

NOTICE OF A HEARING ON PROPOSED
RESOLUTION AMENDING AND RESTATING WEST CENTRAL CONSERVANCY
DISTRICT'S SCHEDULE OF RATES AND CHARGES TO BE
COLLECTED BY THE WEST CENTRAL CONSERVANCY DISTRICT,
FROM THE USERS OF THE SEWAGE WORKS OF SAID CONSERVANCY
DISTRICT, AND OTHER MATTERS CONNECTED THEREWITH.

The freeholders, ratepayers and other interested parties in, served or to be served by the sewage works of the West Central Conservancy District are hereby notified that Resolution 2022-0418-1, "A Resolution Amending and Restating West Central Conservancy District's Schedule of Rates and Charges to Be Collected by the West Central Conservancy District, from the Users of the Sewage Works of Said Conservancy District and Other Matters Connected Therewith," was introduced at a duly called regular meeting of the Board of Directors held on April 18, 2022. A Public Hearing will be held at 5:00 p.m. on May 16, 2022 at the District's office, located at 243 S. County Road 625 E., Avon, Indiana, on the matter of the amending and restating of the rates and charges of the West Central Conservancy District and consideration of Resolution 2022-0418-1, which provides as follows:

**RESOLUTION NO. 2022-0418-1
WEST CENTRAL CONSERVANCY DISTRICT**

**A RESOLUTION AMENDING AND RESTATING
WEST CENTRAL CONSERVANCY DISTRICT'S
SCHEDULE OF RATES AND CHARGES TO BE
COLLECTED BY THE WEST CENTRAL CONSERVANCY DISTRICT,
FROM THE USERS OF THE SEWAGE WORKS OF SAID CONSERVANCY
DISTRICT, AND OTHER MATTERS CONNECTED THEREWITH.**

WHEREAS, the Board of Directors of the West Central Conservancy District ("District") adopted Resolution No. 02-02 entitled "**A Resolution Amending and Restating West Central Conservancy District's Schedule of Rates and Charges to be collected by the West Central Conservancy District, from the Users of the Sewage Works of said Conservancy District and other matters connected therewith**" (Rate Resolution") on February 19, 2002; and which date Resolution was amended by Resolutions 04-01 and Resolutions 2011-0117-1; and

WHEREAS, the District has employed Baker Tilly Municipal Advisors, LLC to conduct a rate analysis to determine a just and equitable system development charge and affirm the District's monthly rates and charges necessary to permit the District to collect sufficient revenues to provide the funds necessary to pay the principal and interest on revenue bonds issued or to be issued by the District, to provide funds necessary for replacements and improvements to the District's sewer system and to pay expenses of maintenance and operation; and

WHEREAS, the District finds that based upon the advice from Baker Tilly, it is necessary to amend the District's Rate Resolution 02-02, as amended, and modify the Schedule of Rates, Rentals, and Charges so as to produce sufficient revenues to provide the funds necessary to pay expenses of maintenance and operation, and the replacement of improvements to the District's sewer system in a just and equitable manner and to pay the principal and interest on revenue bonds issued or to be issued by the District in accordance with the applicable bond resolutions and to pay line of credit or other financing resolutions; and

WHEREAS, the Board of Directors desires to amend its rate resolution and consolidate all amendments of the District's Rate Resolutions and restate the Rate Resolution in a single resolution embodying all effective terms and conditions of the District's Rate Resolution as of the effective date of this Resolution 2022-0418-1.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the West Central Conservancy District;

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this Resolution shall be as follows:

(a) "Board" shall mean the Board of Directors of the West Central Conservancy District, or any duly authorized officials acting in its behalf.

(b) "BOD" (Biochemical Oxygen Demand) shall have the same meaning as in the Use Resolution.

(c) "District" shall mean the West Central Conservancy District, acting by and through the Board of Directors.

(d) "Debt Service Cost" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt and interest costs for all District debt.

(e) "EDU" (Equivalent Dwelling Unit) shall mean the average daily amount of sewage flow from a normal residence unit based upon industry standards.

(f) "Excessive Strength Surcharge" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of Normal Domestic Sewage (as defined herein);

(g) "Fats, Grease and Oils" shall mean All Fats, Oils and Grease Petroleum Products and By-Products, Fats, Oils and Grease as typically found in food service operations includes but is not limited to any substance such as vegetable or animal product that is used in, or is a by-product of the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions. Petroleum, Oils, and Grease as typically found in auto service facilities or

manufacturing or warehouse facilities include but are not limited to any substance such as petroleum oil, non-biodegradable cutting oil or products of mineral oil origin.

(h) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.

(i) NH₃N (Ammonia Nitrogen) shall have the same meaning as in the Use Resolution.

(j) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

B.O.D.	not more than	300	mg/L
S.S.	not more than	270	mg/L
NH ₃ N.	not more than	30	mg/L
PO ₄	not more than	4	mg/L
Fats, Grease and Oils	not more than	100	mg/L

As defined by origin, wastewater from segregated domestic and or sanitary conveniences as distinct from wastes from industrial process.

(k) "NPDES (National Pollutant Discharge Elimination System) Permit" shall mean the permit issued by the Indiana Department of Environmental Management for the discharges of wastewaters to navigable waters of the United States pursuant to Section 402 of 33 U.S.C. 466.

(l) "Operation and Maintenance Costs" include all costs, direct and indirect, including but not limited to, Replacement Costs (as defined herein) necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and to produce discharges to receiving waters that conform with all related Federal, State and local requirements. (m) "Other Service Charges" shall mean tap-on charges, connection charges, Facility Utilization Fees, Interceptor Utilization Fees, area charges, and other identifiable charges other than User Charges, debt service charges and excessive strength surcharges.

(n) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

(o) "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

- (p) “Shall” is mandatory; “May” is permissive.
- (q) “Service Area” shall mean the area within the boundary of the West Central Conservancy District as amended from time to time and described in Hendricks Circuit Court, Cause No. 32C01-9107-MI-257.
- (r) “Sewage” shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments.
- (s) “Sewer Maintenance Costs” shall mean the costs to transport sewage and to repair the collection system.
- (t) “S.S.” (Suspended solids) shall have the same meaning as defined in the Use Resolution.
- (u) “Sewer Use Resolution” shall mean a separate and companion enactment to this Resolution, which regulates the connection to and use of public and private sewers.
- (v) “User Charge” shall mean a charge levied on users of the wastewater treatment works for the cost of Operation and Maintenance of such works and Debt Service Costs.
- (w) “User Class” shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental in the User Charge System)
- (i) “Residential User” shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.
 - (ii) “Commercial User” shall mean any establishment involved in a commercial enterprise, business or service which, based on a determination by the District, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
 - (iii) “Institutional User” shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the District, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
 - (iv) “Governmental User” shall mean any Federal, State, or local governmental user of the wastewater treatment works.

(v) "Industrial User" shall mean any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works.

(x) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

Section 2. Every person whose premises are served by said sewage works shall be charged for the services provided. These charges are established for each User, as defined, in order that the sewage works shall recover from each User revenue to defray the cost of Operation and Maintenance (cost and replacement costs) of the treatment works and to cover Debt Service Costs.

Section 3. For the use of and the services rendered by the sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the District's sanitary sewer system or otherwise discharges sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewer system of the West Central Conservancy District. Such rates and charges include Operation and Maintenance Costs, User Charges, Debt Service Costs, Excessive Strength Surcharges and Other Service Charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(A) For all User Classes except Residential Users the sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read in accordance with the operating practice of Citizen's Energy Group or the meter reading practices of the District as the case may be. For all User Classes except Residential, the Users shall be billed on the same billing cycle employed by Citizen's Energy Group being approximately twenty-one (21) business days (Billing Cycle) provided however if billing is not provided on the Users water bill by Citizen's Energy Group the billing cycle shall be on a monthly basis. The water usage schedule on which the amount of said rates and charges shall be determined as follows:

I. Minimum Monthly Billing Charge — Metered Users

(a)	All Users - except Residential Users.		
	5/8	Inch Water Meter	\$25.11
	1	Inch Water Meter	\$58.26
	1.5	Inch Water Meter	\$131.19
	2	Inch Water Meter	\$224.01
	3	Inch Water Meter	\$511.31
	4	Inch Water Meter	\$887.01
	6	Inch Water Meter	\$2,014.11
	8	Inch Water Meter	\$3,579.96

II. Flow Charge (per hundred cubic feet)

All Users except Residential Users.
\$ 2.21 per hundred cubic feet

III. For Non-Residential Users that are unmetered water users or where accounts meter reading are not available the Minimum Billing Cycle Charge shall be determined by the size of the water service pipe servicing the structure. The Flow Charge shall be determined by the usages based upon standards contained in the latest Indiana Board of Health Publication or 327IAC 3- 6-11 times the Flow Rate of \$2.21 per hundred cubic feet.

(B) For Residential Users of the sewage works:

I. Residential Users (per Monthly Billing Cycle)

(a) Single Family Residential Living Units (Houses or Apartments):
\$ 45.00 per monthly billing cycle

(C) For Non-Residential Leachate

I. The District's Manager in his/her sole discretion may accept treatable Non-Residential Leachate at locations designated by the District Manager. The District Rate for treatment of Non-Residential Leachate accepted by the District shall be a minimum of 10 cents per gallon and a maximum of 25 cents per gallon as determined by the District Manager based upon the strength of the Leachate received. Minimum and maximum deliveries to be processed, shall be as determined by the District Manager in his/her sole discretion based on the conditions and capacity at the District's Wastewater Treatment Plant.

(D) Non-Recurring Charges and Other Service Charges

(1) System Development Charge: All User Classes and All Users

(a) A system development charge (System Development Charge) in the amount of Five Thousand Ninety Eight Dollars(\$5,098.00) per EDU shall be collected by the District.

(2) Construction Inspection Fee:

(a) \$60.00 per hour.

(b) all other District review, inspection and any other associated costs for proposed development(s) approval, development

inspection costs shall be billed by District at District's cost for said service.

(3) Engineering Evaluation Fee:

Fees associated with the plan review for Residential, Commercial, Institutional or Industrial facilities will be the usual and customary charges consistent to such review practices as charged by the District Engineer on the date of service.

(4) Reconnection Charge:

Actual cost of disconnection and reconnection.

(5) Sewer connection application and inspection fee:

\$250.00 per connection

(6) Dishonored check charge:

\$30.00 per Dishonored check

(E) In order to recover the cost of monitoring commercial, institutional and industrial wastes, the District shall charge the Commercial User, Institutional User and Industrial User the actual cost of sampling and analysis.

Section 4. Special Billing: (a) In the event a Non-Residential User's lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the District's sanitary sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the service area and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the District, then the amount of water used shall be otherwise measured or determined by the District. In order to ascertain the rate or charge provided in this Resolution, the owner or other interested party may at his expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measurement acceptable to the District for the determining of sewage discharge.

(b) In the event a Non-Residential User's lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids in the District's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility within the service area, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the District, then the amount of water used shall be otherwise measured or determined by the District. In order to ascertain the rates or charges, the owner or other interested parties may, at his expense, install and maintain meters, wires,

volumetric measuring devices or any adequate and approved method of measuring acceptable to the District for the determination of sewage discharge.

(c) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the District's sanitary sewerage system, either directly or indirectly, and uses water in excess of 10,000 gallons per Billing Cycle, and it can be shown to the satisfaction of the District that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewerage system, then the owner or other interested party shall, at his expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measurement acceptable to the District for the determination of sewage discharge.

Section 5. (a) In order that the rate and charges may be justly and equitably adjusted to the service rendered to Users, the District shall base its charges not only on the volume, but also on strength and character of the stronger-than-Normal Domestic Sewage and shall require the user to determine the strength and content of all sewage and wastes discharges, either directly or indirectly into the sewage system, in such manner and by such method as the District may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The User shall furnish a control manhole suitably located which shall be available to the District at all times.

(b) Normal Domestic Sewage strength should not exceed a biochemical oxygen demand of 300 milligrams per liter of fluid or suspended solids in excess of 270 milligrams per liter of fluid, or total kjehdahl nitrogen in excess of 30 milligrams per liter of fluid, or not more than 4 milligrams per liter of fluid of Phosphorus or not more than 100 milligrams of fats, grease and oil per liter of fluid. Additional charges for treating stronger-than-Normal Domestic Sewage shall be made on the following basis:

(1) Rate Surcharge Based Upon Suspended Solids

There shall be an additional charge of 34 cents per pound of suspended solids for suspended solids received in excess of 270 milligrams per liter of fluid.

(2) Rate Surcharge Based Upon BOD

There shall be an additional charge of 30 cents per pound of biochemical oxygen demand for BOD received in excess of 300 milligrams per liter of fluid.

(3) Rate Surcharge Based Upon Ammonia

There shall be an additional charge of \$1.02 cents per pound for ammonia in excess of 30 milligrams per liter of fluid.

(4) Rate Surcharge Based Upon Phosphorus

There shall be an additional charge of \$1.50 per pound of phosphorus received in excess of 4 milligrams per liter of fluid.

(5) Rate Surcharge Based Upon Fats, Grease, and Oils

There shall be an additional charge of \$.25 per pound of fats, wax, grease, oil collective whether emulsified or not, received in excess of 100 milligrams per liter of fluid.

(c) The determination of Suspended Solids and Five-day Biochemical Oxygen Demand contained in the water shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants", Regulation CFR Part 136, published in the Federal Register on October 16, 1973.

Section 6. For service rendered to Harlan Bakeries Inc.'s bakery plant, the terms and conditions of a special contract, authorized by Section 12 hereof as amended from time to time will apply.

Section 7. District Rates and Charges shall be prepared, billed and collected by the District in the manner provided by law and resolution.

(a) The Rates and Charges for all Users shall be prepared and billed on a monthly basis.

(b) The District Rates and Charges may, at the District's sole discretion, be billed to the tenant or tenants occupying single family properties connected to the District's system, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. Notwithstanding the owner's request the District in its sole and absolute discretion may continue to bill the owner. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the District for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

(c) As is provided by statute, all Rates and Charges not paid when due, which is 15 days after the date of the mailing of the bill, are hereby declared delinquent. A penalty of ten percent (10%) of the amount of the bill attaches as a delinquent fee. The amount of the Rates and Charges, the penalty, and a reasonable attorney fee may be recovered by the District in a civil action.

Section 8. (a) The District shall make and enforce such rules and regulations as may be deemed necessary for the safe, economical and efficient management of the District's sewerage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewerage treatment works, for the regulation, collection, rebating and refunding of such rate

and charges. No free service shall be provided to any User of the wastewater treatment facility.

(b) The District is hereby authorized to prohibit dumping of wastes into the District's sewerage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the District, or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the sewage works.

Section 9. The invalidity of any section, clause, sentence, or provision of this Resolution shall not affect the validity of any other part of this Resolution which can be given effect without such invalid part or parts.

Section 10. No statement or language in this Resolution shall be construed in any manner to conflict with any applicable statute.

Section 11. The Board is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable cost to the sewage works can be determined, and such special rates shall be based on such costs notwithstanding the terms of this Resolution.

Section 12. The Rates and Charges as herein set forth shall become effective for services rendered on and after the June 1, 2022.

Section 13. This Resolution shall be in full force and effect from and after its passage.

At such hearing and prior to final adoption of said Resolution, all interested parties may appear and be heard. A copy of Resolution 2022-0418-1 may be examined at the District's office, located at 243 S. County Road 625 E., Avon, IN 46123 and on the District's website; <https://www.wccd.in.org/>

Dated this 25th day of April, 2022.

/s/ Alan M. Hux
Alan M. Hux, attorney for
West Central Conservancy District