

**BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT**

)))))))

FINDINGS OF FACT AND RECOMMENDED ORDER OF THE HEARING OFFICER

1. On May 10, 2022, the Marshall County Council and the Marshall County Commissioners petitioned the Commissioner of IDEM for an order to establish a regional water and sewer district in Marshall County.
2. The petition complies with the provisions of IC 13-26 as to form and content.
3. The proposed name of the district is the Marshall County Regional Sewer District.
4. The proposed principal office of the district is located at the Marshall County Auditor's office, which has a mailing address of 112 W. Jefferson Street, Plymouth, Indiana 46563.
5. A public hearing on the establishment of the district was held on October 19, 2022, in the Marshall County Auditor's office, 112 W Jefferson Street, Plymouth, Indiana 46563.
6. Notice of the Public Hearing was posted on the IDEM Public Notices webpage from August 25, 2022, through October 19, 2022. Notice of the hearing was also posted by publication in the following newspapers of general circulation: (1) Pilot News and (2) Heartland News newspapers.
7. The proposed Marshall County RSD territory is situated so that the public health, safety, convenience, and welfare will be promoted by the establishment as a

single district. The proposed boundary for the Marshall County RSD is shown on the petition maps and is described in the petition as follows:

- a. Latonka Lake, Mill Pond, Lawrence Lake;
 - b. East Bremen;
 - c. North Michigan Area;
 - d. Rushmoor Addition;
 - e. Donaldson & Ancilla Domini Covent;
 - f. McQueen's Broadview;
 - g. Golfview Estates;
 - h. Deer Trail, Tall Oaks, Carriage Hills;
 - i. South Michigan Street;
 - j. Inwood;
 - k. Burr Oak;
 - l. Hawk Lake;
 - m. State Road 331 South Tippecanoe
8. The sanitary sewage needs of those residents now residing within the proposed Marshall County RSD territory are currently being met with septic systems, many of which are failing or will fail.
9. The current method of collection and disposal of the sanitary sewage of some of the residents of the proposed Marshall County RSD territory detrimentally affects the water quality and public health within the proposed district.
10. The residents of the Marshall County RSD currently obtain their water for drinking and other purposes from individual wells. Contamination from failing septic systems may detrimentally affect the water quality and public health of individual well users.
11. The purpose to be accomplished by the establishment of the Marshall County RSD is the provision of safe potable water and the reduction of pollution to the environment by eliminating inadequate septic systems and constructing a sanitary sewer collection system for the transportation and treatment of sanitary sewage in the proposed district territory.

12. The Marshall County RSD proposes to be governed by the District Board of Trustees according to the following requirements:
 - a. The District Board shall be composed of seven (7) trustees appointed from the local community of Marshall County residents as follows:
 - i. Five (5) trustees appointed by the Marshall County Commissioner's Office,
 - ii. one (1) trustee appointed by the Marshall County Council
 - iii. one (1) trustee appointed by the executive of the City of Plymouth,
 - b. The above appointments will initially be limited in duration as follows:
 - i. Marshall County Commissioners first appointee: 2 years
 - ii. Marshall County Commissioners second appointee: 3 years
 - iii. Marshall County Commissioners third appointee: 4 years
 - iv. Marshall County Commissioners fourth appointee: 4 years
 - v. Marshall County Commissioners fifth appointee: 4 years
 - vi. Marshall County Council appointee: 4 years
 - vii. City of Plymouth executive appointee: 2 years
 - c. Upon the expiration of the initial appointments, all appointments made by an appointing body shall be for terms of four (4) years.
 - d. Upon a vacancy on the Board of Trustees for any reason, the appointing authority for that trustee shall appoint a replacement trustee to complete the term of the vacating trustee within 45 days of the notification of the vacancy.
13. The Marshall County RSD proposes to have a non-voting Consulting Board that will provide technical assistance to the District. The Consulting Board will consist of the following:
 - a. Representatives of the Marshall County Health Department.
 - b. Representatives of the Marshall County Surveyor's Office.
 - c. Representatives of the Marshall County Commissioner's Office.
14. The plan for financing the cost of operations of the District until it is receipt of adequate revenue from its operations or proceeds from the sale of bonds includes all available public funds and private contributions. The median income for Marshall County according to the 2015-2019 Census is \$52,658. The Commissioners are willing to include a possible per diem up to Fifty Dollars (\$50.00) per meeting for the Trustees.
15. A Feasibility Study was completed and included in Marshall County's Petition.

16. The source of funds to provide for the operating and maintaining costs of the Marshall County RSD will be derived from monthly sewer user fees. The Marshall County RSD will apply for public funding for the construction and operation of water and sewer services.
17. Based on the information included in the Marshall County RSD petition, the Marshall County RSD appears capable of accomplishing the purposes for which it was formed in an economically feasible manner.

RECOMMENDED ORDER

Based on the findings above and the contents of the petition submitted to IDEM by the Marshall County Council and the Marshall County Commissioners, the Hearing Officer recommends that the Commissioner issue the following order:

1. A regional water and sewer district, to be known as the Marshall County Regional Sewer District is hereby organized under IC 13-26 as an independent municipal corporation in Marshall County, Indiana.
2. The boundaries of the Marshall County RSD shall be the boundaries as shown on the petition maps and as described in the petition as follows:
 - a. Latonka Lake, Mill Pond, Lawrence Lake;
 - b. East Bremen;
 - c. North Michigan Area;
 - d. Rushmoor Addition;
 - e. Donaldson & Ancilla Domini Covert;
 - f. McQueen's Broadview;
 - g. Golfview Estates;
 - h. Deer Trail, Tall Oaks, Carriage Hills;
 - i. South Michigan Street;
 - j. Inwood;
 - k. Burr Oak;
 - l. Hawk Lake;
 - m. State Road 331 South Tippecanoe

3. The Marshall County RSD shall provide sufficient bonds for all officers, trustees and employees who have the power to disburse Marshall County RSD funds.
4. Within nine (9) months from the date of this order, the Marshall County RSD shall file a detailed plan for the district's initial project with the Commissioner of IDEM according to the requirements of IC 13-26-6-1.

Dated: 11/29/22

Hearing Officer: Angela M. Bottom