Spring Lake, and Wilkinson, as the boundaries of each currently exist, are excluded from the district. In addition, the Brandywine Elementary School, the Doe Creek Middle School, the Eastern Hancock Junior/Senior High School, the Eastway Court Apartments, the Eden Elementary School, EMRO Marketing, Grandma's Kitchen, the KOA Campground, the Maxwell Middle School, McDonald's, the Mount Vernon Middle/High School, the Mount Comfort Elementary/Junior High School, Western Hancock Utilities, Gem Utilities, Doe Creek Utilities and Sugar Creek Utilities, as the boundaries of each currently exist, are excluded from the district for sewer service only.

13. There is no outstanding indebtedness currently in the proposed District for the purpose of the construction of a sanitary sewer and treatment system.

14. 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. The County Commissioners will appoint all successors to the four positions for which they made the original appointment. The Town Council of McCordsville will appoint all successors to the one position for which they made the original appointment. 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.

15. The initial project being planned for the District includes the construction and operation of a sewage system and a water supply system in northwest Hancock County. The estimated construction cost is $7,325,000. For the sewage system, the connection fee for an existing dwelling is projected to be between $1,500 and $2000, while the connection fee for a new is projected to be $3,900. The average monthly per household user fee is projected to be between $29.00 and $35.00. Rates for water service include a connection fee that is projected to be no more than $1,000 for existing dwelling and $1,500 for new dwellings. The average monthly per household user fee for water services is projected to be no more than $28.00.

16. Funding for the project being planned for northwest Hancock County will be arranged completely by a private company and will likely be in the form of private activity bonds. Revenues generated from connection fees and monthly user fees will be used to repay project financing.

17. The anticipated sources of funds to provide for the operating and maintenance costs of the

District would be from the monthly fees charged to the users of the sewage works.

18. The District would be eligible to apply for Federal and State financial assistance for construction.

19. The District appears capable of accomplishing the purposes for which it would be formed in an economically feasible manner.

20. Many residents expressed concern at the public hearing and through written comment about potentially being forced to abandon their individual working septic tank systems and connect, at great personal expense and without proper public health/water pollution needs documentation, to the District's wastewater treatment system.

21. Several eligible entities which are currently excluded from the District expressed concern at the public hearing and through written comment that their corporate boundary will be restricted to that which exists on the day the District is formed, thereby eliminating any future growth or annexation potential for these entities.

22. The Hancock County Commissioners have passed Resolution 1996-2-1 in response to the aforementioned concerns of the residents and excluded eligible entities, which can be found attached to these Findings.

RECOMMENDED ORDER

The Hearing Officer recommends the following:

1. That a Regional Water and Sewer District, to be known as the Hancock County Regional Water and Sewer 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 to provide a water supply for domestic, industrial, and public use to users inside and outside of the district, and to provide for the collection, treatment, and disposal of sewage inside and outside the district.

3. That the District shall include a part 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 (as described in Attachment A of the petition).

   The incorporated Town of McCordsville is included in the district, but the City of Greenfield and the Towns of Cumberland, Fortville, New Palestine, Shirley, Spring Lake, and Wilkinson, as the boundaries of each currently exist, are excluded from the district. In addition, the Brandywine Elementary School, the Doe Creek Middle School, the Eastern Hancock Junior/Senior High School, the Eastway Court Apartments, the Eden Elementary School, EMRO Marketing, Grandma's Kitchen, the KOA Campground, the Maxwell Middle

School, McDonald's, the Mount Vernon Middle/High School, the Mount Comfort Elementary/Junior High School, Western Hancock Utilities, Gen Utilities, Doe Creek Utilities and Sugar Creek Utilities, as the boundaries of each currently exist, are excluded from the district for sewer service only.

4. 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. The County Commissioners will appoint all successors to the four positions for which they made the original appointment. the Town Council of McCordsville will appoint all successors to the one position for which they made the original appointment. 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.

5. That the Board of Trustees provide sufficient bond for all officers, trustees or employees who have any power to disburse funds of the District.

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: February 16, 1996 Hearing Officer: R. J. Kenley