

STATE OF INDIANA)
)
COUNTY OF MARION)

BEFORE THE INDIANA DEPARTMENT
SS: ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)
THE MODIFICATION OF THE)
JENNINGS NORTHWEST)
REGIONAL UTILITIES)

FOURTH ORDER MODIFYING THE ORDER FORMING
THE JENNINGS NORTHWEST REGIONAL UTILITIES

On or about November 4, 2010, the Jennings Northwest Regional Utilities Board of Trustees (Board of Trustees) by mail, requested that the Indiana Department of Environmental Management (IDEM) amend the November 4, 1996 Order Adopting the Findings of Fact and Recommended Order for the organization of Jennings Northwest Regional Utilities (JNRU). IDEM recognizes the November 4, 2010, letter as a formal petition by the Board of Trustees, in accordance with Indiana Code 13-26-1-2 *et seq.*, to amend the boundaries of the Regional District. On December 8, 2010, during a field review, the Regional District Coordinator was handed a second petition to add to the existing petition before the IDEM. The December 8, 2010, second petition notifies IDEM of the JNRU Board of Trustees' intent to reduce its board from seven (7) to five (5) members. The Board requested to keep the appointing authority (Jennings County Commissioners) the same. IDEM recognizes the December 8, 2010 letter as a formal petition by the Board of Trustees, in accordance with Indiana Code 13-26-1-2, IC 13-26-2-3(5) *et seq.*, to amend the number serving on the board of the Regional District.

IC 13-26-1-2 provides, in relevant part, "At any time after the creation of a district, the district after motion by the district's board, may file a petition with the department requesting the approval of the department permitting the district to: (2) abandon or surrender all or part of a purpose or plan approved by the department." The Board of Trustees petitions IDEM to amend the November 4, 1996, Order to remove the area outside of the Country Squire Lakes Subdivision from the boundaries of the District.

The Commissioner of IDEM now orders that the Order of November 4, 1996, forming the JNRU, the Amended Order of August 4, 1999, Second Order of December 13, 2001, and the Third Order of January 11, 2007, be amended as follows:

The area described below constitutes the boundaries of the district:

The following real estate located in Jennings County, Indiana, to-wit: beginning at the intersection of State Road 7 (SR 7) and County Road 300 North (CR 300 N); thence proceeding northwest along SR 7 approximately 0.32 of a mile to the southwest corner of Decatur Mold real estate (See Plat Cabinet 2, Slide 151); thence running along the Decatur Mold real estate for the next three courses, northeast approximately 0.2 of a mile, northwest approximately 0.19 of a mile, southwest approximately 0.25 of a mile to SR 7; thence turning northwest along SR 7 and running approximately 1.63 miles to the northern boundary of Country Squire Lakes Subdivision real estate (CSL). From this point turning west and running along the existing CSL Subdivision northern property boundary, running west and south to the CSL Subdivision boundary intersection with County Road 500 West (CR 500W) and County Road 400 North (CR 400 N); thence running south along CR 500W to the intersection of CR 500 W with CR 300 N; thence continuing south approximately 0.5 of a mile; thence running east approximately 0.25 of a mile to the intersection with Six Mile Creek; thence northeast along Six Mile Creek to its intersection with CR 300 N; thence running east along CR 300 N to the point of beginning at the intersection of SR 7 and CR 300 N. Total area of the described boundaries equal approximately 2.9 square miles or 1862.8 acres.

IC 13-26-2-3 provides, in relevant part, "[a] petition to establish a district under this chapter must state the following: ... (5) [t]he petitioner's recommendations on the manner of selection; the number; and the term, not exceeding four (4) years; of the members of the board of trustees...." The Board of Trustees petitions IDEM to amend the November 4, 1996 Order, so that the board is reduced from seven (7) members to five (5) members and remain appointed by the Jennings County Commissioners.

- A. Two (2) of the Trustees shall be appointed for an initial term of two (2) years, which term shall be calculated commencing on January 1, of the year following his or her appointment. The Trustees shall be appointed by the majority vote of the Jennings County Commissioners.
- B. Two (2) of the Trustees shall be appointed for an initial term of three (3) years, which term shall be calculated commencing on January 1, of the year following his or her appointment. The Trustees shall be appointed by the majority vote of the Jennings County Commissioners.
- C. One (1) of the Trustees shall be appointed for an initial term of four (4) years, which term shall be calculated commencing on January 1, of the year following his or her appointment. The Trustee shall be appointed by the majority vote of the Jennings County Commissioners.

- D. All terms of appointment, subsequent to the expiration of the initial terms described above, shall be for a period of four (4) years.
- E. Upon a vacancy on the Board of Trustees, the appointing authority for that Trustee shall appoint a replacement Trustee to complete the term of the Trustee who vacated his or her office within forty-five (45) days.

That, in all other respects, JNRU will remain subject to the terms of the Order dated November 4, 1996, the Amended Order of August 4, 1999, the Second Order of December 13, 2001 and the Third Order of January 11, 2007.

Pursuant to I.C. § 4-21.5-3-5(f) and I.C. § 4-21.5-3-2(e), this Fourth Amended Order modifying the original Order forming the Jennings Northwest Regional Utilities, becomes effective eighteen (18) days after its mailing. If you wish to challenge this decision, I.C. 4-21.5-3-7 requires that a petition for administrative review be filed. The petition describing your intent must be submitted to the Office of Environmental Adjudication, 100 North Senate Avenue, IGC-N, Indianapolis, Indiana 46204, within eighteen (18) days from the mailing of this notice. This petition must be filed in accordance with I.C. 4-21.5-3-7, and must include facts demonstrating that the petitioner is the applicant, a person aggrieved by this decision, or a person entitled to review by law. Pursuant to I.C. 4-21.5-3-5(d), the Office of Environmental Adjudication will provide the petitioner, or any other person(s) requesting notice, with notice of prehearing conferences, preliminary hearings, hearings, stays, or orders disposing of the petition for review if a written request for such notice is submitted to the Office of Environmental Adjudication at the above address.

Dated at Indianapolis, Indiana, this 4th day of MARCH, 2011.



Thomas W. Easterly, Commissioner
Indiana Department of
Environmental Management