

**INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
STATE OF INDIANA**

**IN THE MATTER OF THE)
PETITION OF MARSHALL COUNTY, IN)
TO ESTABLISH A REGIONAL)
SEWER DISTRICT PURSUANT)
TO IC § 13-26)**

**BEFORE THE COMMISSIONER
IDEM, STATE OF INDIANA**

PETITION TO ESTABLISH A REGIONAL SEWER DISTRICT

Marshall County, Indiana, by its Board of County Commissioners and Council, tenders its Petition to the Commissioner, Indiana Department of Environmental Management, pursuant to IC § 13-26, for an order directing that a regional sewer district (hereinafter "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 District shall be the Marshall County Regional Sewer District.

2. Designated Representative. The designated representative for the petitioner for additional information and amendments shall be Kevin G. Overmyer, member, Marshall County Commissioners, (work: 574-935-8555, email: kgovermyer@gmail.com).

3. Principal Office. The principal office of the district shall be located at the Marshall County Auditor's office, which has a mailing address of 112 W. Jefferson Street, Plymouth, Indiana 46563.

4. Approval by the County Commissioners. The petition has been approved by the Marshall County Commissioners as required by I.C. 13-26-2-2 and is included as Exhibit A.

5. Approval by Fiscal Body. The Petition has been approved by the Marshall County Council as required by I.C. 13-26-2-2 and has been included as Exhibit B.

6. Territory in District. The territory to be included in the District is the territory in the maps provided as Exhibit C and described below.

- 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; and

m. State Road 331 South Tippecanoe.

7. Need for the District. The need for the proposed District has long been recognized by residents, businesses and elected officials such as the Marshall County Commissioners and other members of the public. The need is generally that sanitary sewage disposal is provided in the area by an on-site septic tank, many of which leak, have failed or will fail. The absence of public sanitary sewer service has contributed to a public health hazard and environmental contamination in the proposed District, as demonstrated in the letter from the Marshall County Board of Health that is included with this Petition as part of Exhibit D.

8. Purpose. The purpose to be accomplished by the formation of the District is the provision of the reduction of the pollution of the environment by elimination of inadequate septic systems and the construction of a sanitary sewer collection system and appropriate treatment of collected sewage.

9. Support for the District. Support or awareness of this Petition regarding the District from entities near or within the Territory of the District is demonstrated in the documents included as Exhibit E.

10. 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. No sanitary sewer system exists in the proposed District.
- b. Sewage collection, disposal, and treatment in the proposed District is currently being provided by individual septic tanks or other on-site systems at each residence or place of business. Those on-site systems that have failed or are failing are contributing to the pollution of the environment in the proposed District 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.
- c. There are no publicly or privately-owned sewage treatment works in the proposed District for treatment of sanitary sewage, which situation inhibits the ability of the residents to alleviate environmental and public health concerns created by failed and failing septic systems.

11. Indebtedness. There is no outstanding indebtedness for the purpose proposed in the proposed District. The absence of sanitary sewers hinders property values and has limited residential growth in the proposed District because the requirements of Marshall County, the Indiana State Department of Health and the Indiana State Department of Environmental Management, as they apply to septic tanks and other on-site systems, prohibit, in many instances, construction of economically viable residential subdivisions and other land developments.

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

- a. The District Board shall be seven (7) Trustees.
- b. The Trustees shall be composed of seven (7) appointees from the local community of Marshall County residents in accordance with the following:

- i. five (5) members appointed by the Marshall County Commissioner's Office,
 - ii. one (1) member appointed by the Marshall County Council,
 - iii. one (1) appointed by the executive of the City of Plymouth.
- c. 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: 3 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
- d. Upon the expiration of the above initial appointments, all appointments by the appointing body shall be for terms of four (4) years.
- e. Upon a vacancy on the Board of Trustees, for any reason, the appointing authority for that Trustee shall be required to appoint a replacement Trustee to complete the term of the Trustee who vacated his office within 45 days of the notification of the vacancy.

13. Review and Consulting Board. The Marshall County Regional Sewer District Consulting Board (Consulting Board) shall be a non-voting entity that will provide technical assistance to the District. The Consulting Board shall 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. Plans for Future. 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 20__ Census is \$_____. The Commissioners are willing to include a possible per diem up to Fifty Dollars (\$50.00) per meeting for the Trustees.

15. Estimate of Cost. The initial and preliminary estimates of the cost of accomplishing the purpose of the District, of operating and maintaining the works, the source of funding of such District and a copy of the preliminary feasibility study recommendation and conclusion are attached hereto in summary form as Exhibit F.

16. Public Meeting. A Public Meeting in accordance with IC 13-26-2-2.5 was conducted on February 21, 2022, to discuss and receive comments regarding the proposed Marshall County Regional Sewer District. Materials used to notify residents of the Public Meeting, materials that were used during the discussion at the meeting, a list of those who attended the Public Meeting and a list of the comments that were received are included in Exhibit G.

17. Filing of Petition. A copy of this Petition has been filed in the office of Marshall County Commissioners, Marshall County Council, Bourbon Township Trustees, Center Township Trustees, German Township Trustees, Green Township Trustees, North Township Trustees, Polk Township Trustees, Tippecanoe Township Trustees, Union Township Trustees, Walnut Township Trustees, West Township Trustees, Argos Community Schools, Bremen Public Schools, Culver Community Schools, John Glen Community School Corporation, Plymouth Community Schools, Triton Community Schools, Union-North United School Corporation, Marshall County Health Department, who are executives of governmental entities having territory within the proposed District on the date of filing herein.

18. Availability of Petition for Review. This Petition and Exhibits are available for review at each of the following locations on the date of filing herein for a duration of at least ninety days from the date of this Petition:

- a. Each of the public libraries in Marshall County
- b. The office of the Marshall County Economic Development Corporation
- c. The office of the Marshall County Health Department

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 IDEM Commissioner; and
3. That the IDEM Commissioner issue his order creating the Marshall County Regional Sewer District.

The above Petition to form the Marshall County Regional Sewer District in Marshall County, Indiana was APPROVED by the Marshall County Board of Commissioners on this ____ day of _____, 2022.

BOARD OF COMMISSIONERS OF MARSHALL COUNTY, INDIANA

By: _____
Kevin G. Overmyer

Counsel for Petitioner:

James N. Clevenger

EXHIBIT A

**MARSHALL COUNTY COMMISSIONERS
RESOLUTION NO. _____**

WHEREAS, the MARSHALL County Commissioners and Council have petitioned the Commissioner, Indiana Department of Environmental Management for an order directing that the Marshall County Regional Sewer District be formed:

NOW, THEREFORE, BE IT RESOLVED BY THE MARSHALL COUNTY COMMISSIONERS, that it approves the formation of the Marshall County Regional Sewer District.

ADOPTED ON THIS _____ DAY OF _____, 20_____.

THE MARSHALL COUNTY
COMMISSIONERS

Kevin G. Overmyer, President

Michael D. Burroughs

Stan Klotz