

STATE OF INDIANA )  
 )  
COUNTY OF MARION )

BEFORE THE INDIANA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF: )  
 )  
THE MODIFICATION OF THE GNAW BONE )  
REGIONAL SEWAGE DISTRICT'S )  
ESTABLISHMENT ORDER CONCERNING )  
BOARD MEMBER SELECTION )

**ORDER APPROVING THE PETITION TO MODIFY THE ORDER  
ESTABLISHING THE DISTRICT TO CONVERT THE DISTRICT  
BOARD FROM AN APPOINTED BOARD TO AN ELECTED BOARD**

On October 11, 2019, the Gnow Bone Regional Sewage District (“District”) submitted to the Indiana Department of Environmental Management (“IDEM”) a petition to modify under IC 13-26-1-2 portions of the Order establishing the District regarding the process by which the District’s board members are chosen. The District Board passed a resolution to petition IDEM to change board member selection from appointments made by the Brown County Commissioners to elections of board members by the District’s ratepayers. The Petition and its supporting documents are attached to this Order. The facts of the Petition may be summarized as follows:

1. The District was organized and created on or about January 23, 1998 for the purpose of the collection, treatment, and disposal of sewage within the District.
2. The District’s current board of director’s consist of three (3) members appointed by the Brown County Commissioners. Each member serves a four (4) year term on the board.
3. The District board has determined that in order to provide for the more efficient operations of the District and to provide the ratepayers of the District with the means within which to determine who should represent them that board members should be elected by the ratepayers of the District.
4. The District accordingly petitions IDEM to modify the Order establishing the District to provide for a board elected by the ratepayers of the District via elections held in accordance with IDEM guidelines.

5. The District does not seek to modify the Order establishing the district in any other respect.

### **ORDER**

IT IS NOW ORDERED BY THE COMMISSIONER, pursuant to IC 13-26-1-2, that the Order establishing Gnaw Bone Regional Sewer District be modified, and the portions regarding the selection of District board members be amended as follows:

1. The District board shall be converted to an elected board where members are elected by ratepayers in the District.
2. Current appointed members of the District board shall retain their positions until their appointments expire and continue to serve as board members until an election is held for their position.
3. Elections for board members shall be held during the Indiana general election and shall be conducted by IDEM's designee in accordance with IC 3. The procedures for addressing board member vacancies shall also be conducted in accordance with IC 3.
4. Only one board member position may be up for election each general election. Initial elected board members shall be elected in order of the earliest appointed member's term expiration.
5. Elected board members shall serve for terms of six (6) years.

In all other respects the Final Order establishing Gnawbone RSD shall remain the same.

Pursuant to IC 4-21.5-3-5(f) and IC 4-21.5-3-2(e), this Order becomes effective eighteen (18) days after its service by mail. This Order may be challenged by filing a petition for administrative review with the Office of Environmental Adjudication according to the procedures set forth in IC 4-21.5-3-7 and 315 IAC 1-3-2. A petition for administrative review must meet the requirements found in IC 4-21.5-3-7(a) and be filed with the Indiana Office of Environmental Adjudication within eighteen (18) days of the Order's service by mail.

IT IS SO ORDERED this 24 day of February, 2020 in Indianapolis, IN

A handwritten signature in black ink, appearing to read 'Bruno L. Pigott', written over a horizontal line.

Bruno L. Pigott, Commissioner  
Indiana Department of Environmental Management

## Notice of Right to Administrative Review

If you wish to challenge this Order, you must file a Petition for Administrative Review with the Office of Environmental Adjudication (OEA), and serve a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-30-3-5, and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Environmental Adjudication (OEA) before the twentieth day after receipt of this notice, and a copy must be served upon IDEM. Addresses are:

Director  
Office of Environmental Adjudication  
Indiana Government Center North  
Room N103  
100 North Senate Avenue  
Indianapolis, Indiana 46204

Commissioner  
Indiana Department of Environmental Management  
Indiana Government Center North  
Room 1301  
100 North Senate Avenue  
Indianapolis, Indiana 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. An identification of each petitioner's interest in the subject of the petition.
3. A statement of facts demonstrating that each petitioner is:
  - a. a person to whom the order is directed;
  - b. aggrieved or adversely affected by the determination; or
  - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The facts, terms or conditions of the action for which the petitioner requests review.
7. The identity of any persons represented by the petitioner.
8. The identity of the person against whom administrative review is sought.
9. A copy of the action that is the basis of the petition.
10. A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of your right to seek administrative review of the Order. Examples are:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.

If you seek to have an Order stayed during the administrative review, you may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OEA will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. If you are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding you must submit a written request to OEA at the address above.

More information on the review process is available at the website for the Office of Environmental Adjudication at <http://www.in.gov/oea>.