

STATE OF INDIANA)
)
COUNTY OF MARION)

BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:)
)
PETITION OF HAMILTON COUNTY, INDIANA)
FOR AN ORDER ESTABLISHING THE)
HAMILTON COUNTY REGIONAL UTILITY DISTRICT)

PETITION TO ESTABLISH A REGIONAL WATER AND SEWER DISTRICT

Petitioner, Hamilton County, Indiana (“Hamilton County” or “Petitioner”) by and through its authorized representatives, hereby files its Petition to Establish a Regional Water and Sewer District (“Petition”) with the Commissioner of the Indiana Department of Environmental Management (“IDEM”) for an order directing that a regional water and sewer district (“District”) be established under IC 13-26 as an independent municipal corporation in Hamilton County, Indiana. In support of this Petition, the Petitioner alleges:

1. Filing and Authorization of Petition. Hamilton County is an “eligible entity” under IC 13-11-2-62 that is authorized to file the Petition. The filing of this Petition has previously been authorized by the Hamilton County Council as required by IC 13-26-2-2. A copy of the authorizing resolution is attached to this Petition as Exhibit “A”.

2. Authorized Representative of Petition. The authorized representative for the Petitioner shall be Steve Dillinger, President of the Board of Commissioners Hamilton County, Indiana. In his absence, any of the remaining Commissioners are authorized to take action related to this Petition and/or creation of the District. The authorized representative may be contacted regarding this Petition or other District business via the Hamilton County Commissioners Office – Steve Dillinger email:

steve.dillinger@hamiltoncounty.in.gov. The contact information for the two (2) other Commissioners is as follows:

- a. Commissioner Altman can be reached at: Christine.altman@hamiltoncounty.in.gov.
- b. Commissioner Heirbrandt can be reached at: Mark.heirbrandt@hamiltoncounty.in.gov.

3. Principal Office. The principal office of the proposed District shall be located at 1 North 8th Street #157, Noblesville, IN 46060.

4. Name of District. The name of the regional water and sewer district shall be the Hamilton County Regional Utility District.

5. District Territory Description. The territory to be included in the District shall be portions of the unincorporated property in Adams and Jackson Townships in Hamilton County, Indiana. The territory to be included in the District is specifically outlined on the map attached hereto as Exhibit "B".

6. Governmental Entities and State Property in District. No other governmental entities (political subdivisions) have territory within the proposed District boundaries.

7. District Median Income. According to the most recent federal decennial census, the median income for households in the proposed District is \$66,462.12.

8. Current Services in District. Potable water is currently provided in the proposed District exclusively by on-site private well systems, and sanitary waste is disposed of in the District exclusively by on-site septic systems. There are currently no water production, transmission, or distribution facilities in service that have been designed to, and are capable of, providing water for fire protection service.

9. Indebtedness. There is no outstanding indebtedness associated with the proposed purpose of the District.

10. Current Means of Service is an Impediment to Development. At present, there is no systematic means of disposing of sewage or providing potable water or water for fire protection service in the District. Once created, the District will design, finance, construct, and thereafter operate and maintain sewer and water facilities that will be able to dispose of sewage and provide potable water and water for fire protection service in a safe, efficient, and environmentally friendly manner. By having such services available, Hamilton County believes that it will be conducive to and facilitate economic development, and serve the public health, safety, and welfare of the property owners, in the area. Hamilton County also believes that the availability of water facilities with sufficient capacity to provide enhanced and improved

fire protection service will result in lower insurance premiums for residents and businesses in and around the District.

11. Need for District. Hamilton County government, residents, and businesses have recognized the need for the District to provide water (both potable water and water for fire protection service) and sewer services in the area. Properties within and near the District have aging and failing systems that have contributed to contamination of the area, causing a public health concern. Residents and local business support the extension of sewer and water services to improve property values, encourage economic development, and serve the health, safety, and welfare of the area. Resolutions and letters of support from the Hamilton County Health Department, State Health Department, Indiana National Guard, Jackson Township Trustee, local landowners, and local businesses are included with this Petition as Exhibit “C”.

12. Purposes of District. The purposes of the District are as follows:

- a. To improve public health, safety, convenience, and welfare through the provision of potable water for domestic, industrial, and public use to users inside and outside the proposed District.
- b. To improve public health, safety, convenience, and welfare through the availability of water in an amount sufficient to provide fire protection service to residents and businesses inside and outside the District.
- c. To reduce the risks to public health and the environment posed by failing or inadequate septic or mound systems through the provision of offsite sanitary sewer collection, treatment, and disposal services to users inside and outside the proposed District territory.

13. Alternatives to Creating the District. The primary alternative to creating the District would be that another utility extends water and sewer service to the District; however, to date no other utility has pursued this option. Absent another utility providing service, customers and businesses within the proposed service territory will need to rely upon individual wells and septic systems to provide water and sewer service.

14. Initial Financing Plan. Until it is in receipt of user revenues (from customers), the District's cost of constructing and thereafter operating and maintaining its sewer and water facilities will be funded from a variety of sources, including, but not limited to, proceeds from a bond anticipation note ("BAN"); advances from Hamilton County (e.g. cash on hand or funds provided via the American Rescue Plan Funds); and grants from the federal or state agencies.

15. Feasibility Study. Attached to this Petition as Exhibit "D" is a feasibility study that sets forth the basic plan for implementing the purpose of the District, including estimates of the following:

- a. The costs of accomplishing the purpose of the District;
- b. The costs of constructing, operating, and maintaining the works;
- c. The sources of the funding of these costs; and,
- d. The rates and changes that will be required.

16. Board of Trustees Appointment Recommendation. Hamilton County recommends that the board of trustees for the District shall be made up of three members, appointed by the Hamilton County Commissioners – the County Executive.

17. Board of Trustees Term Recommendation. Hamilton County recommends that the initial appointments be limited to the following term lengths: one of the initial appointees by the Hamilton County Commissioners will serve for a term of two years, while the other two initial appointees will serve for a term of four years. All subsequent appointees of the Commissioners will serve terms of four years. Upon vacancy for any reason before the expiration of a term, the appointing authority for that Trustee shall appoint a new Trustee to complete that term within forty-five (45) days.

18. Notice and Public Meeting. The Petitioner has provided public notice and conducted a public meeting as required by IC 13-26-2-2.5 before the filing of this Petition.

- a. Public notice for the public meeting was provided by newspaper publications, radio broadcasts, and first class United States mail to each freeholder in the District according to the dates and intervals required by IC 13-26-2-2.5(b). Receipts for the purchase of these

services and the list of freeholders notified by mail have been attached to this Petition as Exhibit “E”.

- b. Public notice for the public meeting was posted on the County’s website on May 25, 2022.

The link to view the published notice provided herein:

<https://www.hamiltoncounty.in.gov/CivicAlerts.aspx?AID=1691>.

- c. Public notice for the public meeting was posted in three (3) conspicuous, public places within the County on May 25, 2022. The physical postings remained until the conclusion of the public meeting. The locations of the posting of the public notice are:

- 1. The entrance to the Commissioners Courtroom located at 1 N 8th St #157, Noblesville, IN 46060.

- 2. The west entrance to the Historic Courthouse located at 33 N 9th St. L21, Noblesville, IN 46060.

- 3. The Hamilton County Highway Department office located at 1700 S. 10th St., Noblesville, IN 46060.

- d. A voluntary informational meeting for residents within the District area, specifically the four (4) square mile area at the US 31 and 236th Street intersection, was held on June 9, 2022.

The list of freeholders notified by mail have been attached to this Petition as Exhibit “F”.

- e. The public meeting was conducted on June 27, 2022. The minutes of the public meeting have been attached to this Petition as Exhibit “G”.

- f. Hamilton County received written comments from various stakeholders both before and after the June 27, 2022 public meeting. For IDEM’s reference, a copy of the written comments are attached as Exhibit “H”.

- g. After receiving and considering the comments from the public meeting and the written comments, Hamilton County has decided to move forward with the filing of the Petition seeking creation of the District with a service area or territory that is smaller than originally

proposed. Hamilton County will provide a list of the property owners in the revised (smaller) service area under cover as Exhibit “I”.

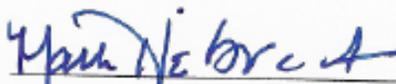
19. Petition Filing and Availability. This Petition has been filed with all parties required by IC 13-26. This Petition has been filed within the time limits required under IC 13-26-2-2.5(d). Copies of this Petition and any subsequent amendments have been made available for one hundred eighty (180) days from the date of filing with IDEM at Hamilton East Public Library, One Library Plaza, Noblesville, IN 46060, Hamilton East Public Library, Five Municipal Drive, Fishers, IN 46038, and Hamilton County Commissioners Office, 1 North 8th Street #157, Noblesville, IN 46060. Interested parties may request an electronic copy of this Petition and any amendments by public records request.

WHEREFORE, the Petitioner, Hamilton County, Indiana, respectfully requests that:

1. That IDEM publish notice and conduct a public hearing on this Petition under IC 13-26-2;
2. That the Commissioner grant the relief requested in this Petition by issuing an order (“Order”) establishing the Hamilton County Regional Utility District;
3. That the Order authorize the District to provide sewer and water service to users inside and outside the District; and
4. This Petition To Establish A Regional Water and Sewer District is respectfully submitted to IDEM on August 3, 2022. The undersigned is an authorized representative of the Petitioner that swears and affirms that the statements and representations in this Petition are true, accurate, and complete to the best of my knowledge.

Hamilton County, Indiana

By:



Mark Heirbrandt, Commissioner of Hamilton County