IDEM PUBLIC MEETING

HAYDEN WASTEWATER UTILITY, INC.,

REGIONAL SEWER DISTRICT

TRANSCRIPT OF PROCEEDINGS

HAYDEN HISTORICAL MUSEUM

IN THE PAVILION BUILDING

6715 WEST CR 20 SOUTH

HAYDEN, INDIANA

OCTOBER 23, 2012

5:30 p.m.

DEPOSITIONS & MORE, LLC

P.O. Box 884

COLUMBUS, INDIANA 47202

812/376-3789

APPEARANCES

FOR IDEM:

Mrs. Lynne Newlon, IDEM, Hearing Officer

Ms. Jane Roberts, IDEM

Mr. Mark Amick, IDEM

Edith A. Correll

Court Reporter

HEARING OFFICER NEWLON: The hearing this evening, October 23, 2012, is before Indiana Department of Environmental Management, henceforth referred to as either the Department or IDEM, in the matter of the proposed formation of the Hayden Wastewater Utilities, Inc., Regional Sewer District.

My name is Lynne Newlon. I am a Senior Environmental Manager in the Office of Water Quality in the Indiana Department of Environmental Management. I am the hearing officer for this hearing this evening. Also, with me this evening is Ms. Jane Roberts and Mr. Mark Amick from IDEM as well.

Oral statements will be heard at the hearing, however, written statements may be submitted to me at the hearing or mailed to Lynne Newlon, IDEM OWQ 100 North Senate Avenue, IGCN 1255, Indianapolis, Indiana 46204-2251. I do have my card at the table. My address is on here, so it's much easier just to grab a card if you want to send in written comments; or even electronic comments you can e-mail me. And everything that is sent to me is public record.

For the record, notice of the time and place of this hearing was given as provided by the Indiana Code 13-26-2-6 by publication in the Plain Dealer and the North Vernon Sun, during the weeks of September 24th though the 29th, and October 1st through the 18th, the year of 2012.

Sign-in sheets have been provided. If you haven't signed in, please do so before you leave. It's just for a matter of record that we keep those. If you wish to present IDEM with information this evening, please indicate on this sign-in sheet. Also indicate if you'll be appearing on behalf of yourself or a group. If you're appearing for a group, please note the name of the group and what capacity you are appearing, such as, a group officer, an attorney, or an authorized spokesperson.

If you wish to receive notice of the agency's decision in this matter, please indicate on the sign-in sheet, and make sure you have provided a complete and legible address.

We will begin hearing testimony regarding the proposed district. Because the

purpose of the hearing is to allow the public to present information pertinent to the formation of the District, I ask that you hold all questions until the hearing is concluded.

The hearing officer takes the testimony received at the hearing and drafts a report and makes recommendations whether to approve, disapprove, or approve conditionally on the petition itself.

If the hearing officer recommends approval of the petition, then the commissioner's order, which is a legal document that gives permission to the petitioner to actually form this sewer district that is proposed.

If the commissioner decides to sign that document, then it is mailed to the petitioner and the district becomes legal 33 days after the petitioner receives the order.

As with any final decision of any agency, that decision is appealable, and information on how to appeal that decision will be included in the notice that you will receive from IDEM.

Indiana Code 13-26-2-3 sets out the

requirements for the formation of the district. I'm just going to go over a few of the highlights that are required. I encourage the comments to be limited to those requirements, as these will be the comments most useful to the department in this decision.

The statute requires the following:

That the petition is filed by an eligible entity, and the proposed district name and location of the office is stated.

The petition must state the need for the district and the purpose the district will accomplish, and how the district will be conducive to public health, safety, convenience or welfare.

The petition must say how water supply and sewage collection are currently being provided, and how the current situation creates or adds to pollution or health hazard, or impedes development in the area.

The petition must state whether there is any outstanding indebtedness for the purpose proposed.

The petition must describe the territory to be included in the district, and

that territory be so situated as to promote public health, safety, convenience or welfare by organization of such a single district.

The petition must provide recommendations regarding the makeup of the board of trustees and the manner of selection.

The petition must state the plans for financing the cost of the operation of the district until it receives revenues, operations or proceeds from the bond sales.

The petition states an estimated cost of accomplishing the purpose of the district, an estimated cost of operating and maintaining the works, and the sources of funding of these costs, including estimates of the rates and charges to be required.

The Department is interested in any information that you can provide regarding these requirements.

All comments, both oral and written, will be reviewed by IDEM and carefully considered in making a decision on this matter.

I'm not sure if there's a lot of people that want to speak. I usually limit it to five minutes. I didn't bring a watch. So,

I'm not going to limit it, because I don't think anyone is going to speak. And if you take more than ten minutes, I will ask the rest be sent to me in letter form. If testimony exceeds five minutes, I say ten at this point, we'll ask that you send us the remaining information in writing before November 7, 2012.

So, at this point I'll look at the sign-up sheets and see if anybody has requested to speak, and then I will open it up at the end as well. So, I have three notes. So, I will open it up to the floor.

If anyone would like to give comment. We are recording this, so I would ask that you stand, state your name, and speak clearly.

So, no comments at this time. Okay.

In closing I would like to remind everyone that written comments may be submitted postmarked by November 7, 2012. Again, please pick up my card if you want to send in comments. It has my address as well as the e-mail address on it.

These proceedings are now concluded, and this cause is therefore adjourned until further notice from the hearing officer.

1

~~108~~ [1] - 3:18
~~1255~~ [1] - 3:19
~~13-26-2-3~~ [1] - ~~5:25~~
~~13-26-2-6~~ [1] - ~~4:3~~
18th [1] - 4:6
1st [1] - 4:6

2

20 [1] - 1:13
2012 [6] - 1:18, 3:2, 4:7, 8:7, 8:19, 10:3
2016 [1] - 10:12
23 [2] - 1:18, 3:2
24th [1] - 4:5
27 [1] - 10:12
29th [1] - 4:6

3

33 [1] - 5:18

4

46204-2251 [1] - 3:19
47202 [2] - 1:24, 10:23

5

5:30 [2] - 1:19, 9:16

6

6715 [1] - 1:13
6:02 [1] - 9:16
6th [1] - 10:2

7

7 [2] - 8:7, 8:19

8

812/376-3789 [2] - 1:25, 10:24
884 [2] - 1:23, 10:23

A

accomplish [1] - 6:13
accomplishing [1] - 7:12
accurate [1] - 9:8
action [2] - 9:22, 9:25
address [4] - 3:20, 4:23, 8:21, 8:22
adds [1] - 6:19
adjourned [1] - 8:24
affixed [1] - 10:2
agency [1] - 5:21
agency's [1] - 4:20
allow [1] - 5:1
Amick [2] - 2:7, 3:14
appeal [1] - 5:22
appealable [1] - 5:21
APPEARANCES [1] - 2:1
appearing [3] - 4:14, 4:15, 4:17
approval [1] - 5:11
approve [2] - 5:8
area [1] - 6:20
attorney [2] - 4:18, 9:23
authorized [1] - 4:18
Avenue [1] - 3:18

B

Bartholomew [2] - 9:6, 10:10
BARTHOLOMEW [1] - 9:2
becomes [1] - 5:18
begin [1] - 4:24
behalf [2] - 4:14, 9:13
belief [1] - 9:20
best [1] - 9:20
between [1] - 9:15
board [1] - 7:6
bond [1] - 7:10
Box [1] - 1:23
BOX [1] - 10:23
bring [1] - 7:25
BUILDING [1] - 1:12

C

capacity [1] - 4:16
card [3] - 3:20, 3:21, 8:20
carefully [1] - 7:21
certify [2] - 9:7, 9:21
charges [1] - 7:16
clearly [1] - 8:15
closing [1] - 8:17
Code [2] - 4:3, 5:25
collection [1] - 6:17
COLUMBUS [2] - 1:24, 10:23
comment [1] - 8:13
comments [8] - 3:22, 3:23, 6:4, 6:5, 7:20, 8:16, 8:18, 8:21
Commission [1] - 10:12
commissioner [1] - 5:16
commissioner's [1] - 5:12
complete [3] - 4:22, 9:8, 9:10
concluded [2] - 5:4, 8:23
conditionally [1] - 5:8
conducive [1] - 6:14
considered [1] - 7:22
convenience [2] - 6:14, 7:2
Correll [3] - 2:22, 9:4, 10:9
cost [3] - 7:8, 7:11, 7:13
costs [1] - 7:15
County [2] - 9:5, 10:10
COUNTY [1] - 9:2
Court [1] - 2:23
CR [1] - 1:13
creates [1] - 6:18
current [1] - 6:18

D

days [1] - 5:19
Dealer [1] - 4:4
decides [1] - 5:16
decision [6] - 4:20, 5:20, 5:21, 5:22, 6:6, 7:22
Department [4] - 3:3, 3:4, 3:10, 7:17
department [1] - 6:6
DEPOSITIONS [2] - 1:22, 10:22
describe [1] - 6:24
development [1] - 6:20
disapprove [1] - 5:8
disinterested [1] - 9:22
District [2] - 3:7, 5:3
district [12] - 4:25, 5:14, 5:18, 6:1, 6:9, 6:12, 6:13, 6:25, 7:3, 7:9, 7:12
DISTRICT [1] - 1:3
document [2] - 5:12, 5:17
down [1] - 9:17
drafts [1] - 5:6
duly [1] - 9:8
during [1] - 4:5

E

e-mail [2] - 3:23, 8:22
easier [1] - 3:21
Edith [3] - 2:22, 9:4, 10:9
either [1] - 3:4
electronic [1] - 3:23
eligible [1] - 6:9
encourage [1] - 6:3
end [1] - 8:10
entity [1] - 6:9
Environmental [3] - 3:3, 3:9, 3:11
estimated [2] - 7:11, 7:13
estimates [1] - 7:15
evening [4] - 3:2, 3:12, 3:13, 4:12
event [1] - 9:25
exceeds [1] - 8:5
Expires [1] - 10:12

F

few [1] - 6:2
filed [1] - 6:8
final [1] - 5:20
financing [1] - 7:8
first [1] - 9:7
five [2] - 7:25, 8:5
floor [1] - 8:12
following [1] - 6:7
FOR [1] - 2:4
foregoing [1] - 9:12
form [2] - 5:14, 8:4
formation [3] - 3:6, 5:3, 6:1
funding [1] - 7:14

G

given [1] - 4:2
grab [1] - 3:21
group [4] - 4:14, 4:15, 4:16, 4:17

H

hand [1] - 10:2
Hayden [1] - 3:6
HAYDEN [3] - 1:2, 1:11, 1:14
hazard [1] - 6:19
health [3] - 6:14, 6:19, 7:2
heard [1] - 3:15
Hearing [1] - 2:5
HEARING [1] - 3:1
hearing [18] - 3:1, 3:11, 3:12, 3:16, 3:17, 4:2, 4:24, 5:1, 5:4, 5:5, 5:6, 5:10, 8:25, 9:7, 9:9, 9:12, 9:14, 9:17
henceforth [1] - 3:4
hereby [1] - 9:6
hereto [1] - 9:15
hereunto [1] - 10:1
highlights [1] - 6:3
HISTORICAL [1] - 1:11
hold [1] - 5:3
hours [1] - 9:16

I

IDEM [12] - 1:1, 2:4, 2:5, 2:6, 2:7, 3:5, 3:14, 3:18, 4:11, 5:24, 7:21, 9:13
IGCN [1] - 3:19
impedes [1] - 6:20
IN [2] - 1:12, 10:1
Inc [1] - 3:7
INC [1] - 1:2
included [2] - 5:23, 6:25
including [1] - 7:15
indebtedness [1] - 6:22
INDIANA [4] - 1:14, 1:24, 9:1, 10:23
indiana [1] - 5:25

Indiana [5] - 3:3, 3:10, 3:19, 4:3, 9:6
Indianapolis [1] - 3:19
indicate [3] - 4:12, 4:13, 4:21
information [5] - 4:12, 5:2, 5:22, 7:18, 8:7
interested [2] - 7:17, 9:24
itself [1] - 5:9

J

Jane [2] - 2:6, 3:13

K

keep [1] - 4:11
knowledge [1] - 9:20

L

leave [1] - 4:10
legal [2] - 5:12, 5:18
legible [1] - 4:22
letter [1] - 8:4
limit [2] - 7:24, 8:1
limited [1] - 6:4
LLC [2] - 1:22, 10:22
location [1] - 5:10
look [1] - 8:8
Lynne [3] - 2:5, 3:8, 3:18

M

mail [2] - 3:23, 8:22
mailed [2] - 3:17, 5:17
maintaining [1] - 7:13
makeup [1] - 7:5
Management [2] - 3:3, 3:11
Manager [1] - 3:9
manner [1] - 7:6
Mark [1] - 2:7
mark [1] - 3:14
matter [4] - 3:5, 4:10, 4:20, 7:22
MEETING [1] - 1:1
mentioned [1] - 9:15
minutes [3] - 7:25, 8:3, 8:5
MORE [2] - 1:22, 10:22
most [1] - 6:5
MUSEUM [1] - 1:11
must [6] - 6:11, 6:16, 6:21, 6:24, 7:4, 7:7

N

name [4] - 3:8, 4:16, 6:9, 8:15
need [1] - 6:11
Newlon [3] - 2:5, 3:8, 3:18
NEWLON [1] - 3:1
North [2] - 3:18, 4:4
notarial [1] - 10:2
Notary [2] - 9:5, 10:9
note [1] - 4:15
notes [4] - 8:11, 9:8, 9:11, 9:18
notice [4] - 4:1, 4:19, 5:23, 8:25
November [3] - 8:7, 8:19, 10:3

O

OCTOBER [1] - 1:18
October [2] - 3:2, 4:6
OF [3] - 1:8, 9:1, 9:2
office [1] - 6:10
Office [1] - 3:9
Officer [1] - 2:5
officer [5] - 3:12, 4:17, 5:5, 5:10, 8:25
OFFICER [1] - 3:1
open [2] - 8:10, 8:12
operating [1] - 7:13
operation [1] - 7:8
operations [1] - 7:9
oral [2] - 3:15, 7:20
order [2] - 5:12, 5:19
organization [1] - 7:3
otherwise [1] - 9:24
outstanding [1] - 6:22
OWQ [1] - 3:18

P

p.m [3] - 1:19, 9:16
P.O [2] - 1:23, 10:23
parties [1] - 9:24
PAVILION [1] - 1:12
people [1] - 7:24
permission [1] - 5:13
person [1] - 9:22
pertinent [1] - 5:2
petition [10] - 5:9, 5:11, 6:8, 6:11, 6:16, 6:21, 6:24, 7:4, 7:7, 7:11
petitioner [3] - 5:13, 5:18, 5:19
pick [1] - 8:20
place [2] - 4:2, 9:15
Plain [1] - 4:4
plans [1] - 7:7
point [2] - 8:5, 8:8
pollution [1] - 6:19
postmarked [1] - 8:19
prepare [1] - 9:10
present [2] - 4:11, 5:2
PROCEEDINGS [1] - 1:8
proceedings [1] - 8:23
proceeds [1] - 7:10
promote [1] - 7:1
proposed [5] - 3:5, 4:25, 5:15, 6:9, 6:23
provide [2] - 7:4, 7:18
provided [4] - 4:2, 4:8, 4:22, 6:18
Public [2] - 9:5, 10:9
public [8] - 3:24, 5:1, 6:14, 7:2, 9:7, 9:12, 9:14, 9:17
PUBLIC [1] - 1:1
publication [1] - 4:3
purpose [4] - 5:1, 6:12, 6:22, 7:12

Q

Quality [1] - 3:10
questions [1] - 5:4

R

rates [1] - 7:15
receive [2] - 4:19, 5:23
received [1] - 5:6
receives [2] - 5:19, 7:9
recommendations [2] - 5:7, 7:5
recommends [1] - 5:10
record [4] - 3:25, 4:1, 4:10, 9:19
recording [1] - 8:14
referred [1] - 3:4
regarding [3] - 4:25, 7:5, 7:18
Regional [1] - 3:7
REGIONAL [1] - 1:3
relative [1] - 9:23
remaining [1] - 8:6
remind [1] - 8:17
report [1] - 5:7
Reporter [2] - 2:23, 9:4
requested [1] - 8:9
required [2] - 6:3, 7:16
requirements [3] - 6:1, 6:4, 7:19
requires [1] - 6:7
Residing [1] - 10:10
rest [1] - 8:3
revenues [1] - 7:9
reviewed [1] - 7:21
Roberts [2] - 2:6, 3:13

S

safety [2] - 6:14, 7:2
sales [1] - 7:10
seal [1] - 10:2
see [1] - 8:9
selection [1] - 7:6
Senate [1] - 3:18
send [3] - 3:22, 8:6, 8:20
Senior [1] - 3:9
sent [2] - 3:24, 8:4
September [1] - 4:5
set [1] - 10:1
sets [1] - 5:25
sewage [1] - 6:17
sewer [1] - 5:14
Sewer [1] - 3:7
SEWER [1] - 1:3
sheet [2] - 4:13, 4:21
sheets [2] - 4:8, 8:9
Shorthand [1] - 9:4
Sign [1] - 4:8
sign [4] - 4:13, 4:21, 5:16, 8:9
Sign-in [1] - 4:8
sign-in [2] - 4:13, 4:21
sign-up [1] - 8:9
signed [1] - 4:9
single [1] - 7:3
situated [1] - 7:1
situation [1] - 6:18
sources [1] - 7:14
SOUTH [1] - 1:13
spokesperson [1] - 4:18
SS [1] - 9:1
stand [1] - 8:15
state [4] - 6:11, 6:21, 7:7, 8:15
STATE [1] - 9:1
State [1] - 9:6
statements [2] - 3:15, 3:16
states [1] - 7:11
statute [1] - 6:7
stenograph [1] - 9:18
submitted [2] - 3:17, 8:18
Sun [1] - 4:4
supply [1] - 6:16
sworn [1] - 9:8

T

table [1] - 3:20
ten [2] - 8:3, 8:5
territory [2] - 6:25, 7:1
testimony [3] - 4:24, 5:6, 8:4
THE [1] - 1:12
therefore [1] - 8:24
thereof [1] - 9:10
three [1] - 8:11
TRANSCRIPT [1] - 1:8
transcript [2] - 9:10, 9:19
transpired [2] - 9:9, 9:19
true [2] - 9:8, 9:19
trustees [1] - 7:6
typewritten [1] - 9:18

U

up [4] - 8:9, 8:10, 8:12, 8:20
useful [1] - 6:5

Utilities [1] - 3:6
UTILITY [1] - 1:2

V

Vernon [1] - 4:4

W

WASTEWATER [1] - 1:2
Wastewater [1] - 3:6
watch [1] - 7:25
water [1] - 6:16
Water [1] - 3:10
weeks [1] - 4:5
welfare [2] - 6:15, 7:2
WEST [1] - 1:13
WHEREOF [1] - 10:1
wish [2] - 4:11, 4:19
WITNESS [1] - 10:1
works [1] - 7:14
writing [1] - 8:7
written [4] - 3:16, 3:22, 7:20, 8:18

Y

year [1] - 4:7
yourself [1] - 4:14