

**BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT**

**PETITION OF TIPPECANOE COUNTY, INDIANA
FOR AN ORDER ESTABLISHING THE BUCK CREEK
AND COLBURN REGIONAL SEWER DISTRICT**

PETITION TO ESTABLISH A REGIONAL SEWER DISTRICT

Petitioner, Tippecanoe County, by its authorized representative, tenders its Petition to the Commissioner of the Indiana Department of Environmental Management (IDEM) for an order directing that a regional sewer district be established under IC 13-26 as an independent municipal corporation in Tippecanoe County, Indiana. In support of this Petition, Petitioner states:

1. **Authorization by Fiscal Body.** On June 11, 2024, the Tippecanoe County Council adopted Resolution 2024-15-CL, authorizing the filing of this Petition.
2. **Authorized Representative of Petitioner.** The authorized representative for Petitioner is Tracy A. Brown, Tippecanoe County Board of Commissioners. The authorized representative may be contacted regarding this Petition or other district business via Tippecanoe County Commissioners Office – Sharon Hutchison email: shutchison@tippecanoe.in.gov.
3. **Principal Office.** The principal office of the district shall be located at 20 North 3rd Street, Lafayette, IN 47901.
4. **Name of District.** The name of the regional sewer district shall be the **Buck Creek & Colburn Regional Sewer District**.
5. **District Territory Description.** The territory to be included in the proposed district shall be within the **unincorporated Washington Township** and entirely within Tippecanoe County, Indiana. The boundaries of the proposed district and a general description of the territory to be served by this RSD is outlined on the maps attached to this Petition as Exhibit “A”
6. **Governmental Entities and State Property in District.** The following governmental entities (political subdivisions) have territory within the proposed district boundaries: Washington Township. There is a USPS office located on Railroad Street in Buck Creek.

7. **District Median Income.** According to information from the census, the median income for households in Washington Township as a whole is \$64,732.¹ Upon information and belief, the median household income for Buck Creek is estimated at \$79,000 per year and, for Colburn, is estimated at \$32,500.
8. **Current Services in District.** Sanitary waste is disposed of in the proposed district exclusively by on-site septic systems.
9. **Indebtedness.** There is no outstanding indebtedness in the district territory for the proposed purpose of the district.
10. **Need for District.** Tippecanoe County government, residents, and businesses have recognized the need for a district to provide sewer services in the proposed territory. Properties within and near the communities of Buck Creek and Colburn have aging and failing septic systems that have contributed to contamination of the area, causing a public health concern. Residents and local business support the extension of sewer services to improve property values and encourage development.
11. **Purpose(s) of District.** The purposes of the district are to reduce the risks to public health and the environment posed by failing or inadequate septic systems through the provision of sanitary sewer collection, treatment, and disposal services inside the proposed district territory.
12. **Alternatives to Creating District.** As part of the Tippecanoe County Utility Master Plan, multiple alternatives were developed for potential sanitary sewer service for the service area. These included Regionalization (wastewater treatment and disposal at a nearby city), Centralization (wastewater treatment and disposal at a central location within the service area), and Localization (wastewater treatment and disposal for each of the three communities individually).

Treatment through septic-only is inadequate because the existing septic systems are aging and beginning to fail. The lot sizes are often not sufficient. The nearest existing wastewater treatment and disposal facility would be through the City of Lafayette or the City of Delphi, however extension is not feasible for either city at this time. A centralized facility that would serve Americus, Buck Creek, and Colburn was explored and, due to the projected cost, experienced significant local opposition. The need for the area surrounding Americus is not as great, and Petitioner believes that the proposed solution serving Buck Creek and Colburn will be more cost effective.

13. **Initial Financing Plan.** Physical plant necessary for providing wastewater services will be constructed primarily through ARPA grant funds administered by Tippecanoe County. The County anticipates turning the physical plant over to the Regional Sewer District or otherwise making it available for this use. Until the district is in receipt of revenue, the district's cost of operation shall be funded by Bond Anticipation Notes, grants, and

¹ Source Washington Township data from the United States Census:
https://data.census.gov/profile/Washington_township,_Tippecanoe_County,_Indiana?g=060XX00US1815781080.

advances from Tippecanoe County.

14. Estimates of costs, rates and charges, and sources of funding.:

- a. Costs of constructing, operating, and maintaining the works: See the Wastewater Project Engineering Study and Report attached here as Exhibit B for greater detail, but the cost of constructing the works is estimated to be \$12,670,000 and the operation, maintenance, and replacement costs are estimated to be \$116,000 annually.
- b. Costs of accomplishing the purpose of the district: Petitioner does not anticipate material costs of accomplishing the purpose of the district beyond the costs of constructing, operating, and maintaining the works.
- c. Sources of the funding of these costs will include \$11,300,000 in American Rescue Plan Act funding. Additional funds may come from one or more of the following: Grants or loans from the Tippecanoe County Council, Indiana State Revolving Fund, USDA Rural Development, and/or OCRA.
- d. An estimate of the rates and charges that will fall between \$50 to \$65 per month based on the potential funding alternatives that are being explored.

15. Board of Trustees Appointment Recommendation. Petitioner recommends that the district board of trustees shall be made up of 5 members, appointed as follows:

- a. THREE appointed by Tippecanoe County Commissioners – Executive. Of the three members appointed by the Board of Commissioners, not less than two shall be freeholders residing or owning property within the District. One of the three members may, but is not required to be, a Commissioner.
- b. TWO appointed by Tippecanoe County Council - Fiscal Body. Of the two members appointed by the County Council, at least one shall be a freeholder residing or owning property within the District. One of the two members may, but is not required to be, a Council member.

16. Board of Trustees Term Recommendation. Petitioner recommends that the initial appointments shall be limited to the following term lengths:

- a. TWO of the appointments will be for FOUR years for the Tippecanoe County Commissioners Executive appointee(s); ONE will be for TWO years. All subsequent terms would be for FOUR years.
- b. ONE of the appointments will be for FOUR years for the Tippecanoe County Council Fiscal Body appointee(s); ONE will be for TWO years. All subsequent terms would be for FOUR years.

Upon vacancy due to expiration of the initial appointment term, all appointments shall be for 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 45 days.

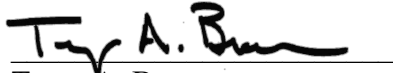
17. Notice and Public Meeting. Petitioner has provided notice and conducted a public meeting as required by IC 13-26-2-2.5 before the filing of this Petition. The public meeting was conducted on September 9, 2024, at East Tipp Middle School at 7501 East, 300 North, Lafayette Indiana. Notice was published, mailed, and broadcast in the manner

specified in IC 13-26-2-2.5(b).

WHEREFORE, Petitioner requests:

1. That IDEM public notice and conduct a public hearing on this Petition under IC 13-26-2;
and
2. That the Commissioner grant the relief requested in this Petition by issuing an order
establishing the Buck Creek and Colburn Regional Sewer District.

This Petition for an order to establish a regional sewer district is respectfully submitted to IDEM on December 6, 2024. As the authorized representative of Petitioner, I swear or affirm that the statements and representations in this Petition are true, accurate, and complete to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Tracy A. Brown", written over a horizontal line.

Tracy A. Brown,
Member, Tippecanoe County Board of Commissioners.

EXHIBIT A – DISTRICT MAPS

EXHIBIT B – PRELIMINARY ENGINEERING REPORT