INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
NANCY A. MALOLEY, Commissioner

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STATE OF INDIANA)
) SS
COUNTY OF MARION)

BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)
THE ESTABLISHMENT OF)
THE HENDRICKS COUNTY)
REGIONAL SEWER DISTRICT.)

CAUSE NO: 88-W-J-89

FINDINGS OF FACT AND RECOMMENDED ORDER

1. On November 9, 1987 the Hendricks County Commissioner filed a Petition requesting the formation of the Hendricks County Regional Sewer District.

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

3. A public hearing was held on June 23, 1988 at the Avon High School Auditorium.

4. Notice of said hearing was given by publication in a newspaper of general circulation in Hendricks 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 Hendricks County Regional Sewer District.

6. The principal office of the proposed district would be Hendricks County Health Department, Court House Annex, P.O. Box 310, Danville, Indiana 46122.

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

8. Upon formation of such district, it would construct and operate a sanitary sewage system that would collect 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 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 of the area of the proposed district.

11. The residents of such 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 shall encompass all of Hendricks County excluding those areas currently served by private, semi-public, or public sanitary sewer facilities.

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

14. The members of the Board of Trustees shall number three (3) and be appointed by the Hendricks County Commissioners for a term of four (4) years.

15. The district intends to contract with a private party for the provision of waste water collection and treatment services and/or potable water. The private party will be responsible for financing all project costs, designing, construction, 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.

16. Preliminary estimates for Phase I of the project are Four Million Dollars ($4,000,000) with an annual operating cost of Two Hundred Thousand Dollars ($200,000). There will be no hook-up fee for normal residential hook-ups and monthly user fees are estimated to be less than Thirty Dollars ($30) per month. All capital costs will be financed by the private service provider without use of public funds or EPA construction grants.

17. The district would be eligible to apply for Federal and State grants for construction.

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

RECOMMENDED ORDER

1. That a Regional Sewer District, to be known as Hendricks County Regional 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 for the collection and disposal of sewage.

3. That the territory to be included in the district consist of all property within Hendricks County, including those areas not served by private, semi-private, or public sanitary sewer facilities as of the date of the order.

4. That the district be governed by a Board of Trustees consisting of three (3) members, consisting of the following:

   a) One member to be appointed by the Hendricks County Commissioners, with an initial term of one (1) year, and subsequent terms of four (4) years.

   b) One member to be appointed by the Hendricks County Commissioners, with an initial term of two (2) years and subsequent terms of four (4) years.

   c) One member to be appointed by the Hendricks County Commissioners, with an initial term of three (3) years, and subsequent terms of four (4) years.

5. That the Board of Trustees provide sufficient bond for all officers, trustees or employees who have any power to dispense funds of the district. Said bond, as a minimum, shall be in an amount equal to, plus ten percent (10%), of those funds anticipated to be received by the district, divided by three (3), which amount shall be determined annually by the Board of Trustees.

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: _____

James M. Garrettson
Administrative Law Judge