INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
STATE OF INDIANA

IN THE MATTER OF THE PETITION OF HARRISON COUNTY COMMISSIONERS & COUNTY COUNCIL, HARRISON COUNTY, INDIANA TO ESTABLISH A REGIONAL SEWER DISTRICT PURSUANT TO IC 13-26	)))))	BEFORE THE COMMISSIONER, IDEM, STATE OF INDIANA

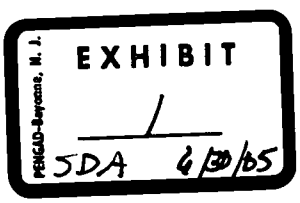
PETITION TO ESTABLISH
REGIONAL SEWER DISTRICT

The Harrison County Commissioners and Harrison County Council tenders its Petition to the Commissioner, Indiana Department of Environmental Management (IDEM), pursuant to IC 13-26, for an order directing that a Regional Sewer District be organized as an independent political entity of the State of Indiana, and as a body corporate and politic. In support of this Petition, petitioner alleges:

1. Proposed Name. The proposed name of the regional sewer district shall be the "Harrison County Regional Sewer District" (HCRSD).

2. Principal Office. The principal office of the district shall be located at the office of the Harrison County Engineer, Harrison County Courthouse Room 107, 300 North Capitol Ave., Corydon, Indiana 47112.

3. Approval by Fiscal Body. This Petition has been approved by the Harrison County Commissioners and Harrison County Council as required by IC 13-26-2-2.



4. No State Lands in District. There is no state park or recreation area, forest land or a reservoir, nor any land owned by the Indiana Department of Natural Resources in the proposed District.

5. Need. The need for the proposed District has long been recognized by residents and businesses in the area, by the Harrison County Commissioners and Council, the Petitioner herein and the public generally for the reason that sanitary sewage disposal is provided in the area by each homeowner or business through an on-site septic tank, many of which leak, have failed or will fail. The absence of public sanitary sewer service has contributed to suppression of development and environmental contamination in the proposed District. Approximately one year ago, Harrison County established a task force to evaluate the need for, and conduct a feasibility study of, the storm water and wastewater needs of the unincorporated areas of Harrison County. This study included a significant public participation component that was conducted over a six month period. The public participation included study oversight and guidance by a six member Task Force, input and guidance from the 50+ member Stakeholders Group, more detailed input and decision making from the 24 member Steering Committee, and open public participation at two series of Public Meetings (resulting in a total of 8 separate public meetings). The study recommended that the County pursue the implementation of a Regional District for Harrison County to oversee the storm water and wastewater needs of the proposed District area. This recommendation was based on the strong recommendations from all meetings held that the Regional District control the area on a watershed basis as much as practical. The feedback from the public meetings echoed the need to review and oversee storm water and wastewater holistically. The construction or expansion of wastewater infrastructure and the need to address flooding as well as water quality contamination of our streams and groundwater was viewed as a

direct driver of the need to create a Regional District. The District may not include the entire upstream watershed (there are no plans to cross county lines) but efforts will be made to communicate and coordinate with adjacent upstream counties and municipalities. Therefore, a district with both storm water and wastewater authority would be positioned to provide the most efficient, effective service and oversight for the future customers of the proposed District. This need is further defined in Harrison County's recently completed "Stormwater and Wastewater Feasibility Study" hereto attached as Exhibit "A".

6. Purpose. The purpose to be accomplished by the formation of the District is a) to reduce pollution of the environment by elimination of inadequate septic systems, b) to construct a sanitary sewer collection system and appropriate treatment of collected sewage, c) to implement sound storm water management practices, and d) the stimulation of economic development and job creation.

7. Establishment. Establishment of the district will be conducive to the public health, safety, convenience and welfare of the residents of the District for the following reasons:

(A) The following municipalities provide sewer service to a limited area: Corydon, Milltown, Palmyra, Lanesville, and Laconia. The current service areas of these existing systems are not included in the proposed District.

(B) The proposed District currently contains numerous private treatment systems which include the following: Berkshire Point Mobile Home Park (package plant), Country Air Mobile Home Park (constructed wetlands), North Harrison School (package plant), South Harrison School (package plant), and South Harrison Park (lagoons). To comply with IC 13-26-2-10(b)(3) we will be sending certified letters to each of these private providers providing details of our plans and how it effects their systems.

(C) Sewage collection, disposal and treatment in the proposed District are currently being provided by individual septic tanks or other on-site systems at each residence or place of business. Those on-site systems which have failed or are failing are contributing to the pollution of the environment and create a hazard to the health, welfare and safety of the residents of the proposed District. In many instances replacement of the failed or failing septic tanks or other on-site systems is not feasible due to the cost, condition of the soil or parcel size.

(D) There are no publicly owned treatment works in the proposed District for treatment of sanitary sewage, which situation inhibits the ability of the residents to alleviate environmental concerns created by failed and failing septic systems. See item "B" regarding the private systems.

(E) Streams within the County are subject to water quality degradation associated with storm water runoff and surface contaminant impacts.

(F) This program will help assure that Harrison County's waters are "fishable and swimmable" for public use and recreational benefit.

8. Indebtedness. There is no outstanding indebtedness for the purpose proposed in the proposed District. The absence of a sanitary sewer system hinders commercial growth in the proposed District, which contains the Lanesville Interchange along Interstate 64.

The proposed District has available all other necessary utility services for development of the real estate except sanitary sewers. The absence of sanitary sewers has limited commercial and residential growth in the proposed District because the requirements of Harrison County and the Indiana Department of Health, as they apply to septic tanks and other on-site systems, prohibit, in many instances, construction of economically viable systems.

9. Territory in District. The territory to be included in the District is all of Harrison County excluding the existing municipalities' service areas and the Harrison County Forest property. Exhibit "B" provides a detailed view of the proposed boundaries.

10. Board of Trustees. The number, manner of selection and terms of the Board of Trustees of the District is recommended as follows:

(A) The District Board shall be seven (7) Trustees.

(B) The Board shall be appointed as follows:

- Two (2) members shall be appointed by the Harrison County Commissioners.
- Two (2) members shall be appointed by the Harrison County Council.
- One (1) member shall be appointed by the Harrison County Board of Health.
- One (1) member shall be appointed by the Harrison County Commissioners with a recommendation from the Economic Development Committee.
- One (1) member shall be appointed by the incorporated Towns included in the District. All effected Towns shall appoint one (1) member. The voting privileges of the Towns will be rotated on an annual basis to allow all municipalities to have a combination of 1 vote.

(C) The terms of such Trustees shall be as follows:

- Four (4) year term: Two (2) members shall be appointed by the Harrison County Commissioners.
- Three (3) year term: Two (2) members shall be appointed by the Harrison County Council.
- Two (2) year term: One (1) member shall be appointed by the Harrison County Board of Health.
- Two (2) year term: One (1) member shall be appointed by the Harrison County Commissioners with a recommendation from the Economic Development Committee.
- One (1) year term: One (1) member shall be appointed by the Towns included in the District.

Upon the expiration of the above appointments, all appointments by the appointing body shall be for terms of four (4) years.

Upon a vacancy on the Board of Trustees, for any reason, the appointing authority for that Trustee shall appoint (within 60 days) a replacement Trustee to complete the term of the Trustee who vacated his office.

11. Plan for Future. The plan for financing the cost of operations of the District until it is in receipt of revenue from its operations or proceeds from the sale of bonds may include: a loan from the State Revolving Fund, Rural Development funds, grants/loans or any public funding available, private contributions, and local funds.

12. Estimate of Cost. The estimates of the cost of accomplishing the purpose of the District, of operating and maintaining the works, the source of funding of such costs and estimates of rates and charges required for the District have been prepared by Heritage Engineering, 4801 Paoli Pike, Suite 200, Floyds Knobs, Indiana 47119, (812)923-8250. A copy of the study recommendation and conclusion of that firm are included in the aforementioned "Stormwater and wastewater Feasibility Study" attached hereto as Exhibit "A".

13. Filing of Petition. A copy of this Petition has been filed in the office of The Board of Commissioners of Harrison County, Indiana, the office of the Harrison County Council, the Harrison County Library, all existing municipalities including: Corydon, Palmyra, Lanesville, Milltown, and Laconia, and the offices of the Superintendent of the Lanesville School Corporation, South Harrison School Corporation, and North Harrison School Corporation who are executives of the only governmental entities having territory within the proposed district, on the date of filing herein.

14. Designated Representative. The designated representative for the petitioner is Darin Duncan, P.E., Harrison County Engineer, Harrison County Courthouse Room 107, 300 North Capitol Ave., Corydon, Indiana 47112, Telephone No. (812) 738-4600, Fax No. (812) 738-4418.

WHEREFORE, Petitioners request:

1. That a public hearing be conducted on this Petition by IDEM after the giving of the proper notice thereof;

2. That the relief requested in the Petition be granted by the Commissioner; and

3. That the Commissioner issue his order creating the Harrison County Regional Sewer District.

Submitted this 19 day of July, 2004.

HARRISON COUNTY COMMISSIONERS OF
HARRISON COUNTY, INDIANA

By: _____
John R. Eckart, President Harrison County Commissioners

HARRISON COUNTY COUNCIL OF
HARRISON COUNTY, INDIANA

By: _____
Gary Davis, President Harrison County Council

Council for Petitioner:

Christopher Byrd
Harrison County Commissioners Attorney
219 N Capitol Avenue
PO Box 640
Corydon, Indiana 47112

Mike Summers
Harrison County Council Attorney
219 N Capitol Avenue
PO Box 640
Corydon, Indiana 47112

The above named Petition to form a sewer district in Harrison County, Indiana, as APPROVED by the Harrison County Commissioners and Harrison County Council this 19 day of July, 2004.

HARRISON COUNTY COMMISSIONERS
HARRISON COUNTY, INDIANA

By: _____
John R. Eckart

By: _____
James Goldman

By: _____
Jim Heitkemper

HARRISON COUNTY COUNCIL
HARRISON COUNTY, INDIANA

By: _____
Gary Davis

By: _____
Carl Duley

By: _____
Carl Mathes

By: _____
Kenneth Saulman

By: _____
Rhonda Rhoads

By: _____
Ralph Sherman

By: _____
Alvin Brown

Attest: _____
Patricia A. Wolfe
County Auditor