

**STATE OF INDIANA**

**INDIANA UTILITY REGULATORY COMMISSION**

**IN THE MATTER OF THE PETITION OF )  
GRANGER WATER UTILITY LLC FOR (1) )  
APPROVAL OF AN INITIAL SCHEDULE OF )  
RATES AND CHARGES FOR WATER UTILITY )  
SERVICE; (2) FOR APPROVAL OF LONG TERM )  
DEBT, INCLUDING AN ENCUMBRANCE OF ITS )  
FRANCHISE, WORKS OR SYSTEM RELATED )  
THERE TO; (3) FOR ISSUANCE OF A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO PROVIDE WATER )  
UTILITY SERVICE IN CERTAIN AREAS OF ST. )  
JOSEPH COUNTY, INDIANA; (4) FOR CERTAIN )  
DEFERRED ACCOUNTING TREATMENT; AND )  
(5) FOR CONSENT OF THE COMMISSION TO )  
OBTAIN A LICENSE, PERMIT OR FRANCHISE )  
TO USE COUNTY PROPERTY PURSUANT TO )  
IND. CODE § 36-2-2-23 )**

**CAUSE NO. 45568**

**PUBLIC'S EXHIBIT NO. 3**

**TESTIMONY OF JAMES T. PARKS**

**ON BEHALF OF**

**THE INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR**

**SEPTEMBER 28, 2021**

Respectfully submitted

INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR

A handwritten signature in black ink, reading "Daniel M. Le Vay". The signature is fluid and cursive, with a long horizontal stroke at the end.

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## CERTIFICATE OF SERVICE

This is to certify that a copy of the *Public's Exhibit No. 3, Testimony of James T. Parks* has been served upon the following counsel of record in the captioned proceeding by electronic service on September 28, 2021.

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**TESTIMONY OF OUCC WITNESS JAMES T. PARKS**  
**CAUSE NO. 45568**  
**GRANGER WATER UTILITY LLC**

**I. INTRODUCTION**

1 **Q: Please state your name and business address.**

2 A: My name is James T. Parks, P.E., and my business address is 115 W. Washington  
3 Street, Suite 1500 South, Indianapolis, IN 46204.

4 **Q: By whom are you employed and in what capacity?**

5 A: I am employed by the Office of Utility Consumer Counselor (“OUCC”) as a Senior  
6 Utility Analyst in the Water/Wastewater Division. My qualifications and  
7 experience are described in Appendix A.

8 **Q: What relief does Petitioner seek in this cause?**

9 A: Granger Water Utility, LLC (hereafter (“Petitioner,” “Granger Water” or  
10 “Granger”) proposes to form a new investor owned water utility and is asking the  
11 Commission to approve initial rates and charges for water utility service, to  
12 retroactively approve long-term debt, to grant a certificate of public convenience  
13 and necessity to provide water service in certain areas of unincorporated St. Joseph  
14 County, Indiana, for deferred accounting treatment, and for the Commission’s  
15 consent to obtain a license, permit or franchise for the use of St. Joseph County  
16 property pursuant to Ind. Code § 36-2-2-23.

17 **Q: What is the purpose of your testimony?**

18 A: I describe Granger’s water distribution system and water treatment plant. I discuss  
19 how Petitioner in 2018 or earlier embarked on establishing a separate investor-  
20 owned water utility before learning it needed to evaluate connecting to an existing

1 water utility. I testify that Petitioner did not complete a proper analysis of water  
2 supply alternatives that analyze options and costs to connect to an existing water  
3 system before forming a new independent water system, which is a required  
4 component of a Water System Management Plan and the St. Joseph Council  
5 Subdivision Control Ordinance. I testify that Patrick Matthews conducted a capital  
6 cost analysis that did not include other capital costs for expansion and equipment  
7 replacement and the annual operating and maintenance costs. I note that Mr.  
8 Matthews did not have a Professional Engineer or a qualified person under the  
9 direct supervision of a Professional Engineer prepare the Life Cycle Cost Benefit  
10 Analysis.

11 I testify Petitioner never requested a main extension and never obtained a  
12 cost to connect from any existing water utility. For purposes of the Water System  
13 Management Plan, Petitioner relied on a one-page notification form letter that asked  
14 if nearby water utilities would be “interested in assisting with supplying a potable  
15 water supply” without defining what it meant by that phrase. I also testify that  
16 Petitioner never provided basic details on the requirements or schedule for its  
17 desired water supply, did not timely notify any utility of the need for water service,  
18 and had no follow-up with nearby utilities (except for a meeting made at the request  
19 of the City of Mishawaka). I describe Mishawaka’s new Juday Creek water  
20 treatment plant now under construction that will be in service in 2023. I recommend  
21 that the developer and/or Petitioner formally request a main extension from the City

1 of Mishawaka including the cost and three-year revenue allowance under the main  
2 extension rules.

3 I also testify that Petitioner increased its customer growth projections for  
4 this rate case, which are substantially higher than Petitioner's original growth  
5 projections provided to IDEM and note that Petitioner has not provided any  
6 evidence to support its growth projections. I testify Petitioner's customer  
7 projections are overly optimistic, unsupported and unlikely to occur. I recommend  
8 Petitioner's service area exclude an additional 75-acre partial of land and be limited  
9 to the initial 76-acres that Petitioner owns which has received Primary Plat  
10 approval.

11 I also testify that IDEM only permitted Petitioner's system for the initial 40  
12 lots in Section 1 and that Petitioner will need to expand the system to provide  
13 finished water storage in either an elevated storage tank or ground storage tank to  
14 enable the wells and filters to run over longer periods of time and be able to meet  
15 maximum day, peak hourly and fire flow demands. Petitioner's current fire  
16 protection system bypasses treatment in the event of a fire by direct pumping from  
17 the two wells into the distribution system. I testify that hydropneumatic tanks are  
18 prohibited for fire protection and only allowed by IDEM for very small systems  
19 serving no more than 114 homes. I recommend Petitioner connect to the City of  
20 Mishawaka within the next 5 years before it needs to expand its system with an  
21 elevated storage tank, which I estimate will cost over \$1 million. I recommend

1 Petitioner be permitted and directed to shut down its water treatment plant and  
2 salvage the well pumps and motors, filters and hydropneumatic tanks.

3 I point out that Petitioner's proposed \$75 per month flat rate is not cost  
4 based and does not reflect current or future actual costs (based on overly optimistic  
5 customer growth projections). I testify that if Petitioner decides to base rates on all  
6 revenue requirements that may be allowed, residential customers will be subjected  
7 to one of the highest combined water and sewer bills in Indiana at an estimated  
8 \$340 per month. I also state that Petitioner's proposed minimum service call  
9 charges (such as for turning on and off service) at over \$500 can best be described  
10 as punitive. I recommend that the Commission deny these service call rates.

11 **Q: Please describe the review and analysis you conducted to prepare your**  
12 **testimony.**

13 A: I reviewed Granger's petition and the testimonies of J. Patrick Matthews, Chief  
14 Executive Officer and member of Granger Water Utility LLC, and Jennifer Z.  
15 Wilson, Consulting Managing Director with Crowe LLP ("Crowe"), a certified  
16 public accounting and consulting firm. I reviewed Petitioner's Attachments, late  
17 filed Attachments, and responses to OUCC data requests. I participated in  
18 teleconferences with the Petitioner on May 11, 2021, and August 5, 2021, met with  
19 Lance Mabry, P.E. of IDEM and participated in a teleconference with David  
20 Majewski of the City of Mishawaka on September 16, 2021. Finally, I compiled  
21 and attached various documents, which I refer to in my testimony. These  
22 attachments are listed in Appendix B.

## II. DESCRIPTION OF THE GRANGER WATER SYSTEM

1 **Q: Please describe the Granger Water Utility, LLC public water system.**

2 A: There is no Indiana public water system named Granger Water Utility, LLC that is  
3 permitted or regulated by the Indiana Department of Environmental Management  
4 (“IDEM”)<sup>1</sup>. It appears Patrick Matthews incorporated Granger Water Utility, LLC  
5 on April 8, 2019 by filing as a limited liability corporation with the Indiana  
6 Secretary of State’s office. Petitioner’s response to discovery indicated Granger  
7 Water is 65% owned by Seven Diamonds LLC and 35% owned by Circumlocution  
8 LLC. Mr. Matthews is the Chief Operating Officer.

9 On June 22, 2020, Petitioner submitted a *Water System Management Plan*  
10 under the name, Granger Water Utility, LLC for which IDEM issued a contingent  
11 approval letter.<sup>2</sup> IDEM also had issued an initial Well Site Survey for the Granger  
12 Water Utility June 11, 2019.

13 **Q: Did Petitioner include IDEM’s contingent approval letter in its case-in-chief?**

14 A: No. Petitioner included its *Water System Management Plan* but excluded IDEM’s  
15 Demonstration of Capacity letter that was contingent on resolving financial  
16 capacity issues listed in the IURC review comments.<sup>3</sup>

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<sup>1</sup> According to the OUCC’s conversation with Mr. Lance Mabry, P.E. of IDEM’s drinking Water Branch and confirmed by the OUCC’s review of the construction permits issued by IDEM.

<sup>2</sup> See OUCC Attachment JTP-1, *Certification of Demonstration of Capacity for a New Public Water Supply* for the Granger Water Utility, LLC, October 22, 2020.

<sup>3</sup> See Attachment JPM-6 IDEM-Approved Water System Management Plan (contingent approval) in Mr. Matthews case-in-chief testimony. IDEM’s contingent approval included October 14, 2020, Financial Capacity review comments by Dana Lynn of the IURC.



1 **Q: What contingencies were tied to approval of the *Water System Management***  
2 ***Plan*?**

3 A: IDEM identified two issues Granger needs to resolve before IDEM will activate the  
4 water system as a community water supply. The first was the need for Granger to  
5 clarify what method it would use for disinfection (liquid or gaseous chlorine). The  
6 second was the need to address several financial issues identified by IURC staff in  
7 October 2020, the most significant of which was the belief expressed that  
8 “cumulative cash shortfalls could possibly be near or exceed \$1 million dollars  
9 during the first five years of operation” and that “unless Granger can provide  
10 additional information explaining how the owners plan to cover these cash  
11 shortfalls, staff believes this utility will not be financially viable.”<sup>4</sup>

12 OUCC witnesses Shawn Dellinger and Carla Sullivan testify regarding  
13 Petitioner's growth projections, model assumptions and financial plans for the  
14 utility.

15 **Q: What is the actual name of Petitioner's public water system?**

16 A: According to the Indiana Department of Environmental Management (“IDEM”),  
17 the actual name is The Hills at St. Joe Farm. This is the name listed on two IDEM  
18 construction permits, one construction permit for the water distribution system and

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<sup>4</sup> IDEM included the IURC's Financial Capacity review comments as a 4-page attachment to the *Certification of Demonstration of Capacity for a New Public Water Supply* for the Granger Water Utility, LLC, October 22, 2020. See OUCC Attachment JTP-1 for Petitioner's response to DR 4-18.

1 the other construction permit for the wells and groundwater treatment plant.<sup>5, 6</sup> It is  
2 also the name listed on the 2020 Amended Well Site Survey for The Hills at St. Joe  
3 Farm.<sup>7</sup>

4 **Q: Was the water distribution system constructed by The Hills at St. Joe Farm**  
5 **public water system?**

6 A: No. Based on Petitioner's testimony, it appears the subdivision's developer, The  
7 Village Development, LLC, installed the Section 1 water distribution system (40  
8 lots) and will install the mains in subsequent subdivision sections.<sup>8</sup> Petitioner  
9 testified "Distribution System assets will be purchased from the Developer through  
10 issuance of a loan from the developer (the "Distribution Loan"). The outstanding  
11 loan balance will increase with future buildouts of the distribution system and  
12 will be repaid through equity contributions of the developer of \$290,000 per  
13 year, as well as available funds of Granger Water."<sup>9</sup>

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<sup>5</sup> IDEM issued a Permit for Public Water Supply Construction, Permit No. WS-12230 on February 19, 2021, for the water distribution system serving Section 1 (40 residential lots) for The Hills at St. Joe Farm public water system (PWSID 5271002). See OUCC Attachment JTP-2.

<sup>6</sup> IDEM issued a Permit for Public Water Supply Construction, Permit No. WS-12230 on March 19, 2021, for the wells, water treatment, and hydropneumatics storage tanks for The Hills at St. Joe Farm public water system (PWSID 5271002). See Attachment JPM-10 to Mr. Matthews case-in-chief testimony.

<sup>7</sup> See OUCC Attachment JTP-3 for the two Well Site Surveys consisting of 1) the Initial Well Site Survey (conducted on April 23, 2019) that was issued by IDEM on June 11, 2019 for the Granger Water Utility LLC public water system PWSID # IN571002 to Mr. Patrick Matthews, Granger Water Co. LLC, and 2) the Amended Well Site Survey (conducted on May 18, 2020) that was issued by IDEM on May 22, 2020 for The Hills at St. Joe Farm public water system PWSID # IN571002 to Mr. Patrick Matthews, The Hills at St. Joe Farm.

<sup>8</sup> The distribution system includes hydrants, valves, service lines and 3,130 lineal feet ("LF") of 8-inch diameter ductile iron water main from the water treatment plant north along Olympus Pass and then along Brick Road and Andes Court. The total number of service lines appears to be 42 consisting of the 40 lots in Section 1 plus Lots 41 and 42. In addition, there are an additional 21 Lots along the 1,310 LF Olympus Pass water main segment.

<sup>9</sup> See Ms. Wilson's case-in-chief testimony, page 10, lines 7-12.

1 IDEM's issuance of both construction permits to The Hills at St. Joe Farm  
2 public water system appears to not recognize or acknowledge the corporate  
3 separation between the two companies (a developer and a prospective investor-  
4 owned utility company) owned by Mr. Matthews, each of which constructed parts  
5 of the water system. The Village Development, LLC constructed the water  
6 distribution system, but The Hills at St. Joe Farm public water system constructed  
7 the wells and water treatment plant.

8 **Q: What is the service area for Petitioner's water system?**

9 A: Petitioner has made this aspect of its proposal unclear. Mr. Matthews described the  
10 proposed service area as both a 76-acre area platted for The Hills at St. Joe Farm  
11 major subdivision and a larger 151-acre area.<sup>10</sup> He further described the service  
12 area as follows:

13 The project will encompass approximately 76 acres and will initially  
14 include 40 units, all residential in nature. The entire anticipated  
15 project will consist of 229 homesites. The developer of The Hills  
16 has an option on an adjacent 75 acres that would allow for expansion  
17 to a total of about 500-600 homes.<sup>11</sup>

18 Emphasis added by the OUCC.

19 In its *Water System Management Plan*, Petitioner indicates its water system is sized  
20 to serve 500 homes but shows only 230 platted lots in its Exhibit 1.1.6 - Site Plan.<sup>12</sup>

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<sup>10</sup> See Mr. Matthews case-in-chief testimony, page 5.

<sup>11</sup> *Id.*

<sup>12</sup> See Exhibit 1.1.6 – Site Plan in Attachment JPM-6 in Mr. Matthews case-in-chief testimony, page 56 of 91. There are 229 platted single family residential lots (68.74 acres including common areas such as streets, sidewalks, and stormwater pond) and Lot 230 (7.26 acres) for the site of the two production wells and the groundwater treatment plant. Lot 230 is also the site of the proposed 4-acre community park for according to Petitioner's response to Data Request 4-21 which indicated Lot 230 serves the dual purposes of water treatment and public recreation.

1 The additional 75-acre property is not identified, discussed, or shown on the *Water*  
2 *System Management Plan* site plan.

3 **Q: What service area does Petitioner depict in its petition?**

4 A: Petitioner shows the larger 151-acre service area in its petition and in Attachment  
5 JPM-4.<sup>13, 14</sup> The 151-acre service area includes the 76-acre property platted for 230  
6 lots granted Primary Approval by the St. Joseph County Area Plan Commission  
7 (“APC”) and 75-acres of adjacent parcels to the west.<sup>15</sup>

8 **Q: Did Petitioner evidence its option to purchase the 75 acres in its case?**

9 A: No.

10 **Q: How many homes does Petitioner assert it will serve?**

11 A: Beside the initial 229 platted single family residential lots on 76 acres, Petitioner  
12 stated that “The developer of The Hills has an option on an adjacent 75 acres that  
13 would allow for expansion to a total of about 500-600 homes.”<sup>16</sup> Mr. Matthews  
14 further testified about growth beyond the 500-600 customers, stating “While the  
15 Service Area is the proposed initial service area for which a certificate of public  
16 convenience and necessity is requested, Granger Water plans to expand its service  
17 area over time, including potentially extending water service to presently unserved

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<sup>13</sup> See Granger Water Utility, LLC’s Petition, Exhibit A - Map of Proposed Service Area (The Hills at St. Joe Farm, Major Subdivision, including optioned land), Granger, Indiana 46530.

<sup>14</sup> See Attachment JPM-4, Map of Proposed Service Area, in Mr. Matthews case in chief testimony.

<sup>15</sup> See OUCC Attachment JTP-4, Area Plan Commission approval, March 19, 2020 and information for The Hills at St. Joe Farm Major Subdivision – APC #7136-20-P.

<sup>16</sup> See Mr. Matthews case-in-chief testimony, page 5.

1 developments in the unincorporated area known as Granger, Indiana, located in St.  
2 Joseph County.”<sup>17</sup>

3 In response to discovery, Petitioner said the statement above was a general  
4 statement of intent. Petitioner has not defined a future service area it plans to serve  
5 and did not provide a map identifying the potential expanded future service area of  
6 unserved developments in the unincorporated area known as Granger, Indiana.<sup>18</sup>

7 **Q: What is the timetable for Petitioner's development plans?**

8 A: Petitioner's witness Ms. Wilson assumes Granger will be serving 365 customers  
9 within ten years.<sup>19</sup> At the rate for adding customers indicated in its model, Petitioner  
10 will have connected all 229 Phase 1 platted lots early in the seventh full year of  
11 operation (2028).

12 **Q: Are Petitioner's modeled customer additions reasonable?**

13 A: No. Petitioner's model assumes 38 new customers will be added each year.  
14 Petitioner's *Water System Management Plan* assumed it would add only 24 new  
15 customers annually, and the IURC staff person who reviewed that plan in 2020  
16 disagreed that a 10% or 24 per year customer addition should be used.<sup>20</sup> The 38  
17 new customer addition Petitioner used in its model in this case is 58% higher than

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<sup>17</sup> *Id.*

<sup>18</sup> Petitioner's response to DR 4-5.

<sup>19</sup> Ms. Wilson's financial model is based on the unsupported assumptions that Petitioner will add 38 new customers annually for years 1 to 5 (190 customers), followed by 35 new customers annually for years 6 to 10 (175 more customers). Petitioner assumes the count after year ten will be 365 customers and will thereafter grow at 25 new customers annually.

<sup>20</sup> See the IURC Financial Capacity review comments regarding customer growth assumptions in OUCC Attachment JTP-1, *Certification of Demonstration of Capacity for a New Public Water Supply* for the Granger Water Utility, LLC, October 22, 2020.

1 the growth rate IURC Staff considered to be too high. Petitioner fails to provide  
2 any evidence in its case-in-chief that its *Water System Management Plan* customer  
3 addition assumptions or its 2021 revised higher annual customer additions in its  
4 financial modeling are realistic. The OUCC views them as unsupported, overly  
5 optimistic, and unlikely to occur.

6 The Commission has previously noted other small water utilities that  
7 significantly over projected their future customer counts including Morgan County  
8 Rural Water (Cause No. 41818), Sullivan-Vigo Rural Water (Cause No. 42599),  
9 and Town of Lizton (Cause No. 45274 in 2019).<sup>21</sup>

10 **Q: How many customers are currently receiving water from Petitioner?**

11 A: Petitioner did not indicate in its case-in-chief or in response to discovery that it is  
12 currently serving any customers. In response to discovery, Petitioner indicated the  
13 two wells, water treatment plant and distribution system were completed on August  
14 15, 2021.<sup>22</sup>

15 **Q: Of the forty lots in Section 1, how many have been sold?**

16 A: In response to discovery, Petitioner listed receipt of \$9,259 curtailments per lot  
17 (\$55,554 total) from the sale of six lots through July 7, 2021.<sup>23</sup>

18 **Q: Is the developer on track to reach Petitioner's modeled 38 new customers in  
19 year one?**

20 A: No. The Hills at St. Joe Farm website indicates Phase 1 Lots were released on  
21 October 15, 2020.<sup>24</sup> Therefore, the developer has averaged less than one lot sale per

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<sup>21</sup> See Cause No. 45274, Lizton Municipal Water Utility, 2019, Final Order, page 8

<sup>22</sup> Petitioner's response to DR 4-3 and Dr 4-15.

<sup>23</sup> Petitioner's response to DR 3-2, Attachment 3-2 (b).

<sup>24</sup> <https://www.hillsgranger.com/faq>

1 month over seven months (October 15, 2020 to July 7, 2021), which is far below  
2 the modeled 38 new customers per year and even the original modeled 24 new  
3 customers year. For the water demand and future expansion timing technical  
4 analysis I provide in this testimony, I nonetheless assume the utility will add 24  
5 new customers annually as indicated in its *Water System Management Plan*. I also  
6 assume the maximum connected customer count will be 229 instead of Petitioner's  
7 unsupported 500 to 600 home forecast.

8 **Q: Please describe Petitioner's water treatment system.**

9 A: Petitioner installed two 12-inch diameter groundwater wells each with 600 gpm  
10 vertical turbine pumps equipped with variable frequency drives.<sup>25</sup> These are the  
11 only system pumps installed. The pumps provide the discharge pressure through  
12 six OptiPlus75 catalytic media pressure filters and two 3,000-gallon  
13 hydropneumatic tanks. Petitioner has no other finished water storage. With a  
14 surface area of 15.9 square feet, each filter is rated at 6.29 gpm/ft<sup>2</sup> or 100 gpm per  
15 filter. The firm filtration capacity with one filter offline (five of six filters in service)  
16 is 500 gpm. Groundwater is pre-chlorinated with liquid sodium hypochlorite to  
17 oxidize iron and manganese before the filters followed by post chlorination to  
18 provide a chlorine residual in the distribution system.

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<sup>25</sup> Peerless-Midwest installed Well No. 1 South on March 23, 2020 and Well No. 2 North on May 24, 2021.

**III. CONNECTION TO AN EXISTING WATER SYSTEM**

1 **Q: What are the *Water System Management Plan* requirements to evaluate**  
2 **connecting to an existing public water system?**

3 A: Under the *Water System Management Plan* requirements, 327 IAC 8-3.6-6  
4 *Managerial capacity of a new public water supply system*, new utilities are required  
5 to first assess alternatives to starting a new water utility such as connecting to an  
6 existing water utility.<sup>26</sup> This requirement supports reducing the number of small,  
7 financially non-viable and distressed water utilities by regionalizing with larger  
8 water utilities to improve performance, operation and maintenance and  
9 infrastructure management while maintaining affordable water rates. Proposed new  
10 utilities must follow the *Water System Management Plan* assessment requirements  
11 below:

12 Sec. 6. A water system management plan shall provide the following  
13 managerial capacity information:

14 (3) An assessment of consolidation with or interconnection to another  
15 public water supply system, including the following:

- 16 (A) A narrative describing:
- 17 (i) the accessibility to another public water supply system;
  - 18 (ii) efforts by a proposed public water supply system to notify  
19 other operating public water supply systems, within a ten (10)  
20 mile radius, that there is a proposal to develop a new public  
21 water supply system;
  - 22 (iii) the response to notification required by item (ii); and
  - 23 (iv) whether an agreement can be obtained for consolidation  
24 with or interconnection to an operating public water supply  
25 system within a ten (10) mile radius.

26 (B) A cost benefit analysis comparing:<sup>27</sup>

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<sup>26</sup> See OUCC Attachment JTP-5 *Water System Management Plan* requirements, 327 IAC 8-3.6.

<sup>27</sup> The requirement for a cost benefit analysis has been modified by IC 13-18-26-3 - Life cycle cost-benefit analysis. See Attachment JPM-10 to Mr. Matthews case-in-chief testimony, pages 9-13 of 13.



- 1 (i) development of a new public water supply system;
- 2 (ii) consolidation with an existing public water supply system;
- 3 and
- 4 (iii) interconnection with an existing public water supply
- 5 system.

6 (C) The information required by this subdivision shall be prepared  
7 by a professional engineer, as described under IC 25-31, who is  
8 registered in Indiana, or by a qualified person under the direct  
9 supervision of a professional engineer registered in Indiana.

10 I provide the IDEM flowchart / decision tree outlining the necessary steps for  
11 preparing and obtaining approval for a *Water System Management Plan* in  
12 Attachment JTP-6. The first step in the flowchart is to consider water supply  
13 options such as connecting to an existing water system or purchasing water from  
14 an existing water system.

15 **Q: Did Petitioner initially consider connecting to an existing water utility?**

16 A: No. It appears Petitioner decided early in its subdivision planning process to build  
17 and operate its own water utility without evaluating connecting to an existing water  
18 utility as required under 327 IAC 8-3.6-6 and without preparing an Engineering  
19 Feasibility report as required under Section 153 .062 (D) of the St. Joseph County  
20 Subdivision Control Ordinance.<sup>28, 29</sup> Mr. Matthews indicated that he started talks  
21 with Mr. Paul Blum to purchase the land for The Hills at St. Joe Farm three or four  
22 years ago. He stated they discussed density of the development and Mr. Blum,

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<sup>28</sup> See OUCC Attachment JTP-6 for the flowchart / decision tree outlining the necessary steps for preparing and obtaining approval for a *Water System Management Plan*.

<sup>29</sup> See OUCC Attachment JTP-7 for the Engineering Feasibility report requirements under the St. Joseph County Subdivision Control Ordinance in effect on March 19, 2020 (date of Area Plan Commission approval of The Hills at St. Joe Farm).

1 based on his experience with irrigation wells on his properties, suggested Mr.  
2 Matthews put in wells to serve the subdivision.<sup>30</sup>

3 **Q: Prior to forming Granger Water Utility, LLC did Petitioner notify area water**  
4 **utilities within ten miles as required under the *Water System Management Plan***  
5 **rules to assess whether it could connect to an established water system?**

6 A: No. One of the first things Petitioner did was engage Peerless-Midwest three years  
7 ago in the Fall of 2018 to develop the groundwater supply<sup>31</sup> followed by forming  
8 Granger Water Utility, LLC on April 8, 2019.<sup>32</sup> It appears Petitioner did not contact  
9 any area utilities until May 2020. According to a January 11, 2021 South Bend  
10 Tribune article, the subdivision is St. Joseph County's largest single-housing  
11 project in decades for which planning began in 2017.<sup>33</sup>

12 **Q: How much time did Petitioner have to assess the feasibility of connecting to an**  
13 **existing utility and was this sufficient time to make such a connection?**

14 A: Assuming Petitioner began active subdivision planning in 2018, Petitioner had  
15 nearly three years to connect to the nearest existing utility, the City of Mishawaka,  
16 which I discuss further below. Petitioner stated it completed its water distribution  
17 and treatment systems on August 15, 2021.<sup>34</sup> I based my review of Petitioner's  
18 limited Section 1 water demands in the early years of the subdivision, using  
19 Petitioner's original, lower pace of adding 24 customers per year, which IURC

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<sup>30</sup> Mr. Matthews comments during an August 5, 2021 teleconference with the OUCC.

<sup>31</sup> See OUCC Attachment JTP-8 for copies of 2018-2020 quotations and invoices from Peerless-Midwest for the hydrogeological study and new wells to establish a groundwater supply. DR 3-7 and DR 4-3 (c).

<sup>32</sup> See OUCC Attachment JTP-9 for the April 8, 2019 Certificate of Organization issued by the Indiana Secretary of State's office for the Granger Water Utility, LLC.

<sup>33</sup> See OUCC Attachment JTP-10 for a news article regarding The Hills at St. Joe Farm

<sup>34</sup> Petitioner's response to DR 4-15. The OUCC does not know whether any new homes have been completed or whether any homeowner is receiving water service as of the OUCC's filing, September 28, 2021.

1 reviewer Dana Lynn indicated was unsupported. Considering possible tie in points  
2 and water main routes, Petitioner would have had ample time to complete  
3 construction if it had pursued connecting to the Mishawaka water system in 2018  
4 or 2019.

5 **Q: Please elaborate on Petitioner's timing of forming its new water utility and the**  
6 **system's milestones.**

7 A: The Peerless-Midwest groundwater study and Granger Water Utility's formation  
8 both occurred in 2019 before The Village Development, LLC purchased the land  
9 for The Hills at St. Joe Farm (76 acres) on October 31, 2020.<sup>35</sup> It appears Petitioner  
10 did not contact other area water utilities until after it had formed as a water utility  
11 company and reached many of the milestones needed to provide service:

12 1) Petitioner began investigating a groundwater supply with Peerless-Midwest in  
13 December 2018;

14 2) Petitioner had already been formed as Granger Water Utility by April 8, 2019;

15 3) Petitioner procured an IDEM conducted Well Site survey on April 23, 2019;

16 4) Village Development, LLC obtained Primary Plat approval from the St. Joseph  
17 County Area Plan Commission for the subdivision, which included a private water  
18 system, on March 19, 2020;

19 5) Peerless-Midwest installed Well No. 1 South on March 23, 2020; and

20 6) Granger Water began efforts to secure a Tax Abatement for the water treatment  
21 plant land and equipment by the Summer of 2020.<sup>36</sup>

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<sup>35</sup> See OUCC Attachment JTP-11 - Timeline of milestones for the Granger Water Utility, LLC

<sup>36</sup> *Id.*

1 **Q: When did Petitioner first notify area utilities it had formed a water utility?**

2 A: It appears Petitioner did not notify area utilities it had formed a water utility until  
3 after it had been informed such notice was a mandatory requirement to obtain  
4 IDEM approval of its *Water System Management Plan*.<sup>37</sup> On May 29, 2020,  
5 Petitioner sent a notification form letter provided to it by its contractor Peerless-  
6 Midwest, to just two area utilities: 1) the City of Mishawaka and 2) the St. Joseph  
7 County Regional Water and Sewer District (“SJCRW&SD”) stating “it has  
8 contracted Peerless-Midwest to develop a drinking water supply system” and  
9 asking both utilities if they would be “interested in assisting with supplying a  
10 potable water supply.”<sup>38, 39</sup> Petitioner did not define what it meant by the phrase  
11 “assisting with supplying a potable water supply.”<sup>40</sup>

12 IDEM required Granger Water to contact not just Mishawaka and the  
13 SJCRW&SD but all area water utilities within ten miles including any Michigan  
14 utilities. In response to IDEM’s comments and using the same notification form  
15 letter, Granger issued another notification round of letters on August 13, 2020 to  
16 South Bend, Elkhart, and Niles, MI but failed to contact Edwardsburg, MI even

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<sup>37</sup> Patrick Matthews reported that Peerless-Midwest informed him that Granger Water would need to obtain IDEM approval of a *Water System Management Plan* but did not state when he was informed. Granger Water submitted a draft *Water System Management Plan* on June 22, 2020 to IDEM.

<sup>38</sup> See Attachment JPM-6 IDEM-Approved Water System Management Plan (contingent approval) in Mr. Matthews case-in-chief testimony, pages 73 and 74 of 91 for the notification form letters to Mishawaka and SJCRW&SD. In an August 5, 2021 conference call, Mr. Pat Matthews reported that a Granger Day Care business used the same Peerless-Midwest notification form letter in 2019.

<sup>39</sup> The St. Joseph County Regional Water and Sewer District provides wastewater services in several locations but provides only limited water services (using purchased water from Niles, MI) to 30 homes in a small development with a failed well. The SJCRW&SD does not own any wells or water treatment plants.

<sup>40</sup> Petitioner should have not used the term “assisting with supplying a potable water supply” but should have directly requested a main extension and what main extension costs it would incur.

1           though IDEM confirmed Edwardsburg should be contacted.<sup>41, 42</sup> Only Elkhart and  
2           Niles, MI responded to the second round of August 13, 2020 notification form  
3           letters.

4       **Q: Did Petitioner directly request any capacity or connection information from**  
5       **the utilities or discuss paying for the main extension in accordance with the**  
6       **Commission's main extension rules?**

7       A: No. It appears Petitioner's form letter is essentially just a notification that was not  
8       likely to elicit anything other than a no interest response. Petitioner never identified  
9       its water demand including its fire demand or its pressure requirements. Most  
10       importantly, Petitioner never formally requested a main extension and did not refer  
11       to the Commission's Main Extension rules. Also, Petitioner did not ask any of the  
12       utilities to identify possible connection points, potential water main extension  
13       routes, or main extension costs. Petitioner did not invite the utilities to visit the  
14       subdivision property and meet with Granger Water to discuss possible water  
15       service. All of the foregoing are standard coordination and information sharing  
16       items between water utilities and developers seeking the extension of water service  
17       to their subdivisions.

18                 In its one-page letter, Granger Water did not acknowledge that under the  
19       main extension rules it would bear the water main installation costs except for a  
20       three-year revenue allowance. In fact, the form letters never mention costs. Granger  
21       Water does not indicate it would donate the water distribution system to the existing

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<sup>41</sup> Id., pages 75 to 77 of 91.

<sup>42</sup> August 13, 2020 email from Travis Goodwin, IDEM to Patrick Matthews stating that Granger water should contact the Edwardsburg, MI water utility provided in response to DR 4-12.

1 utilities. Finally, Petitioner never provided a timeframe informing the water utilities  
2 when it would need the main extension.

3 **Q: What is your opinion of Petitioner's form notification letter?**

4 A: It does not fulfill the purpose of the *Water System Management Plan* in that it does  
5 not seek information needed to evaluate connecting to an existing water utility and  
6 beginning the main extension process including securing the funds needed.  
7 Petitioner also notified the area utilities too late in the development process on May  
8 29, 2020 and August 13, 2020 instead of in 2017 to 2019. It knew it needed a water  
9 supply system capable of providing fire protection to enable much higher housing  
10 density on the 76-acre subdivision site.<sup>43</sup> It is unreasonable for Granger Water to  
11 expect water utilities would extend water mains at no cost to Granger Water or that  
12 such a connection could be accomplished absent any direct request from Granger  
13 Water and that it could be completed within a year. Based on the way Granger  
14 Water investigated connecting to an existing water utility, it appears Granger Water  
15 had determined from the beginning to form its own water utility without meaningful  
16 evaluation of less expensive alternatives.

17 **Q: Was Petitioner also required to evaluate the feasibility of connecting to an**  
18 **existing utility according to the St. Joseph County Subdivision Control**  
19 **Ordinance?**

20 A: Yes. For the same goal of avoiding the creation of small, financially non-viable  
21 water and wastewater utilities with few customers, St. Joseph County separately  
22 requires major subdivision developers evaluate connecting to existing water and

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<sup>43</sup> Surrounding homes are on minimum 0.5-acre parcels due to well and septic without fire protection.

1 wastewater utilities under Section 153.062 of St. Joseph County’s Subdivision  
2 Control Ordinance presented below.<sup>44</sup>

3 **153.062 APPLICATION; PRIMARY APPROVAL**

4 An application for primary approval of a major subdivision shall be  
5 submitted in accordance with the filing schedule established by the  
6 Commission. The submission shall contain the following:

7 (D) *Engineering feasibility report.* Three copies of a typed  
8 feasibility report covering sewage, water and drainage facilities and streets  
9 to serve the subdivision, including but not limited to the following:

10 (1) *Existing system.* The applicant shall submit either: (i) if  
11 the subdivider proposes to connect to an existing public sewer and/or water  
12 supply system, a letter from the utility indicating the ability of the utility to  
13 service the subdivision and approval for that subdivision to connect to the  
14 utility; or, (ii) if the subdivider does not propose to connect to an existing  
15 public sewer or water supply system, a report on the feasibility of a  
16 connection shall be made. The report shall include the distance from the  
17 nearest public sewer and water mains, the capacity of the existing systems  
18 intended to handle the additional load and the estimated cost.

19 (2) *Community system.* If the connection to an existing  
20 sewer or water system is not feasible, the feasibility of constructing a public  
21 on-site sewage and/or water system shall be studied. The study shall give  
22 consideration to treatment works, receiving streams, lagoons and public on-  
23 site water supplies and their estimated cost.

24 (Emphasis added by the OUCC.)

25 **Q: Did Petitioner prepare the required Engineering feasibility report?**

26 A: No. On February 7, 2020, Danch, Harner & Associates acting as the developer’s  
27 engineer, submitted to the Area Plan Commission a short letter labeled “Feasibility  
28 Study for The Hills at St. Joe Farm Major Subdivision.” However, the letter did not  
29 include the required information of distance to the nearest public water mains, their  
30 capacity to serve the development, and the estimated main extension cost. The letter  
31 only served to notify the Area Plan Commission that a private water utility would

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<sup>44</sup> St. Joseph County Ordinance No. 44-008, Effective Date: June 17, 2008. Revised on November 17, 2020.

1 be built by the developer. Below is the pertinent paragraph from the letter.

2 (1) The proposed two-hundred and thirty (230) Lots shown will  
3 be serviced by municipal sanitary sewer lines and a private  
4 community water system. The proposed sanitary sewer system and  
5 private community water system will be built by the developer. It is  
6 proposed that once the sanitary sewer system is built and approved,  
7 the County's Water and Sewer District will then take over control  
8 and maintenance of the system. The proposed private community  
9 water system will service all lots in the subdivision. The control and  
10 maintenance of the private community water system will be done by  
11 the developer for an initial time. At a future date and with the  
12 approval of the County's Water and Sewer District, the District will  
13 take over the control and maintenance of the community water  
14 system.<sup>45</sup>

15 (Emphasis added by the OUCC.)

16 **Q: What did you notice about the February 7, 2020 letter to the APC?**

17 A: The Danch, Harner & Associates letter does not distinguish between the developer  
18 (The Village Development, LLC) and the utility (Granger Water Utility, LLC). This  
19 is understandable since Mr. Matthews owns both companies. Also, the letter does  
20 not inform the Area Plan Commission that Petitioner intends to retain and operate  
21 the private water system or that it forecasts the water utility will lose money during  
22 nine of the next ten years even under overly optimistic customer growth projections.  
23 The Danch, Harner & Associates letter provides no cost information whatsoever  
24 regarding the water system's construction or O&M costs. Most importantly, the  
25 engineers state the water system, like the sewers, will be turned over to the  
26 SJCRW&SD.

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<sup>45</sup> See OUCC Attachment JTP-7.



1 **Q: Is this the same information conveyed to the SJCRW&SD?**

2 A: No. The letter to the Area Plan Commission differs from the information provided  
3 to the SJCRW&SD in a letter also dated February 7, 2020 (revised March 10, 2020),  
4 which reads in pertinent part.<sup>46</sup>

5 The project is also proposed to be serviced by a private community  
6 water system. This system will consist of two wells and water mains  
7 run throughout the project along with fire hydrants. The proposed  
8 community well facility is shown on lot 230 of the Major  
9 Subdivision. The community well will be required to be approved  
10 for residential use by the State of Indiana. The developer of the  
11 project will be responsible for the maintenance of the community  
12 well.

13 (Emphasis added by the OUCC.)

14 The letter to the SJCRW&SD does not mention Granger Water or state what the  
15 letter to the Area Plan Commission indicated -- that the water system would be  
16 donated to the SJCRW&SD, which would then own, operate, and maintain the  
17 system. While the letter told the Area Plan Commission that SJCRW&SD would  
18 be asked to take over the control and maintenance of the community water system,  
19 it told the SJCRW&SD that the developer "Village Development" would be  
20 responsible for the maintenance of the community well. Thus, the Village  
21 Development LLC provided different information to two governmental agencies.  
22 Moreover, the letter to SJCRW&SD fails to note IDEM conducted a 2019 Well Site  
23 Survey or that Peerless-Midwest would be installing the first 12-inch production  
24 well within weeks (on March 23, 2020). It also fails to mention Granger Water  
25 intended to build its own water treatment plant.

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<sup>46</sup> *Id.*

1 **Q: Did Petitioner seek a main extension from neighboring water utilities?**

2 A: No. Petitioner has not provided any evidence it sought or directly requested a main  
3 extension from any area utility prior to forming the Granger Water Utility, LLC or  
4 at any other time.

5 **Q: Did Petitioner follow-up with any area utility about connecting to its system?**

6 A: No. In response to discovery asking for all communications about obtaining water  
7 service from Mishawaka, Petitioner said "There were no additional  
8 communications other than those provided in Attachment JPM-6.<sup>47</sup> Granger *did*  
9 meet with the city administration, but nothing came from said meeting and no  
10 written notes or minutes were taken."<sup>48</sup>

11 **Q: Who requested the Mishawaka meeting?**

12 A: It was the City of Mishawaka and not Petitioner that requested the meeting. David  
13 Majewski, Utilities manager, indicated the meeting included the Mayor, City  
14 Planner, City Engineer, and Bill Schalliol, St. Joseph County Executive Director of  
15 Economic Development and was setup to explore ways to provide water to the  
16 development. The meeting was held on August 5, 2020.

17 **Q: Did Petitioner follow-up regarding contributing the groundwater wells, water  
18 treatment plant and the water distribution system to the SJCWSD as it  
19 indicated it would do to the Area Plan Commission?**

20 A: In response to discovery, Petitioner indicated "No written communication  
21 regarding the donation of the water system exists. Donation of the water system

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<sup>47</sup> Refers to the one-page notification form letter dated May 29, 2020 asking if Mishawaka was "interested in assisting with supplying a potable water supply."

<sup>48</sup> Petitioner response to DR 4-6.

1 was discussed during open St. Joseph Country Regional Water and Sewer District  
2 meetings; the concept was subsequently withdrawn by verbal communication.”<sup>49</sup>

3 **Q: Did Petitioner explain why donating the water system to SJCRW&SD was**  
4 **withdrawn?**

5 A: No. Petitioner does not explain why it was withdrawn or who requested the change,  
6 or when it was made.

#### IV. CONNECTION TO THE MISHAWAKA WATER SYSTEM

7 **Q: Is Mishawaka interested in serving The Hills at St. Joe Farm?**

8 A: Yes. During a teleconference with the OUCC's Scott Bell and me, David Majewski,  
9 Mishawaka Water manager, indicated Mishawaka was interested in serving the new  
10 development and stated he wished Mr. Matthews had approached the City earlier  
11 in the process.<sup>50</sup> It would have been beneficial if Peerless-Midwest, Petitioner's  
12 contractor, who is also a contractor for the City of Mishawaka, had alerted Mr.  
13 Matthews of the need to contact Mishawaka about water service early on in the  
14 process. Mr. Majewski said he became aware of the subdivision plans and  
15 Granger's proposed water utility in late May 2020 when he received Petitioner's  
16 notification form letter but that at that point he considered it was probably too late  
17 to become involved in providing water because of Petitioner's schedule and the  
18 already made decision to start a new water utility. He noted Mishawaka and not the  
19 Petitioner requested the August 5, 2020 meeting because the City was willing to

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<sup>49</sup> Petitioner response to DR 4-7.

<sup>50</sup> OUCC teleconference on September 16, 2021 with David Majewski, Mishawaka Water manager.

1 serve the subdivision and realized there was a need to develop project details  
2 including demand volumes, main sizing, possible tie in points, water main route  
3 options, and cost information.

4 **Q: Did Mishawaka ever prepare a main extension cost estimate or contract for**  
5 **servicing The Hills at St. Joe Farm?**

6 A: No. Mr. Matthews did not request a main extension, or a main extension cost  
7 estimate from Mishawaka. Mr. Majewski indicated Mishawaka was prepared in  
8 August 2020 to have their water system consultant, DLZ Engineers, study how best  
9 to serve the subdivision and to develop main extension costs. He toured the area to  
10 be served and possible connection points with DLZ engineers. He indicated,  
11 however, Petitioner did not appear to be interested, possibly due to the subdivision  
12 schedule.<sup>51</sup> Mr. Majewski stated Mishawaka did not engage DLZ to conduct the  
13 engineering analysis or to develop main extension costs. I understand that no further  
14 work has been done by Mishawaka.

15 **Q: Did Mishawaka inform Petitioner of Mishawaka's water main standards?**

16 A: Yes. Mr. Majewski stated he let Mr. Matthews know of Mishawaka's standard  
17 water main and service line specifications requiring only ductile iron water mains  
18 and K copper service lines. Mishawaka does not allow PVC water mains. He  
19 recommended Mr. Matthews follow Mishawaka standards in case Mishawaka is  
20 asked to take over Petitioner's water system in the future.

21 **Q: Does Mishawaka serve customers outside the City's corporate boundaries?**

22 A: Yes.

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<sup>51</sup> Note that The Hills at St. Joe Farm's website indicates the developer began releasing Phase 1 Lots on October 15, 2020, approximately two months after Mishawaka's August 5, 2020 meeting.

1 **Q: Does Mishawaka install water mains with City crews?**

2 A: Yes. Mr. Majewski confirmed to the OUCC that the City has experienced crews  
3 and its own equipment to install water mains of which Mishawaka annually  
4 completes approximately four miles.

5 **Q: Does Mishawaka install water mains outside City boundaries?**

6 A: Yes. Three recent examples I found on the web include the following projects:<sup>52</sup>

7 1) 2015 Granger project extending north along Gumwood Road from the  
8 Mishawaka border at the northern edge of Toscana Park, to Brick Road, then  
9 east along Brick Road between Gumwood and Fir Roads, and south along Fir  
10 Road from Brick Road to Indiana 23.<sup>53</sup>

11 2) 2019 Granger project – Beacon Parkway main extension to serve the Beacon  
12 Granger Hospital at Beacon Parkway and Capital Avenue

13 3) 2021 McKinley Avenue (Old U.S. 20) water main extension from Evergreen  
14 Drive east to Candice Lane.

15 **Q: What is Mishawaka's approximate cost for water main installation?**

16 A: Mr. Majewski confirmed that \$125 per lineal foot is a good benchmark cost for  
17 Mishawaka to install 8-inch ductile iron pipe. This is demonstrated by Mishawaka's  
18 2021 cost of \$180,163.32 to extend a water main approximately 1,443 feet along a  
19 built up area of McKinley Avenue or \$124.85 per lineal foot.

20 Mishawaka's \$125 per LF installed cost for an 8-inch water main is also

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<sup>52</sup> See OUCC Attachment JTP-12 for news articles and information about Mishawaka's water system and water main extensions.

<sup>53</sup> Brick Road east of this main extension area is the same road used as the entrance road into The Hills at St. Joe Farm subdivision.

1 confirmed by the 2019 RS Means Manual which lists costs for material, labor,  
 2 equipment, and contractor overhead and profit to install an 8-inch ductile iron water  
 3 main with mechanical joints of \$84.50 per lineal foot as shown in Table 1.

**Table 1 Water Main Installation Costs for Ductile Iron Pipe with Push-on Joints (excluding excavation and backfill)**<sup>54</sup>

| <b>Description</b>   | <b>6" D.I.</b> | <b>8" D.I.</b> | <b>12" D.I.</b> | <b>16" D.I.</b> |
|--|----------------|----------------|-----------------|-----------------|
| Daily Output (LF)  | 160            | 133.33         | 105.26          | 72.73           |
| Material (\$/LF)   | \$ 43.00       | \$ 53.50       | \$ 90.00        | \$ 104.00       |
| Labor (\$/LF)  | \$ 12.75       | \$ 15.30       | \$ 19.40        | \$ 28.00        |
| Equipment (\$/LF)  | \$ 2.33        | \$ 2.79        | \$ 3.53         | \$ 5.10         |
| Overhead and Profit (\$/LF)  | \$ 11.42       | \$ 12.91       | \$ 19.07        | \$ 24.90        |
| Total for Push-on Joint D.I. pipe excluding excav. and backfill (\$/LF)    | \$ 35.50       | \$52.00        | \$ 80.00        | \$ 92.50        |
| Total for Push-on Joint D.I. pipe with excavation and backfill (\$/LF)     | \$ 55.50       | \$ 72.00       | \$ 100.00       | \$112.50        |
| Comparison to other pipe types   |                |                |                 |                 |
| Total for Mechanical Joint D.I. pipe including excav. and backfill (\$/LF) | \$ 89.50       | \$ 104.50      | \$ 152.00       | \$ 182.00       |
| Total for PVC pipe (AWWA C900) including excav. and backfill (\$/LF)       | \$ 33.10       | \$ 38.35       | \$ 52.50        |                 |

4 **Q: What are Mishawaka's current water rates for customers outside its**  
 5 **municipal limits?**

6 **A:** A customer located outside its municipal limits using 5,000 gallons per month and  
 7 receiving fire protection would be charged \$37.83 per month including Indiana

<sup>54</sup> 2019 costs to install 8-inch ductile iron pipe with push on joints (excluding excavation and backfill) at \$52 per LF are approximately 38% lower than the \$84.50 cost to install mechanical joint pipe. Data source: 2019 *RSMeans Heavy Construction Costs*, Section 33 14 13.15 Water Supply, Ductile Iron Pipe, page 355.

1 sales tax.<sup>55</sup> Mishawaka requires meters for all customers and does not have a flat  
2 rate in its tariff. (Petitioner should also install meters to all customers because as  
3 noted by the IURC, flat rates are a thing of the past.)<sup>56</sup>

4 **Q: What are Mishawaka's current plans for water service on the north side of**  
5 **Mishawaka?**

6 A: Mishawaka is currently constructing the new Juday Creek groundwater treatment  
7 plant located approximately 2.25 miles southwest of The Hills at St. Joe Farm. The  
8 treatment plant will have a capacity of 8.26 million gallon per day ("MGD") and is  
9 being constructed in conjunction with other system improvements. Mr. Majewski  
10 indicated the new treatment plant should be in service by July 2023.

11 **Q: What does Petitioner propose to charge for water service?**

12 A: Petitioner proposes to charge a flat monthly rate of \$75.00, which becomes \$80.25  
13 with Indiana 7% sales tax. Petitioner's proposed rates are therefore more than twice  
14 Mishawaka's current rates. Please note that Petitioner has set its proposed initial  
15 rates below its actual costs and is asking to use its System Development Charge to  
16 cover operating expenses and is also proposing to create a Regulatory Asset to  
17 collect operating losses for recovery from ratepayers in future rate proceedings.  
18 These proposals are discussed in OUCC witness Carla Sullivan's testimony.

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<sup>55</sup> Calculated as the sum of the volumetric charge of \$2.92 per 100 cubic feet (equivalent to \$3.90 per thousand gallons) plus a \$9.75 monthly base charge and a \$6.09 fire protection charge times 1.07 for Indiana sales tax equals \$37.83 per month.

<sup>56</sup> See Attachment JTP-1, page 7 for the IURC Financial Capacity review comments regarding meters which read: "Finally, as a new, start-up water utility, Granger's rate structure should be based on metering each customer's water usage. The use of a flat monthly rate for a new start-up system, as proposed by Granger, is a rate structure that has been regarded as a thing of the past and does not adequately send the proper pricing signals to customers thereby discouraging conservation."

1 **Q: What does Petitioner say about its proposed \$75 per month flat rate?**

2 A: Mr. Matthews testified he believes his proposed \$75 monthly rate is reasonable:

3 Granger Water appreciates that \$75.00 might seem a little high. I  
4 think a couple factors are at play here. First, customers are  
5 voluntarily agreeing to move into The Hills and pay the \$75.00  
6 monthly rate. It is not being imposed upon them after having paid  
7 only a fraction of that amount. They are choosing to move to The  
8 Hills and have factored the \$75.00 monthly rate into their cost  
9 considerations. Moreover, Granger Water has an incentive not to  
10 charge too high of a rate because that would stymie lot sales and  
11 slow customer growth. Granger Water fully believes that the  
12 homeowners moving into The Hills fully grasp the \$75.00 monthly  
13 rate and are willing to pay it. Second, many municipalities if they  
14 truly charged the cost of service would charge significantly higher  
15 residential rates than what they actually charge, which makes the  
16 proposed \$75.00 rate seem artificially high. Granger Water, as a  
17 utility serving exclusively residential customers, has no other class  
18 that can subsidize residential users.<sup>57</sup>

19 **Q: Do you agree with Mr. Matthews assertions about the \$75 rate?**

20 A: No. I think Mr. Matthews makes several errors in his analysis. First, I don't agree  
21 that all customers will know they are being charged \$75 per month. I could not find  
22 anywhere on Petitioner's website, St. Joseph County realtor websites, or on the  
23 Trulia and Zillow websites where Petitioner lists the proposed \$75 flat rate. Mr.  
24 Matthews does include a sample notice in Attachment JPM-12 that he says is given  
25 to potential customers. The OUCC recommends Petitioner take additional steps to  
26 include the water utility cost on its website. Mr. Matthews acknowledges he is  
27 incented toward lower water rates so as not to stymie lot sales.<sup>58</sup>

28 The OUCC agrees Petitioner's proposed flat monthly rate does not cover

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<sup>57</sup> Mr. Matthews case-in-chief testimony, page 14, lines 20-23 and page 15, lines 1-9.

<sup>58</sup> In response to DR 1-8 Petitioner also stated "If Granger Water would be required to charge full cost of service, it would stymie customer growth."



1 actual costs. While Petitioner proposes to charge less than its actual costs for  
2 purposes of its initial approval to operate a utility, it is unclear whether Petitioner  
3 believes it could seek to recover an actual full-cost-based rate at any time. One  
4 negative consequence of Petitioner's initial rates not being cost based is that  
5 individuals that become customers by virtue of locating in the subdivision will not  
6 be aware of the significantly high rates they would pay if Petitioner or any successor  
7 in interest sought to recover all operating expenses and a full return on investment.

8 Accordingly, the OUCC recommends that if the Commission authorizes this  
9 utility, Petitioner be required through its affiliates to disclose to potential home  
10 purchasers the actual rates it considers to be allowable and that such rates be clearly  
11 posted on its website at a minimum. The disclosure in Attachment JPM-12 to  
12 potential customers about the proposed current \$75 water rate and the possibility  
13 future rates will increase due to cost recovery of the regulatory asset is inadequate.

14 Second, Mr. Matthews makes an unsupported general claim that  
15 municipalities charge below cost rates "which makes the proposed \$75.00 rate seem  
16 artificially high." Petitioner offers no evidence regarding water rates at area  
17 municipal water utilities nor how much below cost he believes them to be. In Table  
18 2, I compare rates for other water utilities near The Hills to Petitioner's proposed  
19 \$75 monthly rate. All costs shown exclude sales tax (IN-7%, MI-6%).

20 Finally, I disagree with Mr. Matthews assertion that Granger water rates  
21 must necessarily be higher because "Granger Water, as a utility serving exclusively  
22 residential customers, has no other class that can subsidize residential users." This  
23 viewpoint does not align with cost-based ratemaking principles that are

1 nondiscriminatory toward customer classes.<sup>59</sup>

**Table 2 Comparison of Water Bills Based on a 5,000 gallon per Month Usage<sup>60</sup>**

| <b>Water Utility</b> | <b>Volume Rate (\$/1,000 gallons)</b> | <b>Volume Charge (5,000 gallons)</b> | <b>Base Charge</b> | <b>Fire Protect</b> | <b>Total (without sales tax)</b> |
|----------------------|---------------------------------------|--------------------------------------|--------------------|---------------------|----------------------------------|
| Elkhart              | variable                              | \$ 7.75                              | \$ 2.28            | \$ 2.80             | \$12.83                          |
| Mishawaka            | \$ 3.90                               | \$ 19.52                             | \$ 9.75            | \$ 6.09             | \$35.36                          |
| South Bend           | variable                              | \$ 20.81                             | \$ 11.54           | \$ 3.35             | \$35.70                          |
| Edwardsburg, MI      | \$ 5.60                               | \$ 28.02                             | \$ 11.88           | \$ 0.00             | \$39.90                          |
| Niles MI             | \$ 4.75                               | \$ 23.75                             | \$ 25.50           | \$ 0.00             | \$49.25                          |
| Granger Water        |                                       |                                      |                    |                     | \$75.00                          |

2 **Q: What does Petitioner say about the combined water and wastewater rates?**  
3 A: Mr. Matthews states the projected sewer bill from SJCRW&SD will be only \$77  
4 per month. He states, “a combined water and sewer bill of approximately \$150 per  
5 month is very reasonable and will be attractive to homebuyers.”<sup>61</sup> Based on my  
6 review, Mr. Matthews’ testimony does not provide the correct sewer rates that will  
7 be charged to residents of The Hills. I checked the SJCRW&SD rates. For a single-  
8 family residential customer, the monthly flat rate is \$126.53 with sales tax, not the  
9 \$77 cost Mr. Matthews cites. With the OUCC’s calculated \$199.69 per month cost-

<sup>59</sup> “Properly designed rates should recover the cost, as nearly as is practicable, of providing service to a customer, or a class of customers, with minimal cross-subsidizing among customer classes.” AWWA M-1, “Principles of Water Rates, Fees, and Charges,” Sixth Edition, p 162.

<sup>60</sup> See OUCC Attachment JTP-13 for water tariffs from area water utilities. Both South Bend and Elkhart are under IURC jurisdiction. Mishawaka was also under IURC jurisdiction until 2012.

<sup>61</sup> Mr. Matthews case-in-chief testimony, page 15, lines 10-17.

1 based water rate in Year 5 (\$213.67 with Indiana sales tax), the combined water  
2 and sewer bill would exceed \$340 per month. This would be one of the highest  
3 combined water and sewer bills in Indiana.

4 **Q: What are your concerns with Petitioner’s proposed charges for service calls?**

5 A: Petitioner’s proposed service calls can best be described as punitive. The OUCC  
6 opposes these charges because they do not align with ordinary and customary  
7 charges of water utilities. In addition, Petitioner provided a cost sheet from RB  
8 Trucking and Towing for these charges has not provided adequate support showing  
9 that these charges are cost based.<sup>62</sup>

**Table 3 Comparison of Service Call and Bad Check Charges**

| <b>Water Utility</b>        | <b>During Business Hours</b> | <b>After Business Hours</b> | <b>Holidays</b> | <b>Bad Check Charge</b> |
|-----------------------------|------------------------------|-----------------------------|-----------------|-------------------------|
| Elkhart                     | \$25.00                      | \$ 75.00                    | \$ 75.00        | \$ 15.00                |
| Mishawaka                   | No charge                    | \$ 70.00                    | \$ 90.00        | \$ 20.00                |
| South Bend                  |                              |                             |                 | \$ 20.00                |
| Edwardsburg, MI             | No charge                    | \$ 45.00                    | \$ 75.00        | \$ 40.00                |
| Granger Water <sup>63</sup> | \$ 235.00                    | \$ 555.00                   | \$ 555.00       | \$ 125.00               |

10 I recommend that the Commission deny Petitioner’s requested exorbitant service  
11 call charges and that Petitioner only be allowed to collect a service call charge that  
12 is in line with the customary and normal charges of other area water utilities.

<sup>62</sup> Petitioner response to DR 1-17.

<sup>63</sup> The service calls shown are one-hour minimum charges. Petitioner seeks to charge additional costs for every hour over one hour.

## V. REQUIRED LIFE CYCLE COST BENEFIT ANALYSIS

1 **Q: Did Petitioner prepare a Life Cycle Cost Benefit Analysis**

2 A: No. Petitioner purports that the cost analysis shown in its *Water System*  
3 *Management Plan* shows that starting a new water utility and constructing new  
4 wells and a water treatment plant is the lowest cost option to supply water compared  
5 to connecting to the Mishawaka, South Bend, Elkhart or Niles water systems.<sup>64</sup>  
6 However, the costs shown are only capital costs and do not include annual operation  
7 and maintenance costs for the new water treatment system in a life cycle analysis.  
8 Further, these capital costs are not adequately supported and appear to overstate  
9 the cost of the option of connecting to an area utility.<sup>65</sup>

10 A life cycle cost analysis should also incorporate capital costs for equipment  
11 replacements and costs for expansion including additional wells (if needed), filters  
12 (if needed), and finished water storage. Therefore, Petitioner's analysis, which only  
13 compared initial capital costs does not fulfill the purpose of a life cycle cost  
14 analysis. Nor does it qualify as a cost benefit analysis as it only compares initial  
15 capital costs and not benefits. For purposes of my discussion here, I will refer to  
16 Petitioner's cost benefit analysis as a capital cost analysis.

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<sup>64</sup> See Section 3.3.5 Cost benefit analysis in Attachment JPM-6 IDEM-Approved Water System Management Plan (contingent approval) in Mr. Matthews case-in-chief testimony, pages 49-51.

<sup>65</sup> Petitioner used a high cost of \$285 per lineal foot of water main, unsupported water main lengths, and assumed two booster stations would be required.

1 **Q: Was the cost benefit analysis prepared by a Professional Engineer or by a**  
2 **qualified person under the direct supervision of a Professional Engineer as**  
3 **required by the *Water System Management Plan* requirements?**

4 A: No. Mr. Matthews stated that he prepared the cost analysis.<sup>66</sup> This was confirmed  
5 by Petitioner's response to discovery.<sup>67</sup> Mr. Byron L. Miller, P.E. of Danch, Harner  
6 & Associates certified he reviewed the cost benefit analysis but did not certify that  
7 he prepared it or that it was prepared under his direct supervision.

8 **Q: What support did Mr. Matthews provide for the length of the main extensions,**  
9 **the number of booster stations needed and main extension capital costs?**

10 A: Petitioner did not provide any support for its design assumptions or the associated  
11 unit costs. In discovery, the OUCC requested basic information such as diameter,  
12 length of main, and pipe type and capacities (in gpm) of the two booster stations.  
13 Petitioner provided none of the requested information.<sup>68</sup> The OUCC also asked for  
14 the assumed connection points with the area utilities so that Petitioner's listed pipe  
15 lengths could be checked. This information was also not provided.

16 **Q: Is Petitioner's assumed \$285 per LF water main cost reasonable?**

17 A: No. It significantly exceeds the \$132 per LF water main cost derived from the  
18 RSMMeans Manual for a 12-inch diameter ductile iron pipe with push-on joints (*See*  
19 *Table 1*). In my professional opinion, Petitioner's assumed \$285 cost is unreliable  
20 and should not have been used in the Cost Benefit Analysis. Its use tilts the analysis  
21 in favor of Petitioner's preferred alternative of building its own water utility rather

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<sup>66</sup> In a teleconference with the OUCC on August 5, 2021, Mr. Matthews stated that the costs shown were his numbers that he estimated, but which were not validated by his engineer.

<sup>67</sup> *See* OUCC Attachment JTP-14, Petitioner response to DR 4-17 pertaining to cost support for the Cost Benefit Analysis.

<sup>68</sup> *Id.*

1 than connecting to an existing nearby utility.

2 **Q: How does Petitioner’s assumed \$285 per LF cost compare to its own budgeted**  
3 **water main installation cost for the Section 1 distribution system in The Hills?**

4 **A:** Petitioner’s assumed \$285 per LF main extension cost is also more than double the  
5 \$118.21 per LF water main construction cost for the distribution system that I  
6 calculated using Petitioner’s provided cost budget and the water main length from  
7 the construction permit.<sup>69</sup>

**Table 4 Section 1 Water Distribution Cost Budget<sup>70</sup>**

|  |            |                 |
|--|------------|-----------------|
| Number of Lots   |            | 40              |
| <b>Actual number of Lots (includes Olympus Pass)</b>         |            | <b>63</b>       |
| Other Soft   | \$ 48,000  | \$ 1,200        |
| Site Prep  | \$ 40,400  | \$ 1,010        |
| Mobilization   | \$ 25,600  | \$ 640          |
| 8-inch Watermain install                                     | \$ 208,000 | \$ 5,200        |
| Engineering  | \$ 28,000  | \$ 1,200        |
| Totals   | \$ 370,000 | \$ 9,250        |
| <b>Water main cost based on 63 Lots</b>                      |            | <b>\$5,873</b>  |
| <b>Water main length – 8-inch dia. (feet)</b>                |            | <b>3,130</b>    |
| <b>Installed water main cost per LF (all budgeted costs)</b> |            | <b>\$118.21</b> |

8 **Q: Did Petitioner provide invoices to document its water main installation costs?**

9 **A:** Partially. In response to discovery, Petitioner provided some invoices for the water  
10 mains it reported it completed August 15, 2021.<sup>71</sup> Petitioner did not report costs

<sup>69</sup> See OUCC Attachment JTP-15 for Petitioner response to DR 5-1-Section 1 Water Distribution System Costs. These costs are budgeted costs.

<sup>70</sup> Data shown in black was provided by Petitioner in response to DR 5-1. Data shown in red was calculated by the OUCC.

<sup>71</sup> See OUCC Attachment JTP-16 Petitioner responses to DR 6-1, DR 6-2, DR 6-3, and DR 6-8 requesting all invoices and remaining costs for the design, permitting and installation of the water distribution system,

1 remaining to be invoiced for the water distribution system.<sup>72</sup> Petitioner provided  
2 Pay Requests Nos. 1, 2, 3, and 5 from Selge Construction Co., Inc. who appears to  
3 be the contractor hired to install the water mains, storm sewers, sanitary sewers and  
4 roads. Petitioner did not identify invoices for the other components of the water  
5 main project including the \$48,000 in other soft costs, \$40,000 for site prep and  
6 \$28,000 for engineering.

7 **Q: What is the cost per LF for the water distribution system based on Petitioner's**  
8 **invoices?**

9 A: That construction cost appears to be \$72.25 per LF. This cost is based on the 3,130  
10 LF of mains that were installed for Section 1, a \$208,000 installation cost plus  
11 \$18,130 in prorated mobilization costs.<sup>73</sup> Based on my review of the Selge  
12 Construction Pay Requests, it is not possible to determine the pipe type to confirm  
13 ductile iron pipe was installed as recommended by Dave Majewski of Mishawaka  
14 Utilities.

15 **Q: What is the actual cost per Lot for the distribution system based on invoices?**

16 A: Using Petitioner's budgeted costs for other soft costs, site prep, and engineering,  
17 since actual costs for these components are unknown, I calculate the cost per Lot at  
18 \$5,873 for the 63 lots that could be served by the currently installed water mains.  
19 This cost includes all costs for the 8-inch water mains, service lines and valves and  
20 hydrants. This amount is \$3,377 or 36% less than Petitioner's stated \$9,250 cost

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including the water main along Olympus Pass from the water treatment plant to Brick Road and the water mains along Brick Road and Andes Court.

<sup>72</sup> In response to DR 6-3 asking for the remaining water distribution costs remaining to be invoiced and paid, Petitioner provided not-responsive information pertaining to the water treatment plant project.

<sup>73</sup> Mobilization costs that were charged by Selge Construction at 8.7% of the construction cost are approximately double typical mobilization costs of 4% to 5% based on my experience.

1 per Lot. The \$5,873 cost per Lot should be used in any valuation of the Section 1  
2 and Olympus Pass distribution system.

3 **Q: What water main installed cost per LF should be used to analyze the Life Cycle**  
4 **Cost Benefit of connecting to the Mishawaka system?**

5 A: I recommend that a cost of \$120 per LF be used. This value is based on RSMeans  
6 Manual costs for a 12-inch ductile iron push-on joint pipe. I estimate the cost to  
7 install 250 feet of horizontal directionally drilled pipe under Capital Avenue and  
8 the railroad at \$300 per LF (*See* Tables 1 and 5).

9 **Q: What main length should be used for a tie-in to the Mishawaka system?**

10 A: Petitioner assumed a length of 14,098 feet but did not support this length or identify  
11 a connection point or a route. The closest tie in point that I identified is the newly  
12 installed Beacon Parkway water mains serving the Beacon Granger Hospital north  
13 of the Toll Road. This tie in point, located approximately 8,500 feet west of The  
14 Hills, results in a significantly shorter main extension (over one mile shorter) than  
15 Petitioner's assumed length. I show Mishawaka's service area and this potential  
16 main extension route in OUCC Attachment JTP-17. The main extension crosses  
17 Capital Avenue and run east along the north property line of the Indiana Toll Road.  
18 The main extension would cross under the Canadian Pacific railroad tracks. David  
19 Majewski of Mishawaka indicated a need to confirm with the Engineer, DLZ, that  
20 adequate capacity and pressures are available at this point. Demand should be  
21 limited initially to the forty homes in Section 1 of The Hills that might be  
22 constructed within the next two years (2022 to 2023).



1 **Q: What is your estimated capital cost for a main extension from Mishawaka?**

2 A: I estimate the total capital cost would be \$1.92 million as detailed in Table 5. This  
3 is significantly below the capital cost estimate developed by Mr. Matthews in 2020  
4 for the *Water System Management Plan*. The OUCC estimate is based on a 12-inch  
5 diameter ductile iron pipe and one booster station to supply the maximum day flow  
6 to 500 homes and a one-hour duration fire flow of 1,200 gpm.<sup>74</sup> The fire flow  
7 dictates the main size. If elevated storage was provided by Mishawaka or the  
8 developer near the subdivision, a smaller diameter main could be installed. The  
9 storage tank would fill during low flow periods and be available for peak demands  
10 and firefighting.

11 The ultimate size of the main, route, tie-in point, and elevated storage would  
12 be determined by the City of Mishawaka. I recommend Petitioner request  
13 Mishawaka prepare a main extension plan and develop a cost to serve the  
14 subdivision. Mishawaka may choose to upsize the water main at its cost to provide  
15 service to customers within a larger Granger service area and to loop its water mains  
16 with a tie-in to a main extension north along Bittersweet Road.

17 **Q: How does your cost estimate for a Mishawaka main extension compare to**  
18 **Petitioner's estimate and Petitioner's cost for the new water treatment plant?**

19 A: The OUCC's Mishawaka main extension estimate at \$1.92 million is below half of  
20 Petitioner's \$5,017,816.00 estimate. It is approximately equal to Petitioner's  
21 \$1,990,167 cost for the new wells and water treatment plant.<sup>75</sup>

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<sup>74</sup> Water main sizing is determined based on the main extension regulations that call for a capacity of 500 gpd times the number of residential homes plus commercial, industrial and institutional flows and fire flows (with allowances to meet the fire demand through storage).

<sup>75</sup> See Attachment JPM-9 Estimated Project Costs in Mr. Matthews case-in-chief testimony.

**Table 5 – OUCC Estimated Main Extension Costs for a  
Connection to the City of Mishawka Water System**

| <b>Item</b>   | <b>Qty</b> | <b>Unit</b> | <b>Unit Cost</b> | <b>Amount</b> |
|---|------------|-------------|------------------|---------------|
| Tap-in  | 1          | EA          | \$ 2,500         | \$ 2,500      |
| Capital Ave Crossing HDD  | 150        | LF          | \$ 300           | \$ 45,000     |
| Booster Station   | 1          | LS          | \$ 400,000       | \$ 400,000    |
| water main - 12-inch D.I.   | 8,250      | LF          | \$ 120           | \$ 990,000    |
| Railroad Crossing HDD & Casing                                    | 100        | LF          | \$ 300           | \$ 30,000     |
| Valves (16" gate valves)  | 3          | EA          | \$ 16,800        | \$ 50,400     |
| Subtotal  |            |             |                  | \$ 1,517,900  |
| Contingency   | 10%        |             |                  | \$ 151,790    |
| Construction Total  |            |             |                  | \$ 1,669,690  |
| Non-construction costs  | 15%        |             |                  | \$ 250,454    |
| <b>Total estimated main extension<br/>cost w/ Booster Station</b> |            |             |                  | \$ 1,920,144  |
|   |            |             | Rounded          | \$ 1,920,000  |

1           The actual water treatment plant costs were summarized from Petitioner's  
2           responses to discovery.<sup>76</sup> These costs have not been validated and reflect only the  
3           invoiced amount. It appears that some of the costs pertain to development costs for  
4           The Hills that should be borne by the developer, The Village Development, LLC  
5           and not the water utility. These costs include site clearing, gravel for the Cul-de-  
6           sac and the water main along Olympus Pass. In addition, the costs to clear the site  
7           appear to be excessive. These extra costs may be developer costs that have been  
8           improperly charged to the water treatment project by RB Trucking and Towing.

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<sup>76</sup> See OUCC Attachment JTP-18, Petitioner response to DR 4-3 pertaining to the water treatment plant costs and OUCC Attachment JTP-16.

1 **Q: Does Petitioner's Cost Benefit Analysis include all treatment plant costs?**

2 A: No. Petitioner has not included several additional costs it should be expected to  
3 incur in the near future for finished water storage. These expansion costs are needed  
4 to meet the water demand for the 229 platted lots. Additional expansion will be  
5 needed if Petitioner's growth projections to 500 to 600 homes materialize. None of  
6 these costs are identified in Petitioner's one-page Cost Benefit Analysis. In  
7 addition, none of the equipment replacement costs Petitioner identified in the *Water*  
8 *System Management Plan* are accounted for in the Cost Benefit Analysis.<sup>77</sup> The  
9 expansion and equipment replacement costs increase the present value cost of  
10 Petitioner's preferred alternative of a utility owned and operated water plant but  
11 never appear in the cost analysis. The overestimated main extension costs for  
12 connecting to the Mishawaka water system and the absence of expansion and  
13 equipment replacement costs and annual O&M costs tilted the analysis against  
14 connecting to the Mishawaka water utility. OUCC witness Shawn Dellinger  
15 presents a Life Cycle Cost Analysis that reflects the OUCC's estimate to connect  
16 to Mishawaka and includes the expansion and equipment replacement costs and the  
17 annual O&M costs for the water treatment plant option.

18 **Q: When will expansion of the water treatment system be needed?**

19 A: Petitioner chose to install two hydropneumatics tanks for storage instead of a  
20 clearwell with high service pumps or storage in the distribution system using a  
21 ground storage tank with booster pumps or an elevated storage tank. The

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<sup>77</sup> See Exhibit 1.1.5 Infrastructure Replacement Plan in Attachment JPM-6 IDEM-Approved Water System Management Plan (contingent approval) in Mr. Matthews case-in-chief testimony, page 66 of 91.

1           hydropneumatics tanks are only allowable for very small systems such as that  
2           needed to serve the initial forty lots in Section 1.

**A. Required Finished Water Storage – Future Expansion**

3   **Q: Do hydropneumatic tanks provide proper system storage to meet peak**  
4   **demands and fire flow?**

5   A: No. They are allowed only for very small systems. Under Indiana's Public Water  
6   Supply regulations, hydropneumatic tanks are not allowed for fire protection  
7   purposes and cannot serve more than 400 persons meaning they are sufficient for  
8   only 114 homes, not 260 homes as assumed by Petitioner.<sup>78</sup> Later in my testimony,  
9   I discuss Petitioner's fire protection plan giving the local fire department access to  
10   the wells for direct pumping to provide enough water, thereby bypassing  
11   treatment.<sup>79</sup> Ten States Standards allows hydropneumatic tanks for systems with  
12   less than 150 living units (customers) and prohibits their use for fire protection  
13   purposes.<sup>80</sup> For systems serving more than 150 living units, Ten States requires  
14   ground or elevated finished water storage. IDEM requires finished water storage.<sup>81</sup>

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<sup>78</sup> 327 IAC 8-3.4-14 Hydropneumatic storage tanks (d) and (e). *See* Attachment JTP-19. The hydropneumatic tanks can be used to serve up to 114 homes, calculated as 400-person limit divided by 3.5 people per home equals 114 homes. This is the controlling limit (114 homes) compared to the allowable 150 homes under Ten States Standards and Ms. Wilson indication that water plant assets can serve 260 homes. *See* Ms. Wilson's case-in-chief testimony, page 4, lines 19-20 and p. 5, lines 1-2.

<sup>79</sup> During fire emergencies, Petitioner would have to issue a Boil Water Advisory because treatment would be bypassed.

<sup>80</sup> *Recommended Standards for Water Works*, Great Lakes – Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, 2018 Edition (also known as Ten States Standards), page 128. *See* Attachment JTP-20.

<sup>81</sup> Per the OUCC's September 16, 2021 discussion with Lance Mabry, P.E. of IDEM's Drinking Water Branch.

1 **Q: What average daily consumption did Petitioner identify in its construction**  
2 **permit application, and how many homes can be served?**

3 A: Petitioner listed only 14,000 gallons per day as the average daily consumption. At  
4 350 gpd per home, this is sufficient to only serve Section 1's 40 homes.<sup>82</sup> The 40  
5 homes matched the distribution system construction permit. Both permits are for  
6 only 40 homes.

7 **Q: What expansion does Petitioner plan?**

8 A: Mr. Matthews does not testify about the need for or costs of any expansion.  
9 Likewise, the Water System Management Plan did not discuss expansion needs or  
10 costs.<sup>83</sup> Ms. Wilson mentions treatment system expansion but provides no  
11 specifics:

12 Another key assumption is that the water plant assets initially  
13 constructed are sized to serve approximately 260 customers. The  
14 Report assumes that expanding the treatment capacity of the water  
15 plant will require additional plant capital expenditures of  
16 \$500,000.<sup>84</sup>

17 I could not locate any evidence that Petitioner's water treatment system is actually  
18 sized for or permitted by IDEM to serve 260 homes. In her financial model, Ms.  
19 Wilson assumes the expansion beyond the claimed 260 homes occurs in Year 7.

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<sup>82</sup> See Attachment JTP-21 for Petitioner's Attachment D – Storage Facilities submitted to IDEM with its Application for a Construction Permit for a Public Water System – 327 IAC 8-3-3, November 20, 2020, page 47 of 99.

<sup>83</sup> See Attachment JPM-6 IDEM-Approved Water System Management Plan (contingent approval) in Mr. Matthews case-in-chief testimony.

<sup>84</sup> Ms. Wilson case-in-chief testimony, p. 4, lines 19-20 and p. 5, lines 1-2 and Attachment JZW-1, p. 11 of 13.

1 **Q: Who prepared the \$500,000 cost estimate for treatment system expansion?**

2 A: Petitioner does not say. In notes to the Rate Report, Ms. Wilson states:

3 This Report is based on assumptions provided by management of the  
4 Utility through its consultation with consulting engineers and  
5 contractors, and its experience with prior residential developments.<sup>85</sup>  
6

7 **Q: Did the OUCC seek additional information about Petitioner's expansion?**

8 A: Yes. In response to discovery asking what additional facilities it anticipated,  
9 Petitioner responded that "three filtration vessels and one hydro-pneumatic tank  
10 will be needed at the water treatment plant" but did not indicate the need for more  
11 wells or distribution system storage tanks (such as elevated tanks or ground storage  
12 tanks with a pumping).<sup>86</sup> Petitioner provided no other information.

13 **Q: Did IDEM indicate what additional facilities would be needed during**  
14 **expansion?**

15 A: This was not indicated in the construction permits. The permits are only for the  
16 current construction to serve 40 homes and do not address expansion. Typically,  
17 utilities will identify space for and call out the locations of future treatment  
18 equipment on their design drawings. Petitioner does not show any future equipment  
19 on its design drawings.

20 Based on the OUCC's discussion with Mr. Lance Mabry, P.E. of IDEM,  
21 Petitioner would need to install a third well for redundancy or some form of finished

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<sup>85</sup> See Attachment JZW-1 in Ms. Wilson's case-in-chief testimony, page 3 of 13.

<sup>86</sup> See Attachment JTP-22 Petitioner responses to OUCC discovery pertaining to equipment replacement and expansion needs, DR 4-8, DR 4-9, and DR 4-10.

1 water storage because the hydropneumatics tanks are insufficient for finished water  
2 storage needs.<sup>87</sup>

3 **Q: Does the cost for one additional hydropneumatics tank and three additional**  
4 **pressure filters match the \$500,000 cost provided to Ms. Wilson for use in her**  
5 **model?**

6 A: No. Based on Petitioner provided costs, the added equipment costs only \$125,000.  
7 Including a 25% installation allowance I estimate an installed cost for this  
8 equipment to be below \$160,000.<sup>88</sup> There is a shortfall of \$340,000 from the  
9 assumed \$500,000 Year 7 expansion cost. Based on my review of the treatment  
10 plant building design, Petitioner has unused floor space for one more  
11 hydropneumatics tank and three more filters, but locations and equipment are not  
12 specifically called out on the plans.

13 **Q: Are any of Petitioner's assumed additional equipment (hydropneumatics tank**  
14 **and pressure filters) needed?**

15 A: No. IDEM will not allow another hydropneumatics tank for reasons I explained  
16 previously. Petitioner also does not need more filters. The six pressure filters have  
17 enough firm rated filtration capacity to produce 720,000 gpd, which can meet  
18 72,000 gpd of fire flow and the maximum day demand from 1,029 homes *if* finished

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<sup>87</sup> Per the OUCC's September 16, 2021 discussion with Lance Mabry, P.E. of IDEM's Drinking Water Branch. Petitioner needs to provide 1,200 gpm for firefighting per the construction permit and Water System Management Plan. At 600 gpm per well, three wells are needed to provide the firm rated capacity of 1,200 gpm (for the largest well out of service).

<sup>88</sup> See Petitioner response to DR 4-8 in Attachment JTP-22 which lists a \$20,000 cost for a hydropneumatics tank and a \$35,000 cost each for the pressure filters. The OUCC calculated the installed cost at \$20,000 (hydropneumatics tank) plus three times \$35,000 each (pressure filters) equals \$125,000 plus 25% installation allowance equals \$156,250.

1 water storage is provided.<sup>89</sup> Petitioner has sufficient well and filtration capacity but  
2 no place to store the treated water during periods when demand is low such as early  
3 morning hours (midnight to 6 a.m.). The filters are able to fill each hydropneumatic  
4 tank in just three minutes.<sup>90</sup> After that, if demand is low, the well pumps and filters  
5 will have to be effectively idled. There is a limit to how low the well pump variable  
6 frequency drives (“VFDs”) can be turned down.

7 **Q: Does Petitioner include costs for future finished water storage?**

8 A: No. In discovery, the OUCC asked if finished water storage tanks (e.g., clearwell,  
9 elevated storage tank or ground storage tank) will be constructed and if so, asked  
10 the Petitioner to identify the type of tank and indicate what will happen to the  
11 hydropneumatics tanks. It appears that Petitioner did not understand the OUCC's  
12 question and merely referred us back to Section 1.1.7 of the Water System  
13 Management Plan. This answer was not responsive. *See* Attachment JTP-22 for  
14 Petitioner's response to DR 4-10.

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<sup>89</sup> Calculated as the 720,000 gpd firm filtration capacity (500 gpm for five of six filters in service times 1,440 minutes per day) minus 72,000 of fire flow (1,200 gpm times 60 minutes) divided by the maximum day demand per home of 630 gpd (350 gpd average demand times a maximum demand to average demand ratio of 1.8) equals 1,029 homes. For the OUCC recommendation to install meters (instead of Petitioner's proposed flat rates), maximum day demand will be significantly lower. At a typical 70 gallons per capita per day water usage based on water efficient fixtures and Petitioner's assumed 3.5 people per home, the average day demand would be 245 gpd per home. Maximum day demand would be 441 gpd per home calculated as 245 gpd average demand times the maximum demand to average demand ratio of 1.8). At 441 gpd per home, the 720,000 gpd filtration plant minus 72,000 gpd for fire flow could meet the maximum day demand of 1,469 homes.

<sup>90</sup> Based on a 1,500 useable storage volume per hydropneumatics tank and a filtration capacity of 500 gpm for five of six filters in service. The calculation is 1,500-gallon storage divided by 500 gpm equals three minutes. *See* Attachment JTP-23 for Petitioner's response to DR 4-13.



1 **Q: What expansion facilities will Petitioner need?**

2 A: For efficient system operation that balances capital and operating costs while best  
3 meeting system demands, Petitioner, if allowed by the Commission to form a water  
4 utility, should install finished water storage rather than another hydropneumatic  
5 tank and several more filters. Petitioner needs finished water storage to meet  
6 maximum day demand, peak hourly demand, and provide fire flow. According to  
7 Ten States Standards "Clearwell storage should be sized, in conjunction with  
8 distribution system storage, to relieve the filters from having to follow fluctuations  
9 in water use."<sup>91</sup> This means the filters operate throughout the day and treated flows  
10 above the instantaneous demand are stored in a clearwell, elevated storage tank, or  
11 ground storage tank until needed. This prevents the wells and filters from having to  
12 ramp up and down in response to demand.

13 Storage can be met with a clearwell with high service pumps at the treatment  
14 plant or an elevated storage tank or ground storage tank with a pumping station in  
15 the distribution system or a combination of treatment plant and distribution system  
16 storage. Typically, distribution system storage is on the other side of the system  
17 away from the treatment plant so that demand can be met at lower pumping cost  
18 and with smaller diameter water mains because peak demand flows are fed into the  
19 system from two sides.

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<sup>91</sup> See Attachment JTP-20, *Recommended Standards for Water Works*, Great Lakes – Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, 2018 Edition (also known as Ten States Standards), page 127.

1 **Q: Will Petitioner need another well?**

2 A: Only if less than 114 lot sales are made and Petitioner wants to solely rely on the  
3 hydropneumatics tanks. This would also involve bypassing treatment during fire  
4 events to produce the required 1,200 gpm fire flow. This would require Petitioner  
5 to issue a Boil Water Advisory and flush and disinfect the water mains after any  
6 fire.

7 **Q: Should the expansion costs for finished water storage be included in the Life**  
8 **Cycle Cost Benefit Analysis?**

9 A: Yes. Petitioner did not correctly perform the Life Cycle Cost Benefit Analysis in  
10 the Water System Management Plan (Attachment JPM-6, pages 49-50 of 91)  
11 because expansion costs as well as operating and maintenance were left out of the  
12 analysis.

13 **Q: What would be the cost to add finished water storage facilities?**

14 A: I calculate the cost would be \$1,080,000 to construct a 200,000-gallon elevated  
15 storage tank ("EST") located on the other side of the subdivision away from the  
16 treatment plant. I provide the EST cost calculations and assumptions in Attachment  
17 JTP-24. Costs include the land and a 12-inch transmission main from the water  
18 plant to the tower. No other improvements such as a well and filters would be  
19 needed. My \$1,080,000 cost estimate to install adequate finished water storage is  
20 double Petitioner's assumed but unsupported expansion cost.

21 **Q: How did you determine the elevated tower size?**

22 A: I based the size in accordance with the Ten States Standards requirement for a  
23 minimum storage capacity equal to the average daily consumption plus fire flow.  
24 The average flow is 229 homes times Petitioner's assumed 350 gpd per home or  
25 80,150 gallons plus fire flow equal to 1,200 gpm for 60 minutes totaling 72,000

1 gallons. Minimum storage is 152,150 gallons which I rounded up to 200,000  
2 gallons to match a standard size elevated tower. For elevated storage tank costs, I  
3 used recent costs from Silver Creek Water (2017) and Twin Lakes Utilities (2015)  
4 updated for inflation to the year 2020.

5 **Q: What is the lowest Life Cycle cost for The Hills at St. Joe Farm?**

6 A: Based on my cost estimates for the main extension and the expansion, OUCC  
7 witness Shawn Dellinger completed a more accurate life cycle cost analysis that  
8 shows a main extension from Mishawaka would have the lowest life cycle cost. His  
9 analysis uses a \$1.92 million main extension cost, a \$1.08 million expansion cost  
10 for Petitioner's preferred private water utility to add finished water storage, and  
11 Petitioner's assumed operating and maintenance costs of \$75,536 in Year 1 rising  
12 to \$121,689 in Year 10. I agree with Mr. Dellinger's analysis and his conclusion  
13 that connecting to the Mishawaka water system is the best option.

14 The benefit part of the analysis is that ratepayers would enjoy rates from  
15 Mishawaka that are less than half of Petitioner's proposed \$75 flat rate and would  
16 also avoid punitive service call charges. As I testified earlier, Petitioner should have  
17 conducted a proper life cycle cost analysis beginning with requesting a main  
18 extension cost estimate early in 2018 from the City of Mishawaka, the nearest water  
19 utility best able to serve his subdivision.

20 Mr. Dellinger also shows the Mishawaka extension would remain the best  
21 option even when considering Petitioner's sunk cost in its wells and treatment plant.  
22 Note that Petitioner's estimated annual O&M costs do not identify periodic tank  
23 inspection, cleaning, and inspection costs for the hydropneumatics tanks. These

1 costs should be included as costs incurred at least every ten years for the  
2 hydropneumatics tanks. Inspection, cleaning, and repainting costs would be higher  
3 for the 200,000-gallon elevated storage tank. For purposes of our life cycle cost  
4 analysis, the OUCC used Petitioner's O&M costs as presented.

## VI. RECOMMENDATIONS

5 **Q: What do you recommend regarding the provision of water service from the**  
6 **Granger Water Utility?**

7 A: I recommend that the Commission approve the temporary provision of water  
8 service through Petitioner's newly installed wells, water treatment plant and water  
9 distribution system to a limit of 114 homes equal to the capacity limitations of the  
10 hydropneumatic tanks. The 114 home limit includes the initial 40 lots in Section 1  
11 of The Hills at St. Joe Farm subdivision.

12 **Q: What do you recommend regarding Petitioner's Cost Benefit Analysis?**

13 A: I recommend the Commission recognize that Petitioner's Cost Benefit Analysis  
14 does not conform with the requirements for a life cycle cost benefit analysis because  
15 it was not prepared by a Professional Engineer or a qualified person under the direct  
16 supervision of a Professional Engineer. It also did not support the costs assumed  
17 for connection to existing water utilities including the City of Mishawaka's water  
18 system and omitted costs that would be incurred by a separate water utility  
19 including system expansion costs, equipment replacement costs, and annual  
20 operating and maintenance expenses.

21 **Q: What do you recommend regarding a life cycle cost benefit analysis?**

22 A: I recommend that the Commission direct Petitioner to conduct a life cycle cost  
23 benefit analysis that properly includes main extension costs developed by the City

1 of Mishawaka, and that includes all costs for the option of forming a separate water  
2 utility including expansion costs for adding finished water storage, equipment  
3 replacement costs, and annual operating costs.

4 **Q: What do you recommend regarding the continued operation of Petitioner's**  
5 **water system?**

6 A: I recommend that before Petitioner must expand its water system with finished  
7 water storage when it reaches 114 homes connected to the system in years 4 or 5,  
8 the Commission should require Petitioner to require the developer, The Village  
9 Development, LLC connect to the larger and lower cost Mishawaka Water Utility  
10 via a main extension and that Petitioner cease operation of its wells and water  
11 treatment plant. The well pumps and motors, the pressure filters and the  
12 hydropneumatic tanks should be removed and salvaged at Petitioner's expense.  
13 The sunk costs for the wells and water treatment system should be recovered by the  
14 developer in the lot sale costs in the same manner as all other subdivision  
15 improvement costs, including site clearing and grading, roads, sidewalks, sanitary  
16 sewers, drainage, natural gas service, electrical service, the 6-acre storm water  
17 pond, and the 4-acre community park.

18 **Q: How should The Village Development, LLC go about connecting to the**  
19 **Mishawaka system?**

20 A: I recommend that the Commission direct the subdivision developer to formally  
21 request a main extension and the required cost for said extension from the City of  
22 Mishawaka following the Commission's main extension rules. The OUCC has  
23 estimated that the subdivision could possibly be served via a 12-inch ductile iron  
24 water main and one booster station from the Beacon Parkway water main at a cost  
25 of \$1.92 million. This connection point, water main size and other design

1 considerations should be confirmed by the City of Mishawaka and its design  
2 engineer.

3 **Q: Who should fund the main extension?**

4 A: Under the main extension rules, the developer, The Village Development, LLC is  
5 responsible for funding the main extension minus a three-year revenue allowance.  
6 For a period of up to ten years, the developer is eligible for reimbursement of a  
7 portion of its main extension costs by subsequent connectors. One subsequent  
8 connector could be the same developer who indicates it holds an option for the 75  
9 acres to the west of the current 76-acre subdivision now under development. This  
10 75-acre additional parcel is along the possible main extension route.

11 **Q: Who should pay for upsizing the main extension?**

12 A: Presumably Mishawaka will follow the main extension rules which require the  
13 utility providing water service to determine if it will upsize the mains to serve  
14 additional areas or to improve system hydraulics including future looping of water  
15 mains. Mishawaka should pay the additional cost to upsize the main to a 16-inch to  
16 24-inch diameter or larger main in accordance with Commission rules.

17 **Q: Does this conclude your testimony?**

18 A: Yes.

**Appendix A**

1 **Q: Please describe your educational background and experience.**

2 A: In 1980 I graduated from Purdue University, where I received a Bachelor of Science  
3 degree in Civil Engineering, specializing in Environmental Engineering. I then  
4 worked two years with Peace Corps / Honduras as a municipal engineer on self-  
5 help rural water supply and sanitation projects funded by the U.S. Agency for  
6 International Development (U.S. AID). In 1984 I earned a Master of Science degree  
7 in Civil Engineering (Environmental) from Purdue University. I have been a  
8 Registered Professional Engineer in Indiana since 1986. In 1984, I accepted an  
9 engineering position with Purdue University, and was assigned to work as a process  
10 engineer with the Indianapolis Department of Public Works ("DPW") at the City's  
11 Advanced Wastewater Treatment Plants. I left Purdue and subsequently worked for  
12 engineering consulting firms, first as a Project Engineer for Process Engineering  
13 Group of Indianapolis and then as a Project Manager for the consulting firm HNTB  
14 in Indianapolis. In 1999, I returned to DPW as a Project Engineer working on  
15 planning projects, permitting, compliance monitoring, wastewater treatment plant  
16 upgrades, and combined sewer overflow control projects.

17 **Q: What are the duties and responsibilities of your current position?**

18 A: My duties include evaluating the condition, operation, maintenance, expansion, and  
19 replacement of water and wastewater facilities at utilities subject to Indiana Utility  
20 Regulatory Commission ("Commission") jurisdiction.

21 **Q: Have you previously testified before the Commission?**

22 A: Yes.

### **Appendix B - List of Attachments**

- Attachment JTP-1 *Certification of Demonstration of Capacity for a New Public Water Supply* for the Granger Water Utility, LLC, October 22, 2020.
- Attachment JTP-2 Permit for Public Water Supply Construction, Permit No. WS-12230 issued by IDEM on February 19, 2021, for the water distribution system serving Section 1 (40 residential lots) for The Hills at St. Joe Farm public water system (PWSID 5271002).
- Attachment JTP-3 Well Site Surveys consisting of:  
1) June 11, 2019, Initial Well Site Survey (conducted April 23, 2019) issued by IDEM for the Granger Water Utility LLC public water system PWSID # IN571002;  
2) May 22, 2020, Amended Well Site Survey (conducted May 18, 2020) issued by IDEM for The Hills at St. Joe Farm public water system PWSID # IN571002.
- Attachment JTP-4 March 19, 2020, St. Joseph County Area Plan Commission approval and information for The Hills at St. Joe Farm Major Subdivision – APC #7136-20-P.
- Attachment JTP-5 *Water System Management Plan* requirements, 327 IAC 8-3.6
- Attachment JTP-6 Flowchart / decision tree outlining the necessary steps for preparing and obtaining approval for a *Water System Management Plan* from the *Information Handbook for Preparing a Water System Management Plan: Requirements for Proposed New Community and Nontransient Noncommunity Water Systems*, IDEM, April 2015
- Attachment JTP-7 Engineering Feasibility report requirements under the St. Joseph County Subdivision Control Ordinance in effect on March 19, 2020 (date of Area Plan Commission approval of The Hills at St. Joe Farm) and Danch, Harner & Associates letters
- Attachment JTP-8 Copies of the 2018 quotation and 2020 Peerless-Midwest invoice for a hydrogeological study to establish a groundwater supply
- Attachment JTP-9 Certificate of Organization issued by the Indiana Secretary of State's office
- Attachment JTP-10 News article regarding The Hills at St. Joe Farm
- Attachment JTP-11 Timeline of milestones for the Granger Water Utility, LLC
- Attachment JTP-12 News articles and information about three Mishawaka water main



extensions

- Attachment JTP-13 Water tariffs from area water utilities
- Attachment JTP-14 Petitioner response to DR 4-17 pertaining to cost support for the Cos Benefit Analysis.
- Attachment JTP-15 Petitioner response to DR 5-1-Section 1 Water Distribution System Costs.
- Attachment JTP-16 Petitioner responses to DR 6-1, DR 6-2, and DR 6-3 requesting all invoices, installation quantities, and remaining costs for the design, permitting and installation of the water distribution system, including the water main along Olympus Pass from the water treatment plant to Brick Road and the water mains along Brick Road and Andes Court.
- Attachment JTP-17 Mishawaka Utilities water service area and potential 8,500 ft. main extension route from Beacon Parkway.
- Attachment JTP-18 Petitioner response to DR 4-3 pertaining to the water treatment plant costs
- Attachment JTP-19 327 IAC 8-3.4-14 Hydropneumatic storage tanks (d) and (e).
- Attachment JTP-20 *Recommended Standards for Water Works*, Great Lakes – Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, 2018 Edition (also known as Ten States Standards)
- Attachment JTP-21 Petitioner's Attachment D – Storage Facilities submitted to IDEM with its Application for a Construction Permit for a Public Water System – 327 IAC 8-3-3, November 20, 2020, page 47 of 99.
- Attachment JTP-22 Petitioner responses to OUCC discovery pertaining to equipment replacement and expansion needs, DR 4-8, DR 4-9, and DR 4-10.
- Attachment JTP-23 Petitioner's response to DR 4-13 regarding water treatment design parameters and hydropneumatics tank capacity.
- Attachment JTP-24 OUCC Elevated Storage Tank ("EST") cost calculations and assumptions

**Q-4-18:** Please provide a copy of the Certification of Demonstration of Capacity for a New Public Water Supply (with all attachments) that was approved and issued by the Indiana Department of Environmental Management (“IDEM”).

**Objection:** Granger Water objects to the Data Request on the basis of the foregoing general objections.

**Response:**

See Attachment OUCC 4-18.

*Certification of Demonstration of Capacity for a New Public Water Supply, IDEM, 10/22/2020 (3 pages with attached 4 page IURC Financial Capacity Review, Dana Lynn, 10/14/2020)*



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Eric J. Holcomb  
Governor

Bruno L. Pigott  
Commissioner

**CERTIFICATION OF DEMONSTRATION OF CAPACITY  
FOR A NEW PUBLIC WATER SUPPLY**

October 22, 2020

Mr. J. Patrick Matthews  
Granger Water Utility, LLC  
1122 North Frances Street  
South Bend, IN 46617

Dear Mr. Matthews:

Re: Demonstration of Capacity  
Granger Water Utility, LLC  
Proposed PWSID# IN5271002

You are hereby notified that the Drinking Water Branch of the Office of Water Quality has determined that the Water System Management Plan, originally submitted on June 22, 2020 including additional information submitted thereafter, for the proposed Granger Water Utility, LLC public water supply PWSID # IN5271002 to be located at or near 12851 Cleveland Road, Granger, IN, meets the technical, managerial, and financial capacity requirements specified under 327 IAC 8-3.6 with the following conditions.

This approval is contingent upon the following conditions:

- The method of disinfection should be clarified in the construction permit process. Numerous places in the WSMP indicate disinfection will be achieved with liquid chlorine injection, and multiple places in the operator responsibilities indicate gas chlorine will be implemented.
- The financial review indicates several outstanding issues. A written summary of these issues is being provided. The reviewers also recognized that all the findings would need to be addressed during the application process for rate approval from the IURC. In an effort to allow Granger Water Utility LLC to move on to the rate approval process, their demonstration of capacity is approved, but their ability to be activated as a community public water supply in Indiana is still contingent upon them obtaining rate approval from the IURC.

This Certification does not constitute a construction permit. You must obtain a valid construction permit prior to the construction or installation of the proposed new public water system. Any fundamental change in the information provided in this water system management plan which may affect drinking water quality, operations, or public health must be resubmitted for review and approval by this agency.

Mr. J. Patrick Matthews  
 Granger Water Utility, LLC  
 Proposed PWSID# IN5271002  
 Page 2

This Certification may be modified, suspended, or revoked for cause including, but not limited to the following:

- Violation of any term or condition of this certification; or,
- Obtaining this certification by misrepresentation or failure to fully disclose all relevant facts.

Nothing herein will be construed as guaranteeing that the proposed public water supply facility will meet standards, limitations or requirements of this or any other agency of state or federal government, as this agency has no direct control over the actual construction, operation, and maintenance of the proposed project.

If you wish to challenge this action, 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 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) within fifteen (15) days of the issuance this notice (eighteen (18) days if you received this notice by U.S. Mail), 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. 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.

Mr. J. Patrick Matthews  
Granger Water Utility, LLC  
Proposed PWSID# IN5271002  
Page 3

If you seek to have an action 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.

If you have questions regarding your Petition for Administrative Review by the Office of Environmental Adjudication please refer to the FAQs on OEA's website at <http://www.in.gov/oea>.

In order to assist the permit staff in tracking appeals, we request that you submit a copy of your petition to Liz Melvin, Capacity Development, Operator Certification and Permits Section Chief, OWQ Drinking Water Branch – Mail Code 66-34, 100 N. Senate Ave, Indianapolis, Indiana 46204-2251.

If you have any questions regarding this matter, please contact Liz Melvin, Capacity, Certification & Permit Section Chief at 317/234-7418 or Travis Goodwin, Capacity Development Coordinator, Drinking Water Branch, at 317/234-7426.

Sincerely,



Matthew Prater, Chief  
Drinking Water Branch  
Office of Water Quality

cc: Megan L. Fleig, P.G., Peerless Midwest Inc., e-copy  
St. Joseph County Health Department, e-copy  
Matthew Prater, Chief, Drinking Water Branch  
Liz Melvin, Section Chief, Permit, Certification, and Capacity IDEM/DWB  
Travis Goodwin, Capacity Development IDEM/DWB  
Lucio Ternieden, Chief, Field Inspection Section IDEM/DWB  
Lance Mabry, Permit Section IDEM/DWB  
Dana Lynn, Indiana Utility Regulatory Commission  
Scott Bell, Office of the Utility Consumer Counselor

PWSID #:  
Proposed Public Water Supply Name: **Granger Water Utility LLC**

**FINANCIAL CAPACITY CHECKLIST**

| <b>Rule Requirement</b>                 | <b>Included In Plan?<br/>(Y, N, N/A)</b> | <b>Page Referenced</b>     | <b>Comments</b>  |
|---|--|----------------------------|--|
| Community Public Water Supply           |  |                            |  |
| Five (5) Year Budget Plan               |  |                            |  |
| Pro Forma Income Statement              | Y  | p. 67- Exhibit 2.0         | See below  |
| Pro Forma Balance Sheet                 | N  |                            |  |
| Statement of Retained Earnings          | N  |                            |  |
| Statement of Cash Flows                 | Y  | p. 67 – Exhibit 2.0        | Exhibit appears to represent all costs to provide service, but exhibit is not footed                                   |
| Projected Details of Operating Revenues | Y  | p. 67- Exhibit 2.0         | See below  |
| Projected Details of Operating Expenses | Y  | p. 67- Exhibit 2.0         | See below  |
| Operation & Maintenance Expenses        | Y  | p. 67- Exhibit 2.0         | See below  |
| Administration Expenses                 | Y  | p. 67- Exhibit 2.0         | No comments  |
| Twenty (20) Year Financial Plan         | Y  | p. 68 – Exhibit 2.4        | Covers the basic requirements contained in the IAC.  |
| Projected Growth                        | Y  | p. 12, p. 68 – Exhibit 2.4 | Development only has enough land for 229 residential lots, projected annual growth rate of approximately 10% was used. |
| Infrastructure Replacement Plan         | Y  | p. 66 – Exhibit 1.5        | No comments  |
| Account to Fund Repairs & Growth        | Y  | p. 32                      | Reflects a “Capital Reserve Contribution”  |
|   |  |                            |  |

|   |   |             |           |
|---|---|-------------|-----------|
| Nontransient<br>Noncommunity<br>Systems |   |             |           |
| Five (5) Year<br>Budget Plan            |   |             |           |
| Summary of<br>Revenues of PWS           | Y | Exhibit 2.0 | See below |
| Summary of<br>Expenses of PWS           | Y | Exhibit 2.0 | See below |
| CPA Certification?                      | Y | p.27        |           |
|   |   |             |           |

Reviewer’s Signature:           Dana M. Lynn                                Date: 10/14/20  
 Comments/Concerns: Granger acknowledges that it will need approval of its rates and charges before charging customers. However, Granger has not yet filed a Petition for approval of rates and charges with the IURC.

As an investor-owned utility (IOU), rates are established based on operating expenses and a reasonable rate of return on investment (i.e., revenue requirements). However, we find that most start-up IOUs will elect to forego its allowed revenue requirements to keep its proposed rates lower. Thus, our review is based strickly on the cash flow necessary for this utility to be financially fiable.

Concerns identified with Granger’s Exhibits 2.0 and 2.4 are as follows:

1. Operating Revenues are based upon 24 homes being built each year and with all homes coming on line January 1 of each year. This is an unrealistic assumption as most homes in a new development connect to a water utility at various times throughout the year. Moreover, staff found no support that a 10% growth rate is reasonable.
2. It appears Granger anticipates charging \$2,400 per residential customer for its System Development Charge (SDC) and Connection Fee. It also appears that Granger plans to charge \$7 per customer for fire protection. Granger provided no explanation how these charges were determined. These charges should be cost based. Moreover, SDCs and Connection fees are considered sources of capital, called Contributions in Aid of Construction (CIAC)), used to fund Utility Plant in Service.
3. On Exhibit 2.0, Income Tax Credits (Line 2.2.9) appear to represent a source of cash. Perhaps, these amounts would more properly be shown as a contribution from the shareholders. In addition, the amounts appear unrealistically high based on the losses of income presented on Line 2.2.5.
4. As an IOU, Granger will be subject to paying property taxes. Thus, it would be reasonable that some amount be included in Taxes Other Than Income for property taxes.
5. Sales Tax should be removed from Revenues and Expenses. Sales Tax should be reflected on Granger’s balance sheet as Granger is only acting as a fudiciary for the

Indiana Department of Revenue.

6. Debt Service and Debt Service Reserve (Line 2.2.12) should include interest expense on the proposed debt, but Interest Expense is listed in Total Operating Expenses. Thus, staff is unsure if Granger double counted this cost.

The tables below reflect a more realistic projection of revenues by normalizing Granger's 24 customer connections over the course of a year. Finally, we excluded costs associated with sales tax, as explained above, and capital reserve contributions because it appears the \$5,800 listed as "Greater of Depreciation or Extensions and Replacements" will cover the costs associated with Granger's proposed Infrastructure Replacement Plan. The second table excludes interest expense based on the possibility that Granger included this cost twice in Exhibit 2.0. With these adjustments, both tables reflect the negative cash flow Granger may sustain in its first five years of operation:

| Based on Information provided on Exhibit 2.0             | Year 1       | Year 2       | Year 3       | Year 4       | Year 5         |
|--|--------------|--------------|--------------|--------------|----------------|
| Revenue (Excludes Sales Tax)                             | \$ 10,371    | \$ 31,113    | \$ 51,855    | \$ 72,597    | \$ 93,339      |
| Add: SDCs and Connection Fees                            | 57,600       | 57,600       | 57,600       | 57,600       | 57,600         |
| Income Tax Credits                                       | 57,628       | 88,731       | 92,983       | 92,983       | 92,983         |
| Less: Expenses (Excludes Capital Reserve Contribution)   | 128,896      | 122,992      | 116,762      | 110,226      | 109,659        |
| Infrastructure Replacement                               | 5,800        | 5,800        | 5,800        | 5,800        | 5,800          |
| Debt Service   | 266,800      | 266,800      | 266,800      | 289,704      | 310,892        |
| Cash - Over/(Shortfall)                                  | \$ (275,897) | \$ (218,148) | \$ (186,924) | \$ (182,550) | \$ (182,429)   |
| Cumulative Cash - Over/(Shortfall)                       | \$ (275,897) | \$ (494,045) | \$ (680,969) | \$ (863,519) | \$ (1,045,948) |
| Assumes Granger may have Double Counted Interest Expense | Year 1       | Year 2       | Year 3       | Year 4       | Year 5         |
| Revenue (Excludes Sales Tax, Connection and SDC)         | \$ 10,371    | \$ 31,113    | \$ 51,855    | \$ 72,597    | \$ 93,339      |
| Add: SDCs and Connection Fees                            | 57,600       | 57,600       | 57,600       | 57,600       | 57,600         |
| Income Tax Credits                                       | 57,628       | 88,731       | 92,983       | 92,983       | 92,983         |
| Less: Expenses (Excludes Capital Reserve Contribution)   | 128,896      | 122,992      | 116,762      | 110,226      | 109,659        |
| Infrastructure Replacement                               | 5,800        | 5,800        | 5,800        | 5,800        | 5,800          |
| Debt Service (Principal Only)                            | 213,440      | 221,978      | 230,857      | 262,995      | 294,703        |
| Cash - Over/(Shortfall)                                  | \$ (222,537) | \$ (173,326) | \$ (150,981) | \$ (155,841) | \$ (166,240)   |
| Cumulative Cash - Over/(Shortfall)                       | \$ (222,537) | \$ (395,863) | \$ (546,844) | \$ (702,685) | \$ (868,925)   |

Cumulative cash shortfalls could possibly near or exceed \$1 million dollars during the first five years of operation. Staff believes these short falls can continue into future years but to a lesser degree because of additional growth and because the debt appears to be amortized over 5 years. Nonetheless, unless Granger can provide additional information explaining how the owners plan to cover these cash shortfalls, staff believes this utility will not be financially viable.

Regarding the proposed debt shown on Exhibits 2.0 and 2.4, there is no description of the terms of debt, including the amount and interest rates in the WSMP. It also appears that Granger plans to payback the debt over an approximate 5-year period. By Granger proposing a debt issuance with what appears to be a 5-year payback period, significant inputs of cash will be needed from the shareholder to offset the utility's costs during the term of the debt. Typically, the term of a debt issuance is set to help a utility's cash flow. It would be more reasonable for Granger to incur debt with a 20 or 25-year payback period. In addition, we note that Indiana Code § 8-1-2-78 requires financing authority be obtained from the IURC before a utility may incur debt.



Further, section 2.4.2 of the WSMP states that “[t]he cost of the infrastructure to the distribution system will be included in the development cost of each phase of the development paid for through lot sales proceeds. Granger must follow the IURC’s administrative rules found under 170 Indiana Administrative Code, Article 6 (IURC Rules). Included in the IURC Rules are requirements for main extensions to serve the proposed development (170 IAC 6-1.5). Wells and treatment plants are typically funded by shareholders through either debt or equity. The mains in the distribution system are typically contributed to the utility and recorded as CIAC except to the extent of a 3-year revenue allowance (170 IAC 6-1.5-10). The 3-year revenue allowance included in the Commisison’s main extension rules essentially represents the portion of the main the utility will fund. In this case, \$65 per month rate x 36 months = \$2,340.

Finally, as a new, start-up water utility, Granger’s rate structure should be based on metering each customer’s water usage. The use of a flat monthly rate for a new start-up system, as proposed by Granger, is a rate structure that has been regarded as a thing of the past and does not adequately send the proper pricing signals to customers thereby discouraging conservation.



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Commissioner

**PERMIT FOR PUBLIC WATER SUPPLY CONSTRUCTION**

J. Patrick Matthews, Manager  
The Hills at St. Joe Farm  
52127 Fall Creek Drive  
Granger, IN 46530

WS-12205

Permit Number

March 19, 2021

Date Issued

Matt Prater  
Drinking Water Branch Chief  
Office of Water

You are hereby notified that the Office of Water Quality has approved the general design of plans and specifications of water works improvements to The Hills at St. Joe Farm public water system (PWSID 5271002). This Permit allows for well, treatment, chemical addition, and storage facility construction for The Hills at St. Joe Farm public water system located in St. Joseph County, Indiana. This Permit is issued under provisions of Indiana Code (IC) 13-15, IC 13-18-16, 327 Indiana Administrative Code (IAC) 8-3, and 327 IAC 8-4-1.

Pursuant to IC 13-15-5-3 and IC 4-21.5-3-4(d), this Permit is effective on the date issued.

The project consists of the installation of two 12-inch steel, approximately 100 feet deep, gravel pack wells with vertical turbine pumps rated at 600 gallons per minute and 265 feet of total dynamic head, six vertical pressure filters, two hydropneumatic tanks with a total storage capacity of 6,000 gallons, and a sodium hypochlorite chemical addition unit, together with all the necessary appurtenances.

This Permit is issued with the following conditions:

1. That the permittee notify, in writing, Liz Melvin, Capacity Development, Operator Certification and Permits Chief, a minimum of ten (10) days, excluding Saturdays, Sundays, and State of Indiana holidays, before exercising a permit issued in accordance with 327 IAC 8-3. The notification may be via email ([dwpermits@idem.in.gov](mailto:dwpermits@idem.in.gov)) and must include the construction permit number assigned, the location of the construction, a description of the construction, anticipated duration of the construction, and the phone number of the permittee or permittee's representative who will be present during the construction;

2. That after the commissioner has granted a construction permit, no changes in the application, plans, or specifications be made other than changes involving the replacement of equipment of similar design and capacity, none of which will change adversely the plant operation, its hydraulic design or waste products, or the distribution system design, operation, or capacity without first submitting in writing to the commissioner a detailed statement of such proposed changes and receiving an amended construction permit from the commissioner. Construction permits shall become void if the construction is not started within one (1) year from the date of issuance of the permit unless the duration of the permit has been extended by the commissioner after receiving a written request from the permittee, prior to the expiration of the permit, requesting such extension with no other changes to the permit, application, plans, or specifications as approved by the commissioner;
3. That the possession of any permit authorized by 327 IAC 8-3 not be construed to authorize the holder of the permit to violate any law of the State of Indiana or rule;
4. That the facility be designed, constructed, installed, and operated in such a manner that it will not violate any of the sanitary or health regulations or requirements existing at the time of application for the permit;
5. That the facility conform to the design criteria in the 2012 Edition of the "Recommended Standards for Water Works" established by the Great Lakes - Upper Mississippi River Board of State Public Health and Environmental Managers (10 State Standards), the American Water Works Association (AWWA) standards, or is based on such criteria which the applicant shows will produce drinking water of satisfactory quality and normal operating pressure at the peak operating flowrate in accordance with 327 IAC 8-3;
6. That when fire protection is to be provided, system design must be such that fire flows and facilities are in accordance with the requirements of the state Insurance Services Office. That a public water system, be capable of supplying the required fire flow, for firefighting purposes, as determined by local ordinance, and shall be provided to all premises. The water supply shall be provided as follows: fire hydrants and mains capable of supplying the required fire flow. According to the Water System Management Plan, the fire flow provided will be at least 1200 gallons per minute;
7. That all direct additives to the public water system shall be certified for conformance to ANSI/NSF Standard 60 and all indirect additives, including lubricants, coatings and equipment which conveys potable water, be certified for conformance to ANSI/NSF Standard 61;
8. That any pipe, plumbing fitting or fixture containing more than a weighted average of 0.25% lead, and solders or flux containing more than 0.2% lead are not to be used in the installation or repair of any piping on this project which conveys a potable water supply. Additional information may be obtained at the

U.S. Environmental Protection Agency's website at  
<http://water.epa.gov/drink/info/lead/upload/epa815s13001.pdf>;

9. That all requirements of the enclosed Well Site Survey dated May 22, 2020 are met;
10. That the wells be constructed in accordance with AWWA Standard A100-15;
11. That all line-shaft vertical turbine pumps meet the requirements of AWWA Standard E103-15;
12. That the permanent well casing shall terminate at the higher level of at least eighteen (18) inches above finished grade or at least thirty-six (36) inches above the regulatory flood elevation;
13. That the system be equipped with a sampling tap for raw water from the well. Sampling taps shall be of smooth nosed type without interior or exterior threads, shall not be of the mixing type, and shall not have a screen, aerator, or other such appurtenance. The tap is to be located before all treatment and storage;
14. That the disinfection of the wells follow procedures outlined by AWWA Standard C654-13;
15. That two (2) consecutively satisfactory bacteriological total coliform samples taken at least twenty-four (24) hours apart, one (1) satisfactory nitrate sample, and one (1) fluoride sample be taken from each well before the wells are put into production. The laboratory results must have the assigned permit number, WS-12205 and PWSID # 5271002 on it and be submitted to Drinking Water Branch's Permit Section at [dwpermits@idem.in.gov](mailto:dwpermits@idem.in.gov);
16. That SCADA network access and PLC data integrity of water process controls be secured;
17. That automatic controls be designed to allow override by manual controls;
18. That all piping in plants and pumping stations be color coded in accordance with Section 2.14 of the 2012 edition of the "Recommended Standards for Water Works" established by the Great Lakes – Upper Mississippi River board of State Public Health and Environmental Managers;
19. That all pipes, tanks, and equipment which can convey or store potable water be disinfected in accordance with procedures outlined by AWWA Standard C653-13. The plans and/or specifications must outline the procedure and include the disinfection dosage, contact time, and method of testing the results of the procedure;
20. That all ductile iron and PVC pipe and accessories be inspected, unloaded, handled, stored, installed, pressure and leak tested, and disinfected in accordance with the provisions of AWWA Standards C151/A21.51-17 and

C600-17, and C900-16, as applicable. If an AWWA Standard is not available for the particular installation, the manufacturer's recommended installation procedure must be followed;

21. That water mains be covered with earthen cover in accordance with 327 IAC 8-3.2-17(d);
22. That the preparation of filters for service follow the requirements of AWWA Standard B100-09;
23. That the physical characteristics, chemical composition, and installation of the filter media meet the requirements of NSF International (NSF-ANSI) Standard 61 – Drinking Water Components, as applicable. If an AWWA Standard is not available for the particular installation, the manufacturer's recommended installation procedure must be followed;
24. That each pressure filter be fitted in accordance with Section 4.3.2 of the 2012 edition of the "Recommended Standards for Water Works" established by the Great Lakes – Upper Mississippi River Board of State Public Health and Environmental Managers;
25. That physical characteristics, chemical composition, impurity limits, sampling, testing, storage, and application of the granular manganese dioxide filter media meet the standards of the American Water Works Association and/or National Sanitation Foundation (NSF). If an AWWA Standard is not available for the particular installation, the manufacturer's recommended installation procedure must be followed;
26. That each vertical pressure filter have a surface area of 15.9 square feet per filter at a filter design loading rate not to exceed six and twenty nine hundredths (6.29) gallons per minute per square foot;
27. That at the water treatment plant, six vertical pressure filters, approximately five feet high and four and half feet diameter each, have a maximum hydraulic loading rate of six and twenty nine hundredths (6.29) gallons per minute per square foot according to a 2020 Water Surplus filter media pilot study;
28. That where more than two filters are provided, the pressure filters shall be capable of meeting the plant design capacity at the approved filtration rate of six and twenty nine hundredths (6.29) gallons per minute per square foot with one filter removed from service;
29. That the pressure vessels conform to applicable ASME code requirements;
30. That the backwash design of manifold-type collection systems ensure even distribution of wash water and even rate of filtration over the entire area of the filter;

31. That the backwash water delivery system be capable of fifteen (15) gallons per minute per square foot of filter surface area. However, when air scour is provided, the backwash water rate must be variable and must not exceed eight (8) gallons per minute per square foot unless operating experience shows that a higher rate is necessary to remove scoured particles from filter media surfaces;
32. That after installation of the pressure filters, the treatment plant must be operated by a licensed WT3 operator in accordance with 327 IAC 8-12-2(b)(3);
33. That the plans for wastewater and residuals disposal meet the requirements of the commissioner;
34. That backflow and back siphonage prevention be provided in accordance with 327 IAC 8-10;
35. That, if applicable, the Office of Indiana State Chemist's regulations found under 355 IAC 5 must be followed with respect to storage and secondary containment of chemical additives considered pesticides;
36. That all chemical addition units and feed equipment conform to requirements of Part 5 - Chemical Application, in the 2012 Edition of the "Recommended Standards for Water Works" established by the Great Lakes – Upper Mississippi River Board of State Public Health and Environmental Managers;
37. That the safety, first aid, accidental release, handling, storage, and disposal measures and any other special precautions outlined in the manufacturer's Material Safety Data Sheets for any chemical addition be followed;
38. That the physical characteristics, chemical composition, impurity limits, sampling, testing, marking, storage, and application of the sodium hypochlorite (12.5%) conform to AWWA Standard B300-16;
39. That there be scales, loss-of-weight recorders or liquid level indicators, as appropriate for the sodium hypochlorite solution feed, and that they be capable of providing reasonable precision in relation to average daily dose;
40. That liquid chemical storage tanks shall have an overflow and a receiving basin capable of receiving accidental spills or overflows without uncontrolled discharge. A common basin may be provided for each group of compatible chemicals, which provides sufficient containment volume to prevent accidental discharge in the event of failure of the largest tank;
41. That the sodium hypochlorite feed equipment supply the necessary amounts of chemical at an accurate rate, and that a standby unit or pump be provided to replace the primary pump when out of service;

42. That the requirements of Indiana Code IC 13-18-26 be met. That the certifications be completed and returned to [dwbpermits@idem.in.gov](mailto:dwbpermits@idem.in.gov) prior to beginning construction. Any future construction permit applications meeting the applicability requirement of IC 13-18-26 must have the completed certifications included with the construction permit application to be considered a complete permit application. Example and rule requirements are enclosed for your convenience and information; and
43. That an operation and maintenance manual including a parts list and parts order form, operator training and safety procedures, and an operational troubleshooting section be obtained by the public water system as part of any proprietary unit installed.

Plans and specifications entitled Hills at St Joe Farms (formerly Granger Water Utility LLC) certified by Byron L. Miller, P.E., were submitted by Danch, Harner & Associates on November 23, 2020 and additional information submitted February 8, 2021.

This Permit shall become void if construction is not started by April 2022. Any fundamental change in plans or specifications which may affect drinking water quality, operations, or public health must be submitted for review and approval by this agency. This Permit may be modified, suspended, or revoked for cause including, but not limited to the following:

1. Violation of any term or condition of this Permit; or,
2. Obtaining this Permit by misrepresentation or failure to fully disclose all relevant facts.

Nothing herein shall be construed as guaranteeing that the proposed public water supply facility shall meet standards, limitations or requirements of this or any other agency of state or federal government, as this agency has no direct control over the actual construction and operation of the proposed project.

If you wish to challenge this permit, 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 13-15-6-1 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) within fifteen (15) days of the issuance of this notice (eighteen (18) days if you received this notice by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

The Hills at St. Joe Farm  
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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. A description of each petitioner's interest in the permit.
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 permit; 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 alleged environmental concerns or technical deficiencies of the permit.
7. The permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
8. The identity of any persons represented by the petitioner.
9. The identity of the person against whom administrative review is sought.
10. A copy of the permit that is the basis of the petition.
11. 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 permit. 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 a permit 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.

If you have questions regarding your Petition for Administrative Review by the Office of Environmental Adjudication, please refer to the FAQs on OEA's website at <http://www.in.gov/oea>.



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WS12205  
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In order to assist the permit staff in tracking appeals, we request that you submit a copy of your petition to Liz Melvin, Capacity Development, Operator Certification and Permits Section Chief, OWQ Drinking Water Branch – Mail Code 66-34, 100 N. Senate Ave, Indianapolis, Indiana 46204-2251.

If you do not object to this Permit, you do not need to take any further action. If you have any questions regarding this matter, please contact Lance Mabry, Permit Review Engineer, Office of Water Quality, at (317) 234-7423.

cc: St. Joseph County Health Department (electronic copy)  
Byron L. Miller, P.E. (electronic copy)  
Lance Mabry, IDEM (electronic copy)  
Lucio Ternieden, IDEM (electronic copy)  
Paula Reinhold, IDEM (electronic copy)  
Liz Melvin, IDEM (electronic copy)  
Sam Blazey, IDEM (electronic copy)  
Travis Goodwin, IDEM (electronic copy)

enclosures



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb  
Governor

Bruno L. Pigott  
Commissioner

### **Applicability and Implementation of IC 13-18-26: Permit Applications for Community Public Water System (PWS) Treatment Plants.**

#### **Certification Requirements for PWS Permitting:**

Amendments to Indiana Code 13-18-26, which went into effect on July 1, 2019, require certain Community PWS permit applicants to certify that they have prepared and completed a life cycle cost-benefit analysis, a capital asset management plan, and a cybersecurity plan. The certification must be submitted to IDEM along with the PWS permit application under IC 13-18-16.

The requirements of IC 13-18-26 are applicable to the following PWS permitting actions:

1. A permit for a new PWS treatment plant, defined by IC 13-11-2-264, for a community water system.
2. A permit for the modification or expansion of a community PWS treatment plant that increases the system design capacity of the plant.

A system does not increase system design capacity if it is applying for a permit or submitting a notice of intent for:

1. The installation of new water mains.
2. The replacement of an existing drinking water well.
3. Chemical treatment that does not increase system design capacity.
4. Any other treatment improvements, process changes or modifications that do not increase system design capacity.

The requirements of IC 13-18-26 do not apply to noncommunity PWSs, including transient and nontransient noncommunity PWS.

Due to the time and resources necessary to complete the plans and analyses, if an applicant cannot meet the certification requirements at the time of application submittal, IDEM will work with the applicant on a transitional basis up to October 1, 2020. After October 1, 2020 IDEM will not issue a permit to an applicant that is subject to IC 13-18-26 if the required certification is not included with the application packet, as required by IC 13-18-26-1(b).

#### **Certification Example:**

Attached to this applicability memo is an example certification that meets the requirements of IC 13-18-26. A permit applicant may use this form, or develop their own form that meets the statutory requirements. Please note that the certification must be notarized.

#### **Five-Year Review:**

The permittee must review the life cycle cost-benefit analysis, capital asset management plan, and cybersecurity plan at least once every five years. If any of the plans or analyses are revised during the five-year review, the permittee must submit a new certification to IDEM.

**Guidance on Developing Analyses and Plans:**

IC 13-18-26 describes what must be included in the life cycle cost-benefit analysis, capital asset management plan, and cybersecurity plan. Similar analyses and plans are required by the Indiana Finance Authority's State Revolving Fund (SRF) Loan Program under a different statute. IDEM is providing the following links to SRF guidance documents with information permit applicants may find helpful in meeting the requirements of IC 13-18-26. Please refer to IC 13-18-26, a copy of which is attached to this memo, for the specific requirements applicable to the certification submitted to IDEM.

**Asset Management Plan:**

Checklist: <https://www.in.gov/ifa/srf/files/AMP-Checklist-for-Borrowers-July-2018.pdf>

Guidance: <https://www.in.gov/ifa/srf/files/AMP-Guidance-Packet-update-9-17-2019.pdf>

Cost Benefit Analysis (see Chapter 4): <https://www.in.gov/ifa/srf/files/DWSRF-PER-Guidance-July-2018.pdf>

Cyber Security Checklist (see Appendix C): <https://www.in.gov/ifa/srf/files/AMP-Guidance-Packet-update-9-17-2019.pdf>

**EXAMPLE**

**IC 13-18-26 Certification of Completion  
Drinking Water**

**PWSID No.** \_\_\_\_\_

Indiana Code 13-18-26 requires the permit applicant to certify that the following documents have been prepared and completed:

- A Life Cycle Cost-Benefit Analysis, as described in IC 13-18-26-3;
- A Capital Asset Management Plan, as described in IC 13-18-26-4; and
- A Cybersecurity Plan, as described in IC 13-18-26-5.

The certification of completion must be submitted to IDEM along with the permit application, and must be notarized. The plans and analyses must be reviewed and revised (as necessary) at least once every five years. A new certification must be submitted to IDEM if any plan or analysis is revised during the five-year review.

I hereby certify that I am an authorized representative for the permit applicant and pursuant to IC 13-18-26, the permit applicant has developed and completed a life cycle cost-benefit analysis; a capital asset management plan; and a cybersecurity plan that meet the requirements of IC 13-18-26-3, IC 13-18-26-4, and IC 13-18-26-5. To the extent required under IC 13-18-26-6, the plans and analyses are available for public inspection.

\_\_\_\_\_  
Permit Applicant (Printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Representative (Printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Notary (Printed)

\_\_\_\_\_  
Signature

My Commission Expires: \_\_\_\_\_

(seal)

**IC 13-18-26 Chapter 26. Permit and Permit Application Conditions for Water and Wastewater Treatment Plants**

|            |   |
|------------|---|
| 13-18-26-1 | Certificate of completion required  |
| 13-18-26-2 | Certification that documents have been prepared                             |
| 13-18-26-3 | Life cycle cost-benefit analysis  |
| 13-18-26-4 | Capital asset management plan   |
| 13-18-26-5 | Cybersecurity plan  |
| 13-18-26-6 | Completion, periodic revision, and public disclosure of analysis and plans  |
| 13-18-26-7 | Denial of permit application for failure to include notarized certification |

**IC 13-18-26-1 Certificate of completion required**

Sec. 1. (a) Except as provided in subsection (c), a permit required under IC 13-18-16 for the operation of a public water system may not be issued unless the application contains the certification of completion required under section 2 of this chapter.

(b) Except as provided in subsection (c), the department may not issue a permit required under environmental management laws for the discharge from a wastewater treatment plant, as defined in IC 13-11-2-258(b), unless the application contains the certification of completion required under section 2 of this chapter.

(c) The requirement of a certification of completion under section 2 of this chapter does not apply to the following:

- (1) A noncommunity public water system that has fewer than fifteen (15) service connections used by year-round residents.
- (2) A noncommunity public water system that regularly serves fewer than twenty-five (25) year-round residents.
- (3) A permit for the modification or expansion of a drinking water treatment plant that does not increase system design capacity.
- (4) A permit for a wastewater treatment plant with an average design flow of not more than one hundred thousand (100,000) gallons per day.
- (5) A permit for the modification or expansion of a wastewater treatment plant that does not increase average design flow.
- (6) The renewal of an NPDES permit for the discharge from a wastewater treatment plant that does not include a modification or expansion as described in subdivision (5).

*As added by P.L.126-2018, SEC.6. Amended by P.L.15-2019, SEC.12.*

**IC 13-18-26-2 Certification that documents have been prepared**

Sec. 2. A permit described in section 1(a) or 1(b) of this chapter may not be issued unless the applicant submits, along with the permit application, a certification that all of the following documents have been prepared and are complete under the requirements of this chapter:

- (1) A life cycle cost-benefit analysis, as described in section 3 of this chapter.
- (2) A capital asset management plan, as described in section 4 of this chapter.
- (3) A cybersecurity plan, as described in section 5 of this chapter.

*As added by P.L.126-2018, SEC.6. Amended by P.L.15-2019, SEC.13.*

**IC 13-18-26-3 Life cycle cost-benefit analysis**

Sec. 3. A life cycle cost-benefit analysis must include a comparison of the alternatives of:

- (1) meeting the water supply or wastewater service needs of the community or area served or proposed to be served through the operation of the water and wastewater treatment plant, as:
  - (A) owned and operated; or
  - (B) proposed to be owned and operated;according to the terms of the permit application; and
- (2) meeting the water supply or wastewater service needs of the community or area

served or proposed to be served through one (1) or more other potential means.  
*As added by P.L.126-2018, SEC.6.*

**IC 13-18-26-4 Capital asset management plan**

Sec. 4. A capital asset management plan must include all of the following:

- (1) A plan to annually review infrastructure needs of the water or wastewater treatment plant.
- (2) A detailed engineering analysis of asset conditions and useful life, to be used to develop an infrastructure inspection, repair, and maintenance plan.
- (3) An analysis of customer rates necessary to support the capital asset management plan, including emergency repairs.
- (4) A certification that the water or wastewater treatment plant has:
  - (A) a certified operator;
  - (B) a corporate officer or system manager; and
  - (C) access to an engineer, either on staff or by contract.

*As added by P.L.126-2018, SEC.6.*

**IC 13-18-26-5 Cybersecurity plan**

Sec. 5. A cybersecurity plan must provide for the protection of the water or wastewater treatment plant from unauthorized use, alteration, or destruction of electronic data.

*As added by P.L.126-2018, SEC.6.*

**IC 13-18-26-6 Completion, periodic revision, and public disclosure of analysis and plans**

Sec. 6. (a) The analyses and plans described in sections 3, 4, and 5 of this chapter must be:

- (1) complete under the requirements of this chapter at the time an application for a permit described in section 1(a) or 1(b) of this chapter is submitted;
- (2) reviewed and revised at least once every five (5) years, for as long as the permit holder operates the water treatment plant or wastewater treatment plant; and
- (3) except for customer specific data, including information excluded from public access under IC 5-14-3-4(a), or for a cybersecurity plan required under section 5 of this chapter, made publicly available.

(b) A certification that the analyses and plans described in sections 3, 4, and 5 of this chapter are complete under the requirements of this chapter must be submitted to the department:

- (1) under section 2 of this chapter at the time an application for a permit described in section 1(a) or 1(b) of this chapter is submitted; and
- (2) at least once every five (5) years after an application for a permit described in section 1(a) or 1(b) of this chapter is submitted, when the analysis and plans are reviewed and revised.

(c) A certification submitted to the department under this chapter must be notarized.

*As added by P.L.126-2018, SEC.6. Amended by P.L.15-2019, SEC.14.*

**IC 13-18-26-7 Denial of permit application for failure to include notarized certification**

Sec. 7. Failure to include a notarized certification with an application for a permit described in section 1(a) or 1(b) of this chapter constitutes grounds for denial of the permit application.

*As added by P.L.126-2018, SEC.6. Amended by P.L.15-2019, SEC.15.*



**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

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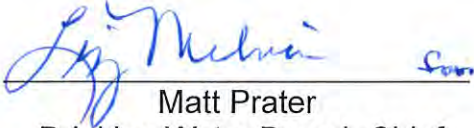
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Eric J. Holcomb  
Governor

Bruno Pigott  
Commissioner

**PERMIT FOR PUBLIC WATER SUPPLY CONSTRUCTION**

J. Patrick Matthews, Manager  
The Hills at St. Joe Farm  
1122 North Frances Street  
South Bend, IN 46617

|               |               |  |
|---------------|---------------|--|
| WS-12230      | March 1, 2021 |  |
| Permit Number | Date Issued   | Matt Prater<br>Drinking Water Branch Chief<br>Office of Water                      |

You are hereby notified that the Office of Water Quality has approved the general design of plans and specifications of water works improvements to The Hills at St. Joe Farm public water system (PWSID 5271002). This Permit allows for water main construction for The Hills at St. Joe Farm public water system located in St. Joseph County, Indiana. This Permit is issued under provisions of Indiana Code (IC) 13-15, IC 13-18-16, 327 Indiana Administrative Code (IAC) 8-3, and 327 IAC 8-4-1.

Pursuant to IC 13-15-5-3 and IC 4-21.5-3-4(d), this Permit is effective on the date issued.

The Section 1 water main project consists of the installation of 3,130 feet of 8-inch ductile iron pipe along Brick Road, Andes Court, and Hinton Lane, together with all the necessary appurtenances.

This Permit is issued with the following conditions:

1. That the permittee notify, in writing, Liz Melvin, Capacity Development, Operator Certification and Permits Chief, a minimum of ten (10) days, excluding Saturdays, Sundays, and State of Indiana holidays, before exercising a permit issued in accordance with 327 IAC 8-3. The notification may be via email ([dwpermits@idem.in.gov](mailto:dwpermits@idem.in.gov)) and must include the construction permit number assigned, the location of the construction, a description of the construction, anticipated duration of the construction, and the phone number of the permittee or permittee's representative who will be present during the construction;



2. That after the commissioner has granted a construction permit, no changes in the application, plans, or specifications be made other than changes involving the replacement of equipment of similar design and capacity, none of which will change adversely the plant operation, its hydraulic design or waste products, or the distribution system design, operation, or capacity without first submitting in writing to the commissioner a detailed statement of such proposed changes and receiving an amended construction permit from the commissioner. Construction permits shall become void if the construction is not started within one (1) year from the date of issuance of the permit unless the duration of the permit has been extended by the commissioner after receiving a written request from the permittee, prior to the expiration of the permit, requesting such extension with no other changes to the permit, application, plans, or specifications as approved by the commissioner;
3. That the possession of any permit authorized by 327 IAC 8-3 not be construed to authorize the holder of the permit to violate any law of the State of Indiana or rule;
4. That the facility be designed, constructed, installed, and operated in such a manner that it will not violate any of the sanitary or health regulations or requirements existing at the time of application for the permit;
5. That the facility conform to the design criteria in the 2012 Edition of the "Recommended Standards for Water Works" established by the Great Lakes - Upper Mississippi River Board of State Public Health and Environmental Managers (10 State Standards), the American Water Works Association (AWWA) standards, or is based on such criteria which the applicant shows will produce drinking water of satisfactory quality and normal operating pressure at the peak operating flowrate in accordance with 327 IAC 8-3;
6. That all direct additives to the public water system shall be certified for conformance to ANSI/NSF Standard 60 and all indirect additives, including lubricants, coatings and equipment which conveys potable water, be certified for conformance to ANSI/NSF Standard 61;
7. That any pipe, plumbing fitting or fixture containing more than a weighted average of 0.25% lead, and solders or flux containing more than 0.2% lead are not to be used in the installation or repair of any piping on this project which conveys a potable water supply. Additional information may be obtained at the U.S. Environmental Protection Agency's website at <http://water.epa.gov/drink/info/lead/upload/epa815s13001.pdf>;
8. That when fire protection is to be provided, system design must be such that fire flows and facilities are in accordance with the requirements of the state Insurance Services Office;



9. That all easements for water main rights-of-way prohibit the construction of any permanent structure over the water main and provide enough access for maintenance with mechanical equipment;
10. That water mains be covered with earthen cover in accordance with 327 IAC 8-3.2-17(d);
11. That all ductile iron and PVC pipe and accessories be inspected, unloaded, handled, stored, installed, pressure and leak tested, and disinfected in accordance with the provisions of AWWA Standards C110, C115, 151/A21.51-17, C600-17, C900-16, and C605-13, as applicable. If an AWWA Standard is not available for the particular installation, the manufacturer's recommended installation procedure must be followed;
12. That water mains not be located within ten (10) feet measured horizontally from the outside edge of the water main to the outside edge of any existing and proposed sanitary sewers or storm sewers;
13. That the water main and sewers must cross with the water main and sewers separated by a minimum of eighteen (18) inches measured vertically from the outside edge of the water main to the outside edge of the sewers;
14. That all connections between pipes have mechanical joints or slip-on joints with rubber gaskets with the exception of steel pipe that may be welded, polyethylene pipes that may be thermojoined by a person who is a manufacturer's certified thermojoiner, or water mains that go under surface water bodies greater than fifteen (15) feet in width at the crossing point;
15. That continuous and uniform bedding be provided by open trench or horizontal boring for all buried pipe. Backfill material for open trench shall be tamped in layers around the pipe and to a sufficient height above the pipe to adequately support and protect the pipe. All stones unable to pass through a U.S. Standard Sieve opening of two (2) inches that are found in the trench within six (6) inches of the outside edge of the pipe shall be removed;
16. That water mains shall be separated from sewage or septic treatment equipment and septic tank absorption field trenches, lift stations, and grave sites by ten (10) feet measured horizontally from the outside edge of the water main to the outside edge of the source;
17. That no water main be within eight (8) feet of a sanitary sewer manhole, a storm sewer manhole, or a drainage grate support structure as measured from the outside edge of the water main to the outside edge of the sanitary sewer manhole, storm sewer manhole, or drainage grate support structure; and
18. That the disinfection of the new water mains follow procedures outlined by American Water Works Association Standard C651-14 and produce

The Hills at St. Joe Farm  
PWSID 5271002  
WS12230  
Page 4

bacteriologically satisfactory water in two (2) successive sets of total coliform samples collected at twenty-four (24) hour intervals, and tested by a certified laboratory, before the new water mains is released for use. The laboratory results must have the assigned permit number, WS-12230 and PWSID #5271002 on it and be submitted to the Drinking Water Branch's Permit Section at [dwpermits@idem.in.gov](mailto:dwpermits@idem.in.gov);

Plans and specifications titled, The Hills at St. Joe Farm – Section 1, certified by Byron L. Miller, P.E., were submitted by Danch, Harner & Associates on January 8, 2021.

This Permit shall become void if construction is not started by March 2022. Any fundamental change in plans or specifications which may affect drinking water quality, operations, or public health must be submitted for review and approval by this agency. This Permit may be modified, suspended, or revoked for cause including, but not limited to the following:

1. Violation of any term or condition of this Permit; or,
2. Obtaining this Permit by misrepresentation or failure to fully disclose all relevant facts.

Nothing herein shall be construed as guaranteeing that the proposed public water supply facility shall meet standards, limitations or requirements of this or any other agency of state or federal government, as this agency has no direct control over the actual construction and operation of the proposed project.

If you wish to challenge this permit, 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 13-15-6-1 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) within fifteen (15) days of the issuance of this notice (eighteen (18) days if you received this notice by U.S. Mail), 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 Hills at St. Joe Farm  
PWSID 5271002  
WS12230  
Page 5

The petition must contain the following information:

1. The name, address, and telephone number of each petitioner.
2. A description of each petitioner's interest in the permit.
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 permit; 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 alleged environmental concerns or technical deficiencies of the permit.
7. The permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
8. The identity of any persons represented by the petitioner.
9. The identity of the person against whom administrative review is sought.
10. A copy of the permit that is the basis of the petition.
11. 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 permit. 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 a permit 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.

If you have questions regarding your Petition for Administrative Review by the Office of Environmental Adjudication please refer to the FAQs on OEA's website at <http://www.in.gov/oea>.

In order to assist the permit staff in tracking appeals, we request that you submit a copy of your petition to Liz Melvin, Capacity Development, Operator Certification and Permits Section Chief, OWQ Drinking Water Branch – Mail Code 66-34, 100 N. Senate Ave, Indianapolis, Indiana 46204-2251.

The Hills at St. Joe Farm  
PWSID 5271002  
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Page 6

If you do not object to this Permit, you do not need to take any further action. If you have any questions regarding this matter, please contact Lance Mabry, Permit Review Engineer, Office of Water Quality, at (317) 234-7423.

cc: St. Joseph County Health Department (electronic copy)  
Byron L. Miller, P.E. (electronic copy)  
Lance Mabry, IDEM (electronic copy)  
Lucio Ternieden, IDEM (electronic copy)  
Paula Reinhold, IDEM (electronic copy)  
Liz Melvin, IDEM (electronic copy)



## Indiana Department of Environmental Management

*We Protect Hoosiers and Our Environment*

100 N. Senate Avenue • Indianapolis, IN 46204  
(800) 451-6027 • (317) 232-8603 • [www.idem.IN.gov](http://www.idem.IN.gov)

Eric J. Holcomb  
*Governor*

Bruno Pigott  
*Commissioner*

June 11, 2019

Mr. Patrick Matthews  
Granger Water Co. LLC  
52127 Fall Creek Drive  
Granger, IN 46530

Dear Mr. Matthews:

Re: Well Site Survey  
Granger Water Co. LLC  
PWSID IN5271002

Ms. Paula Reinhold of this office conducted a well site survey on April 23, 2019 at Granger Water Co. LLC, St. Joseph County; Granger, Indiana. Additional information was requested on April 10, 2019 and received on June 11, 2019. The enclosed survey has been issued. The survey is valid for one (1) year from the date of survey. A copy has been forwarded to the Construction Permit Section of the Drinking Water Branch.

If you have any questions regarding this correspondence, please contact Paula Reinhold of my staff at [preinhol@idem.in.gov](mailto:preinhol@idem.in.gov) or by calling 574-245-4889. I can be reached at [Lternied@idem.IN.gov](mailto:Lternied@idem.IN.gov) or by phone at 317/234-7461.

Sincerely,

Lucio M. Ternieden, Chief  
Field Inspection Section  
Drinking Water Branch  
Office of Water Quality

Enclosure

cc: St. Joseph County Health Department  
Liz Melvin, IDEM Construction Permits  
Jean Kocher, IDEM Construction Permits  
Kate Braunschneider

REPORT OF SURVEY  
Proposed Well Site  
Granger Water Co. LLC  
PWSID # IN5271002

- LOCATION: Harris Township, St. Joseph County, Indiana
- SURVEYED BY: Paula Reinhold, Indiana Department of Environmental Management
- SURVEY DATE: 4/23/2019
- GENERAL: At the request of Ms. Kate Braunschneider, a sanitary well site survey was conducted for a new well field.
- GENERAL DESCRIPTION OF WELL SITE: The proposed well site is located west of Wayne Ct. and north of the toll road.
- COMMENTS: The proposed well field is a new well field that will serve the Granger Water Co. LLC. There are a few sources of contamination within 3000 feet of the proposed location.
- The proposed well field location covered in this report was surveyed from the standpoint of providing protection from sources of contamination originating at or near the ground surface in the vicinity of the proposed well.
- The wells are anticipated to produce over 70 GPM at approximately 300 GPM each.
- CONDITIONS OF OPERATION: The proposed well field location complies with 327 IAC 8-3.4-9 and once permitted and installed may serve the Granger Water Co. LLC Community public water supply subject to the following conditions.
- That the Granger Water Co. LLC public water supply system control the area within 200 feet from the well by, purchase, registered easement, long-term lease, or by covenants in the deeds of the surrounding land, prohibiting the construction or maintenance of any sewers, drains, privies, cesspools, septic tanks, or any other potential source of contamination within 200 feet of the wells. Copies of these documents are to be provided to this office.
  - That the Granger Water Co. LLC public water supply system submits to

this office a complete report on each well drilled. This report should include a log showing the different strata encountered and the depth of the pump setting, the length of the screen, the static and pumping water levels, pumping capacity, log of pump test, back-grouting, and details of how the well casing is sealed into rock, if rock is encountered. Copies of the report shall be maintained on site.

- That complete plans and specifications for the construction of the well and pumphouse, and the disinfection equipment, connecting piping, sampling spigots, and other pertinent information be prepared by a professional engineer registered in the State of Indiana and submitted to the Permits Section, Drinking Water Branch of IDEM for review and approval.
- That the system be equipped with a sampling tap for raw water from the well. Sampling taps shall be of the smooth nosed type without interior or exterior threads, shall not be of the mixing type, and shall not have a screen, aerator, or other such appurtenance. The tap is to be located before all treatment and storage/pressure tanks. The sample tap is to be in compliance with the requirements of the ground water rule.
- That a determination of the influences of the surface water sources upon the quality of the water produced by the well shall be made by the Groundwater Section of the Drinking Water Branch of IDEM and if determined to be ground water under the influence of surface water, treatment and monitoring must be provided in accordance with Indiana 327 IAC 8-2-8.5 through 8-2-8.8 inclusive.

To complete the GWUDI assessment of the new well, Granger Water Co. LLC must submit form #49187 (R/3-08) fully completed, the results of six (6) months raw water Total Coliform sample analysis to the Drinking Water Branch along with six (6) months of daily raw water temperatures. The form, analysis of the six (6) months of raw samples and the temperature readings shall be sent in one report at the end of the test period to Lucio Ternieden, Field Inspection Chief, of the Drinking Water Branch within eight (8) months of the completion of well construction.

That the water from the well be treated with conventional surface water treatment (i.e., coagulation, flocculation, sedimentation, and filtration) if the water is determined to be under the influence of surface water.

- That two (2) consecutively satisfactory Total Coliform samples taken at least twenty-four (24) hours apart, one (1) satisfactory nitrate sample, and one (1) fluoride sample be taken from each well before the wells are put into production. Copies of the sample results are to be mailed to

Paula Reinhold, Field Inspection Section, of the Drinking Water Branch.

- That the area immediately surrounding the well casings be sloped, so that surface water drains away and prevent any water from pooling or standing next to the casing.
- That in accordance with 327 IAC 8-3.4-16(a)(5)(A)(ii) the permanent well casing shall terminate at a level of at least eighteen (18) inches above finished grade or at least thirty-six (36) inches above the regulatory flood elevation if located in a designated flood hazard area identified by the Federal Emergency Management Agency (FEMA).
- That original well logs and copies of well production tests are submitted to the Division of Water, Department of Natural Resources in accordance with IC 25-39-4 within thirty (30) days after completion. Copies of the logs and tests shall be maintained on site.
- That a meter capable of measuring the discharge from the well be located at a convenient point in the piping system.
- That all chemical application to the grounds surrounding the well sites be in compliance with label directions and in conformance with rules of the Indiana Office of the State Chemist and Indiana Administrative Code (IAC) at 355 IAC as applicable, 357 IAC as applicable and 327 IAC 8.3.4-9.
- That storm or sanitary sewers, including field drain tiles, shall not be located within the isolation area of a production well unless constructed according to 327 IAC 8-3.4-9(5)(B).
- That the system develops or amends a wellhead protection plan for the new well.
- That a water system management plan certification of demonstration of capacity be obtained before a construction application may be submitted.
- That in accordance with 327 IAC 3.4-9(5), the separation distance between two (2) or more production wells is no less than a fifty (50) feet if the rated pump capacity is less than 70 gpm and 100 feet separation if above 70 gpm.
- That well casing be at least 50 feet in accordance with 327 IAC 8-3.4-20 for rotary well drilling and 327 IAC 8-3.4-21 for cable tool well drilling.
- This well site survey shall be valid for a period of one (1) year ending 4/23/2020. If construction has not begun by 4/23/2020, if a permit has been issued, no changes to the well site survey conditions can be made.



Any changes to the well site survey or the construction permit require an amendment. The request for an amendment must be approved and an amended permit issued before construction can begin.

- This well site survey approval is valid for only the locations that are noted in this survey.

If IDEM issues a construction permit for this project, these conditions will be incorporated into the construction permit. This survey does not constitute a construction permit. You must obtain a valid construction permit prior to construction. If your construction application has not yet been submitted, you must include a copy of this survey as a part of a complete construction permit application.

**Jim Parks Note:**

The next 14 pages of the Initial Well Site Survey were redacted by the Indiana Department of Environmental Management and are not included here.



## Indiana Department of Environmental Management

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**Eric J. Holcomb**  
*Governor*

**Bruno Pigott**  
*Commissioner*

May 22, 2020

Mr. Patrick Matthews  
The Hills at St. Joe Farm  
52127 Fall Creek Drive  
Granger, IN 46530

Dear Mr. Matthews:

Re: Amended Well Site Survey  
The Hills at St. Joe Farm  
PWSID IN5271002

Ms. Paula Reinhold of this office conducted a well site survey on May 18, 2020 at The Hills at St. Joe Farm, St. Joseph County; Granger, Indiana. All information has been received and the enclosed survey has been issued. The survey is valid for one (1) year from the date of survey. A copy has been forwarded to the Construction Permit Section of the Drinking Water Branch.

If you have any questions regarding this correspondence, please contact Paula Reinhold of my staff at [preinhol@idem.in.gov](mailto:preinhol@idem.in.gov) or by calling 574-245-4889. I can be reached at [Lternied@idem.IN.gov](mailto:Lternied@idem.IN.gov) or by phone at 317/234-7461.

Sincerely,

Lucio M. Ternieden, Chief  
Field Inspection Section  
Drinking Water Branch  
Office of Water Quality

Enclosure

cc: St. Joseph County Health Department  
Liz Melvin, IDEM Construction Permits  
Jean Kocher, IDEM Construction Permits

REPORT OF SURVEY  
Proposed Well Site  
The Hills at St. Joe Farm  
PWSID # IN5271002

LOCATION: Harris Township, St. Joseph County, Indiana

SURVEYED BY: Paula Reinhold, Indiana Department of Environmental Management

SURVEY DATE: 5/18/2020

GENERAL: At the request of Ms. Kate Braunschneider, a sanitary well site survey was conducted for a new well field .

GENERAL DESCRIPTION OF WELL SITE: The proposed well site is located west of Wayne and north of the toll road.

COMMENTS: The proposed well field is a new well field that will serve the The Hills at St. Joe Farm. There are a few sources of contamination within 3000 feet of the proposed location.

The proposed well field location covered in this report was surveyed from the standpoint of providing protection from sources of contamination originating at or near the ground surface in the vicinity of the proposed well.

The location of well #2 has changed since the well site survey was issued on June 11, 2019. The geographic location has been amended, and aerial maps are included to show the changes.

CONDITIONS OF OPERATION: The proposed well field location complies with 327 IAC 8-3.4-9 and once permitted and installed may serve the The Hills at St. Joe Farm Community public water supply subject to the following conditions.

- That the The Hills at St. Joe Farm public water supply system control the area within 200 feet from the well by, purchase, registered easement, long-term lease, or by covenants in the deeds of the surrounding land, prohibiting the construction or maintenance of any sewers, drains, privies, cesspools, septic tanks, or any other potential source of contamination within 200 feet of the wells. Copies of these documents are to be provided to this office.

- That the The Hills at St. Joe Farm public water supply system submits to this office a complete report on each well drilled. This report should include a log showing the different strata encountered and the depth of the pump setting, the length of the screen, the static and pumping water levels, pumping capacity, log of pump test, back-grouting, and details of how the well casing is sealed into rock, if rock is encountered. Copies of the report shall be maintained on site.
- That complete plans and specifications for the construction of the well and pumphouse, and the disinfection equipment, connecting piping, sampling spigots, and other pertinent information be prepared by a professional engineer registered in the State of Indiana and submitted to the Permits Section, Drinking Water Branch of IDEM for review and approval.
- That the system be equipped with a sampling tap for raw water from the well. Sampling taps shall be of the smooth nosed type without interior or exterior threads, shall not be of the mixing type, and shall not have a screen, aerator, or other such appurtenance. The tap is to be located before all treatment and storage/pressure tanks. The sample tap is to be in compliance with the requirements of the ground water rule.
- That a determination of the influences of the surface water sources upon the quality of the water produced by the well shall be made by the Groundwater Section of the Drinking Water Branch of IDEM and if determined to be ground water under the influence of surface water, treatment and monitoring must be provided in accordance with Indiana 327 IAC 8-2-8.5 through 8-2-8.8 inclusive.

To complete the GWUDI assessment of the new well, The Hills at St. Joe Farm must submit form #49187 (R/3-08) fully completed, the results of six (6) months raw water Total Coliform sample analysis to the Drinking Water Branch along with six (6) months of daily raw water temperatures. The form, analysis of the six (6) months of raw samples and the temperature readings shall be sent in one report at the end of the test period to Lucio Ternieden, Field Inspection Chief, of the Drinking Water Branch within eight (8) months of the completion of well construction.

That the water from the well be treated with conventional surface water treatment (i.e., coagulation, flocculation, sedimentation, and filtration) if the water is determined to be under the influence of surface water.

- That two (2) consecutively satisfactory Total Coliform samples taken at least twenty-four (24) hours apart, one (1) satisfactory nitrate sample, and one (1) fluoride sample be taken from each well before the wells are

put into production. Copies of the sample results are to be mailed to Paula Reinhold , Field Inspection Section, of the Drinking Water Branch.

- That the area immediately surrounding the well casings be sloped, so that surface water drains away and prevent any water from pooling or standing next to the casing.
- That in accordance with 327 IAC 8-3.4-16(a)(5)(A)(ii) the permanent well casing shall terminate at a level of at least eighteen (18) inches above finished grade or at least thirty-six (36) inches above the regulatory flood elevation if located in a designated flood hazard area identified by the Federal Emergency Management Agency (FEMA).
- That original well logs and copies of well production tests are submitted to the Division of Water, Department of Natural Resources in accordance with IC 25-39-4 within thirty (30) days after completion. Copies of the logs and tests shall be maintained on site.
- That a meter capable of measuring the discharge from the well be located at a convenient point in the piping system.
- That all chemical application to the grounds surrounding the well sites be in compliance with label directions and in conformance with rules of the Indiana Office of the State Chemist and Indiana Administrative Code (IAC) at 355 IAC as applicable, 357 IAC as applicable and 327 IAC 8.3.4-9.
- That storm or sanitary sewers, including field drain tiles, shall not be located within the isolation area of a production well unless constructed according to 327 IAC 8-3.4-9(5)(B).
- That the system develops or amends a wellhead protection plan for the new well.
- That a water system management plan certification of demonstration of capacity be obtained before a construction application may be submitted.
- That in accordance with 327 IAC 3.4-9(5), the separation distance between two (2) or more production wells is no less than a fifty (50) feet if the rated pump capacity is less than 70 gpm and 100 feet separation if above 70 gpm.
- That well casing be at least 50 feet in accordance with 327 IAC 8-3.4-20 for rotary well drilling and 327 IAC 8-3.4-21 for cable tool well drilling.
- This well site survey shall be valid for a period of one (1) year ending 5/18/2021. If construction has not begun by 5/18/2021, if a permit has

been issued, no changes to the well site survey conditions can be made. Any changes to the well site survey or the construction permit require an amendment. The request for an amendment must be approved and an amended permit issued before construction can begin.

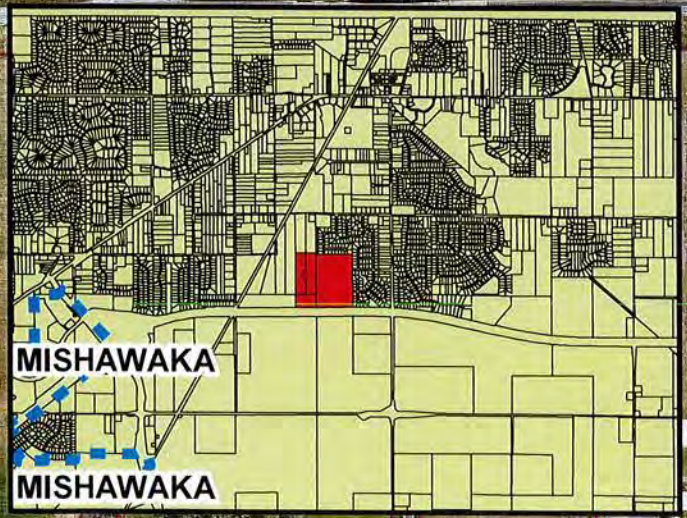
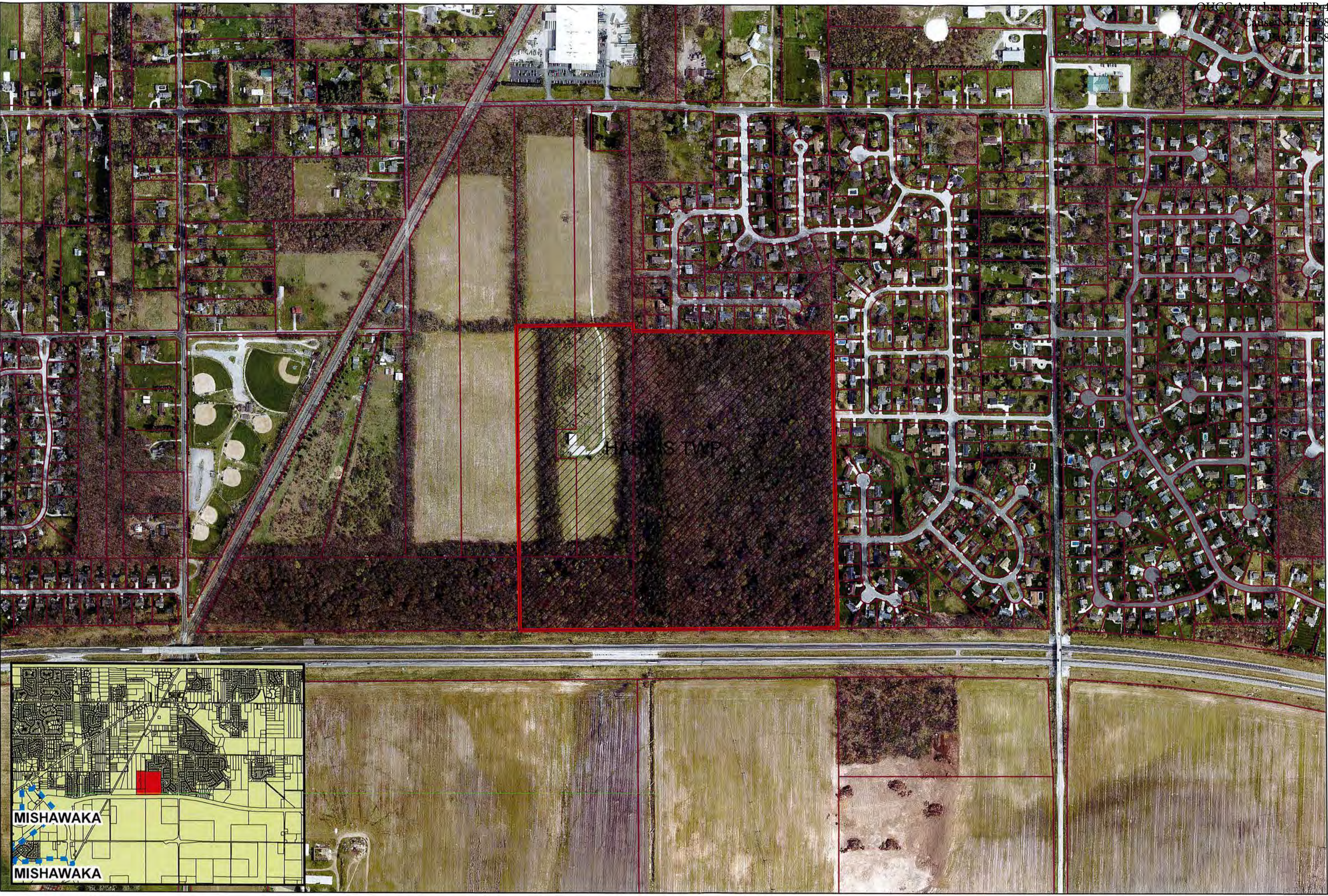
- This well site survey approval is valid for only the locations that are noted in this survey.

If IDEM issues a construction permit for this project, these conditions will be incorporated into the construction permit. This survey does not constitute a construction permit. You must obtain a valid construction permit prior to construction. If your construction application has not yet been submitted, you must include a copy of this survey as a part of a complete construction permit application.

APC# 7136-20-P  
Zoning: R  
Parcel ID #: 006-1009-0109, 011027, 006-1019-0252, 006-1009-003506  
Sidwell Page #: \_\_\_\_\_ Mapbook #: \_\_\_\_\_  
Date of Plat Meeting: 3/19/2020  
Date of Tech Review Meeting: 2/20/2020  
**Status: Approved/ Denied Date:** \_\_\_\_\_  
  
Subdivision: \$ 800  
GRAND TOTAL: 800  
Date Paid: 2-10-2020 SMK

The Hills at St. Joe Farm Major  
Danch, Harner & Associates, Inc.  
St. Joseph County  
3/19/2020

7136-20-P



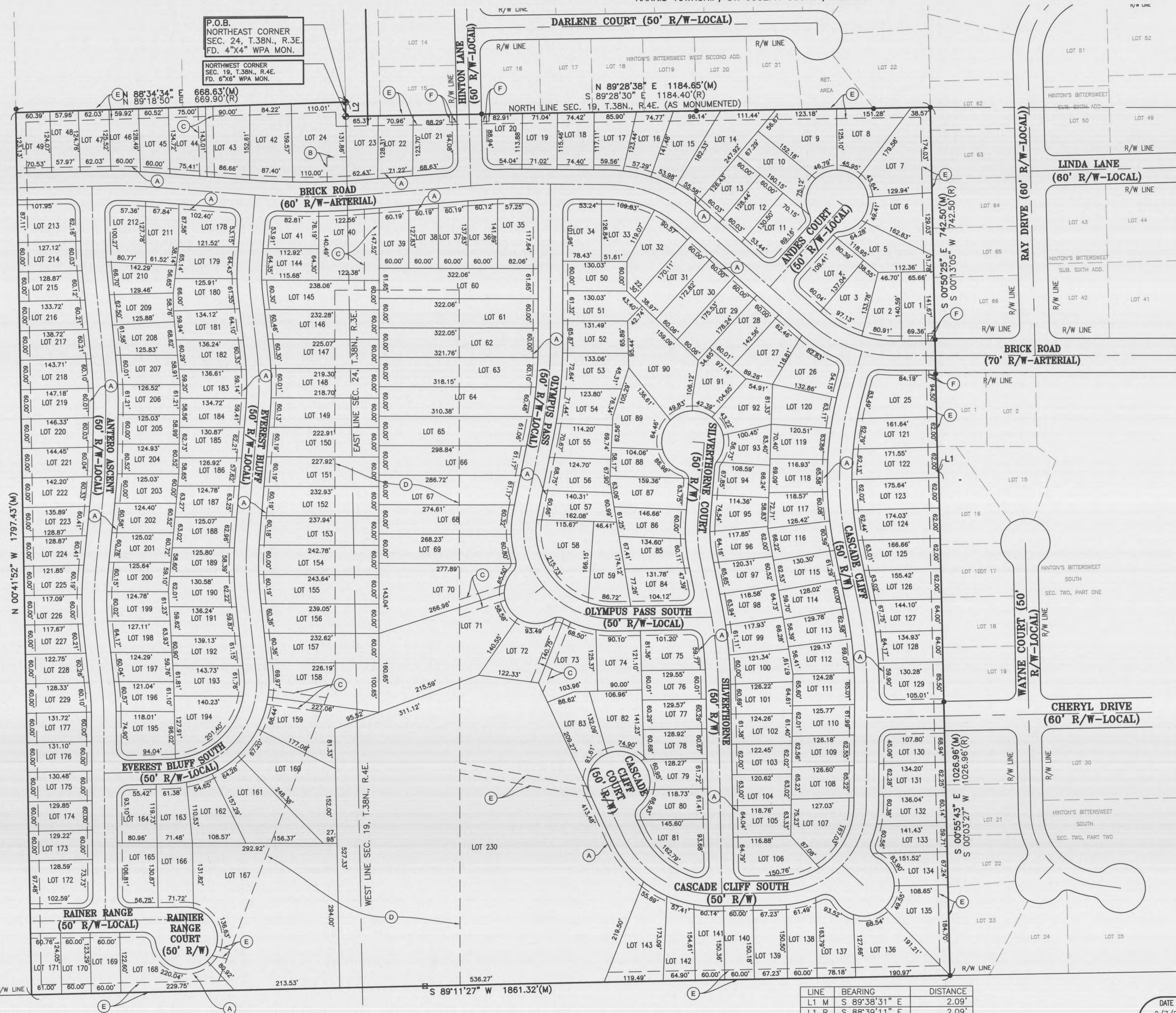
**HARRIS TOWNSHIP**  
1 INCH = 500 FEET





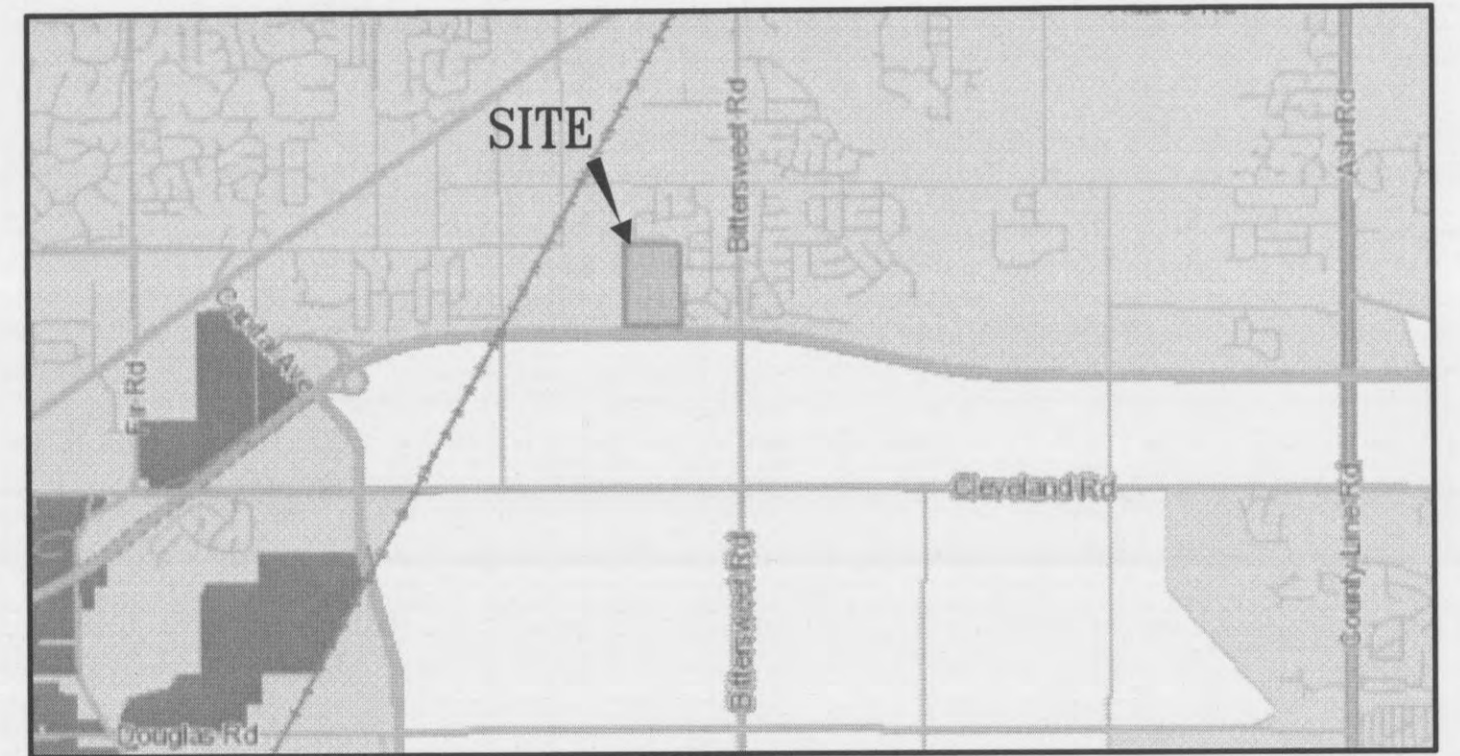
# HILLS AT ST. JOE FARMS MAJOR SUBDIVISION

PART OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 3 EAST, ALSO  
PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 4 EAST,  
HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.



P.O.B.  
NORTHEAST CORNER  
SEC. 24, T.38N., R.3E.  
FD. 4"x4" WPA MON.

NORTHWEST CORNER  
SEC. 19, T.38N., R.4E.  
FD. 6"x6" WPA MON.



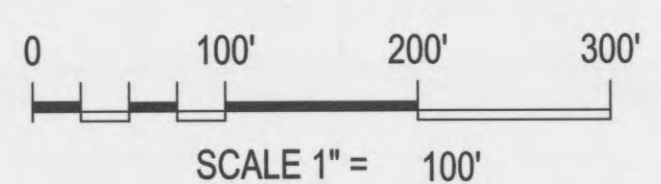
VICINITY MAP  
SCALE: 1"=3000'

- EASEMENT LEGEND:**
- (A) 10-FT. DRAINAGE AND UTILITY EASEMENT
  - (B) UTILITY EASEMENT
  - (C) 30-FT. DRAINAGE AND UTILITY EASEMENT
  - (D) RETENTION POND EASEMENT
  - (E) 20-FT DRAINAGE AND UTILITY EASEMENT
  - (F) 10-FT. X 10-FT. SIGN EASEMENT

- EXISTING LEGEND:**
- = FOUND IRONS
  - o = 5/8" IRONS SET, P.K. NAILS IN ROAD
  - X = CHISELED "X" ON CONCRETE
  - (M) = MEASURED DISTANCE
  - (R) = RECORDED DISTANCE
  - Δ = SET P.K. NAIL

**SURVEYORS & ENGINEERS:**  
DANCH, HARNER & ASSOCIATES, INC.  
1643 COMMERCE DRIVE  
SOUTH BEND, IN. 46628  
(574) 234-4003  
ATTN: MICHAEL DANCH

**SUBDIVIDERS:**  
ST. JOE FARM, LLC  
52127 FALL CREEK DR.  
GRANGER, IN 46530



| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1 M | S 89°38'31" E | 2.09'    |
| L1 R | S 88°39'11" E | 2.09'    |
| L2 M | S 00°45'12" E | 29.17'   |

**PRIMARY PLAT**

|        |           |             |     |
|--------|-----------|-------------|-----|
| DATE   | 2/7/20    | DRAWN BY:   | GGS |
| SCALE  | 1" = 100' | CHECKED BY: | GGS |
| FILE # | 170268.4  | PROJ. MGR:  | MJD |

| REVISIONS |     |                             |          |
|-----------|-----|-----------------------------|----------|
| DATE      | BY  | REVISION                    | APPROVED |
| 3/2/20    | GGS | Revised Per Non-Conformance |          |

**Danch, Harner & Associates, Inc.**  
Land Surveyors • Professional Engineers  
Landscape Architects • Land Planners  
Office: (574)234-4003 / (800)984-4003 • Fax: (574)234-1119  
1643 Commerce Drive • South Bend, IN 46628



SHEET  
**1** OF  
**2**

# HILLS AT ST. JOE FARMS MAJOR SUBDIVISION

PART OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 3 EAST, ALSO  
PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 4 EAST,  
HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

**SURVEYED LEGAL DESCRIPTION:**

A PARCEL LOCATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 3 EAST, AND PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 4 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 24; THENCE SOUTH 00°45'12" EAST ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 29.17 FEET TO THE NORTHWEST CORNER OF SAID SECTION 19, AND THE SOUTH LINE OF THE RECORDED PLAT OF HINTON'S BITTERSWEET WEST SECOND ADDITION AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 89°28'38" EAST A DISTANCE OF 1184.65 FEET (REC. SOUTH 89°28'30" EAST, 1184.40 FEET) ALONG THE SOUTH LINE OF SAID RECORDED PLAT, TO THE WEST LINE OF THE RECORDED PLAT OF HINTON'S BITTERSWEET SUBDIVISION, SIXTH ADDITION AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 00°50'25" EAST A DISTANCE OF 742.50 FEET (REC. SOUTH 00°13'05" WEST, 742.50 FEET) TO A POINT ON THE WEST LINE OF THE RECORDED PLAT OF HINTON'S BITTERSWEET SOUTH, SECTION TWO, PART ONE AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 89°38'31" EAST A DISTANCE OF 2.09 FEET (REC. SOUTH 88°39'21" EAST, 2.09 FEET); THENCE SOUTH 00°55'43" EAST A DISTANCE OF 1026.96 FEET (REC. SOUTH 00°03'27" WEST, 1026.96 FEET) ALONG THE WEST LINE OF SAID HINTON'S BITTERSWEET SOUTH, SECTION TWO, PART ONE, AND ALSO THE WEST LINE OF HINTON'S BITTERSWEET SOUTH, SECTION TWO, PART TWO AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, TO A POINT ON THE NORTH LINE OF INDIANA EAST AND WEST TOLL ROAD; THENCE SOUTH 89°11'27" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1861.32 FEET; THENCE NORTH 00°41'52" WEST A DISTANCE OF 1797.43 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 24; THENCE NORTH 88°34'34" EAST ALONG SAID NORTH LINE OF SECTION 24, A DISTANCE OF 668.63 FEET (REC. NORTH 89°18'50" EAST, 668.90 FEET) TO THE POINT OF BEGINNING.

CONSISTING OF 230 LOTS AND CONTAINING 76.00 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AS RESTRICTION OF RECORD.

**WATER AND SEWER NOTE:**

THE SUBDIVISION WILL BE SERVICED BY PRIVATE COMMUNITY WELL AND PUBLIC SANITARY SEWER.

**BUILDING SETBACK NOTE:**

BUILDING SETBACKS SHALL CONFORM TO THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE.

**BUILDING ENCROACHMENT:**

THERE ARE NO ENCROACHMENTS UPON EXISTING BUILDING SETBACK LINES AND/OR EASEMENTS.

**EASEMENT NOTE:**

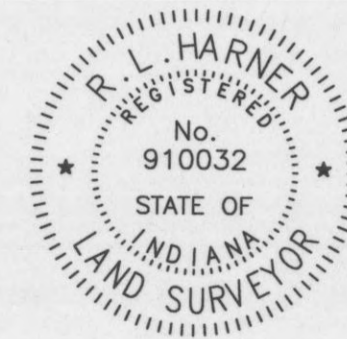
TO THE BEST OF OUR RESEARCH, AND FROM THE INFORMATION SUPPLIED TO US BY THE OWNERS, ALL EASEMENTS OF RECORD ARE SHOWN ON THIS PLAT.

**FLOOD PLAIN NOTE:**

FLOOD HAZARD AREAS SHOWN ARE DEFINED ON AND SCALED FROM THE COMMUNITY PANEL MAPS ESTABLISHED BY F.E.M.A. FOR FLOOD INSURANCE (COMMUNITY PANEL NO. 18141C0226D, DATED JANUARY 06, 2011.)

**SURVEYOR'S CERTIFICATE:**

I, R.L. HARNER, AM A REGISTERED LAND SURVEYOR IN THE STATE OF INDIANA AND HEREBY CERTIFY THAT I HAVE SURVEYED THE LANDS HEREON DESCRIBED AND DELINEATED, AND THAT THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS SURVEY HAS BEEN PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF RULE 12 OF "MINIMUM STANDARDS FOR COMPETENT PRACTICES OF LAND SURVEYING" AND AS PRESCRIBED BY INDIANA ADMINISTRATIVE CODE 865, 1.1-12.



*[Signature]*  
R.L. HARNER L.S.  
INDIANA REG. # 910032

**CERTIFICATE OF APPROVAL NOT FOR RECORDING PURPOSES**

PURSUANT TO INDIANA CODE SECTION 36-7-4, THE UNDERSIGNED CERTIFY THAT THE HILLS AT ST. JOE FARM MAJOR SUBDIVISION WAS CONSIDERED AND GRANTED PRIMARY APPROVAL BY THE PLAT COMMITTEE OF THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, INDIANA ON MARCH 19, 2020; AND THAT A MAJORITY OF THE MEMBERS OF THE COMMITTEE CONCURRED IN THE FINDINGS AND DECISION GRANTING APPROVAL, DETERMINING THAT THE SAID SUBDIVISION COMPLIES WITH THE STANDARDS SET FORTH IN THE ST. JOSEPH COUNTY, INDIANA SUBDIVISION CONTROL ORDINANCE.

IN WITNESS WHEREOF, WE HAVE ATTACHED OUR SIGNATURES AND THE COMMISSION'S SEAL HEREUPON:

*[Signature]*  
SECRETARY OF THE COMMITTEE  
LAWRENCE P. MAGLIOZZI

*[Signature]*  
CHAIRMAN OF THE COMMITTEE  
JOHN R. MCNAMARA

PRIMARY PLAT

| DATE     | DRAWN BY:     | REVISIONS |    |
|----------|---------------|-----------|----|
| 2/7/20   | GGS           | DATE      | BY |
| SCALE    | CHECKED BY:   |           |    |
| NA       | GGS           |           |    |
| FILE #   | PROJ. MANAGR: |           |    |
| 170268.4 | MJD           |           |    |

**Danch, Harner & Associates, Inc.**  
Land Surveyors • Professional Engineers  
Landscape Architects • Land Planners  
Office: (571) 324-4003 / (865) 964-4003 • Fax: (571) 324-4119  
1843 Commerce Drive • South Bend, IN 46725

SHEET  
2 OF  
2

A. The Hills at St. Joe Farm Major

7136-20-P  
(Audio Position: 00:15)

SHAWN KLEIN: This Major Primary subdivision is located on the north side of Interstate 80/90, approximately 1250' west of Bittersweet Road, St. Joseph County. This subdivision will consist of 230 building lots. The total area is 76 acres. Lot sizes range from .16 to 4 acres. A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present. A drainage plan has been submitted to the County Engineer and is currently under review. The rights-of-way are correct as shown. The County Surveyor recommends approval. The County Engineer recommends approval, subject to drainage plan approval. The Staff has reviewed this Subdivision and finds it complies with the requirements for Primary Approval as specified by the St. Joseph County Subdivision Control Ordinance. The Staff therefore recommends that this Subdivision be granted Primary Approval, subject to the following: drainage plan approval.

#### IN FAVOR

There was no one present to speak in favor of this petition.

#### REMONSTRANCE

There was no one present to speak in favor of this petition.

After due consideration, the following action was taken:

Upon a motion by Sky Medors, being seconded by Chuck Bulot and unanimously carried, the Plat Committee finds the evidence adduced at this Plat Committee Hearing supports each element of the Staff Report, and The Hills at St. Joe Farm Major Subdivision therefore complies with the St. Joseph County Subdivision Control Ordinance and is granted Primary Approval, subject to the following: drainage plan approval.



LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., 11<sup>TH</sup> FLOOR COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-7800

March 19, 2020

St. Joe Farm LLC, Attn: Mr. Pat Matthews

52127 Fall Creek Dr

Granger, IN 46530

RE: The Hills at St. Joe Farm Major Subdivision - #7136-20-P.

Dear Petitioner:

Pursuant to Indiana Code 36-7-4, the undersigned certifies that the Subdivision of The Hills at St. Joe Farm Major was considered by the Plat Committee of St. Joseph County, Indiana at its meeting held on March 19, 2020.

A majority of the Committee concurred in finding that, subject to the modifications noted below, said Subdivision complies with all requirements of the St. Joseph County Subdivision Regulations, and no fact, factor, or situation in the Subdivision impacts adversely public health or safety. Therefore, the Committee granted Primary Approval to said Subdivision, subject to drainage plan approval.

Pursuant to Indiana Code 36-7-4, you have the right to appeal to the Area Plan Commission the Plat Committee's decision concerning the above noted subdivision. A written appeal must be filed with the Area Plan Commission by 4:30 pm on Tuesday, March 24, 2020. If an appeal is filed, the Area Plan Commission will consider the appeal at a Public Hearing and provide notice according to State Law and established Commission procedures.

If you have any questions, please call us at (574) 235-7800.

Sincerely,

A handwritten signature in black ink that reads 'L. P. Magliozzi'.

Lawrence P. Magliozzi

CC: Danch, Harner & Associates, Inc.  
County Council Building Department  
County Council Engineering Department  
County Council Health Department



LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., 11<sup>TH</sup> FLOOR COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-7800

March 19, 2020

RE: The Hills at St. Joe Farm Major Subdivision - #7136-20-P.

Dear Sir or Madam:

Pursuant to Indiana Code 36-7-4, the undersigned certifies that the Major Subdivision of The Hills at St. Joe Farm Major was considered by the Plat Committee of St. Joseph County, Indiana at its meeting held on March 19, 2020.

A majority of the Committee concurred in finding that, subject to the modifications noted below, said Subdivision complies with all requirements of the St. Joseph County Subdivision Regulations, and no fact, factor, or situation in the Subdivision impacts adversely public health or safety. Therefore, the Committee granted Primary Approval to said Subdivision, subject to drainage plan approval.

Pursuant to Indiana Code 36-7-4, you, as an interested party may appeal to the Area Plan Commission, the Plat Committee's decision concerning the above noted subdivision. A written appeal must be filed with the Area Plan Commission by 4:30 pm on Tuesday, March 24, 2020. If an appeal is filed, the Area Plan Commission will consider the appeal at a Public Hearing and provide notice according to State Law and established Commission procedures.

Based upon Indiana Law, the only issues that the Commission may address are whether this proposed Subdivision meets the requirements of the County Council Subdivision Regulations, or impacts adversely the public health or safety.

Since the site is zoned for the intended use, the owner has the right to subdivide the property provided that the overall design, lot size, street and drainage improvements, and all other standards and conditions of the Subdivision Regulations are met. The Commission is precluded from considering whether the property should remain as is, be developed for another land use activity, or be developed to standards other than those specified by the Subdivision Regulations. Further, the Commission may not impose any specifications concerning style, type, size or cost of the structures to be built within the Subdivision. If the proposed Subdivision meets all the requirements of the Subdivision Regulations, and does not adversely impact the public health or safety, the Commission must approve the Subdivision.

If you have any questions, please call us at (574) 235-7800.

Sincerely,

A handwritten signature in black ink that reads 'L. P. Magliozzi'.

Lawrence P. Magliozzi

**Staff Report**

**The Hills at St. Joe Farm Major 7136-20-P**

Location: This Major Primary subdivision is located on the north side of Interstate 80/90, approximately 1250' west of Bittersweet Road, St. Joseph County.

Tabulated Data: This subdivision will consist of 230 building lots. The total area is 76 acres. Lot sizes range from .16 to 4 acres.

Environmental Data: A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present.

Drainage Plan: A drainage plan has been submitted to the County Engineer and is currently under review.

Rights-Of-Way: The rights-of-way are correct as shown.

Utilities: The site will be served by Community Well and Municipal Sewer.

Agency Comments: The County Surveyor recommends approval. The County Engineer recommends approval, subject to drainage plan approval.

Technical Review: This subdivision went through Technical Review on February 20, 2020.

Staff Recommendation: The Staff has reviewed this Subdivision and finds it complies with the requirements for Primary Approval as specified by the St. Joseph County Subdivision Control Ordinance. The Staff therefore recommends that this Subdivision be granted Primary Approval, subject to the following: drainage plan approval.

Thursday, March 19, 2020, at 8:30 a.m. local time, to be held on the 11th floor, Area Plan Commission Conference Room, County-City Building, South Bend, Indiana.

The following will be given a Public Hearing:

A. An application for primary approval of The Hills at St. Joe Farm Major Subdivision to be located at the on the north side of Interstate 80/90 approximately 1250' west of Bittersweet Road, St. Joseph County - APC #7136-20-P.

PHONE: 574-235-7800

38-----

*Nancy Nich*

OUCS Attachment JTP-4

Legal Clerk of the **MISHAWAKA ENTERPRISE**, a public newspaper of general circulation, published in the city of Mishawaka in the County aforesaid, who being duly sworn, upon her oath saith, that the notice of which she attached is the true copy, was duly published in the **Mishawaka Enterprise** for:

XX One         TWO         THREE

times successively to-wit:

On the   5th   day of   March  , 2020, and

On the        day of       , 2020, and

On the        day of       , 2020

*Jennifer Nich*

Subscribed & Sworn To Before Me

This   5th   day of   March  , 2020

*Jennifer Nich*



**CHARGES: \$ 10.86**



LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., 11<sup>TH</sup> FLOOR COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-7800

March 4, 2020  
St. Joe Farm LLC, Attn: Mr. Pat Matthews  
52127 Fall Creek Dr  
Granger, IN 46530

RE: The Hills at St. Joe Farm Major Subdivision - #7136-20-P

Dear Petitioner:

Please be advised that the Plat Committee of the Area Plan Commission of St. Joseph County, Indiana will consider your Subdivision at its meeting of March 19, 2020, to be held in the Commission Office, located on the 11th Floor of the County-City Building, at 8:30 a.m. local time.

If you have any questions, please call us at (574) 235-7800.

Sincerely,

A handwritten signature in black ink that reads 'L. P. Magliozzi'.

Lawrence P. Magliozzi

CC: Danch, Harner & Associates, Inc.





LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., 11<sup>TH</sup> FLOOR COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-7800

March 4, 2020

RE: The Hills at St. Joe Farm Major Subdivision - #7136-20-P

Dear Property Owner:

Please be advised that the Plat Committee of the Area Plan Commission will hold a Public Hearing in the Commission Office, located on the 11th floor of the County-City Building, on Thursday, March 19, 2020, at 8:30 a.m. local time to consider an application of St. Joe Farm LLC for primary approval of The Hills at St. Joe Farm Major, a proposed subdivision to be located on the north side of Interstate 80/90 approximately 1250' west of Bittersweet Road.

Since the site is zoned for the intended use, the owner has the right to subdivide the property provided that the overall design, lot size, street and drainage improvements, and all other standards and conditions of the Subdivision Regulations are met.

Based upon Indiana Law, the only issue that the Committee may address is whether this proposed subdivision meets the requirements of the St. Joseph County Subdivision Ordinance. Court rulings have established that Area Plan Commissions have no discretion to approve some subdivision plats and disapprove others but may only determine whether a plat presented to them comports with requirements of their subdivision ordinance. The courts have also ruled that Testimony of adjacent landowners at hearing on proposed subdivision plat is irrelevant in establishing whether plat complies with master plan, ordinances, and statutes.

Therefore, although public input is allowed at the meeting, the Committee can not consider arguments concerning whether or not streets should be extended from adjacent subdivisions, whether the property should remain as is, be developed for some other purpose, or be developed to standards other than those specified by the Subdivision Ordinance. Further, the Committee may not impose any specifications concerning style, type, size or cost of the structures to be built within the subdivision. If the proposed subdivision meets all of the requirements of the Subdivision Regulations, the Committee must approve the subdivision.

The Subdivision file is available for public inspection in the office of the Area Plan Commission. The approved drainage plan may be viewed in the office of the St. Joseph County Engineer.

If you are aware of any reason why the proposed subdivision does not comply with the St. Joseph County Subdivision Ordinance, or if you have any questions please contact this office as soon as possible.

If you have any questions, please call us at (574) 235-7800 between 8:00 A.M. and 4:30 P.M., Monday through Friday.

Sincerely,

A handwritten signature in black ink that reads "Lawrence P. Magliozzi". The signature is written in a cursive style with a large, stylized 'L' and 'M'.

Lawrence P. Magliozzi



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 245-9471

MEMORANDUM

To: Danch, Harner & Associates  
From: Shawn Klein  
Date: February 25, 2020  
Re: NON-CONFORMANCE ITEMS

E-MAILED 2/25/2020

File: The Hills at St. Joe Farm Major: 7136-20-P

**Drawing: 153.062(A)**

- 1. The cul-de-sacs at the ends of Denali Drive and Silverhorne Street need to be labelled as "Courts".
- 2. Label the length of the southern lot line for Lot 230.
- 3. Four proposed street names nearly duplicate existing street names in the County and must be changed:
  - 1. Acadia Avenue (Acadia Lane in Mishawaka) - now Anteo
  - 2. Glacier Bay Drive (Glacier Pass in Mishawaka) - now Everest
  - 3. Denali Drive (Denali Court in Mishawaka) - now Cascade
  - 4. Teton Trace (Teton Court in German Twp) - now Olympia

**Watershed Map: 153.062 (B)**

- 1. The location of the subdivision within the watershed, the delineation and location of all watersheds, streams, drainage courses, reaches and swales which flow into or through the subdivision are not shown on the SDS or separate watershed map.

**Ownership: 153.062 (I)**

- 1. Please submit proof of ownership.

**Other:**

- 1. County Surveyor recommends approval. The County Engineer continues to review this subdivision.

SD - change plus  
- update

**NOTES:**

- a) A copy of this Memorandum will not be sent to the owner/developer. It is your responsibility to share this information with your client.
- b) Staff is not certifying the accuracy of the legal description, although obvious errors will be noted.
- c) Staff will continue to review this subdivision for full compliance. Additional comments may be forthcoming based on further review or comments from the responding agencies.

**Upcoming Dates:**

|                             |                               |
|-----------------------------|-------------------------------|
| Non-Conformance due to APC: | Noon, Tuesday, March 10, 2020 |
| Plat Committee Meeting:     | Thursday, March 19, 2020      |

MEMORANDUM

Engineer's Review - Major Primary Subdivision

February 10, 2020

To: Sky Medors Chief Design Engineer  
From: Shawn Klein Planner

Subdivision: The Hills at St. Joe Farm Major - #7136-20-P  
Location:  
Zoning:

Please return, at the latest, by February 28, 2020

- |  |                                      |                                     |                                      |
|--|--------------------------------------|-------------------------------------|--------------------------------------|
| 1. Rights-of-way correct?  | YES                                  | NO                                  | N/A                                  |
| 2. Streets and intersections conform to Standards?                   | <input checked="" type="radio"/> YES | NO                                  | N/A                                  |
| 3. Street classifications correct?                                   | <input checked="" type="radio"/> YES | NO                                  | N/A                                  |
| 4. Access plan acceptable?   | <input checked="" type="radio"/> YES | NO                                  | N/A                                  |
| 5. Adjacent streets improved?  | YES                                  | <input checked="" type="radio"/> NO | N/A                                  |
| 6. Recommend approval of opening variance?                           | YES                                  | NO                                  | <input checked="" type="radio"/> N/A |
| 7. Easements acceptable? - Label Easement For Lot 70 & 71            | YES                                  | <input checked="" type="radio"/> NO | N/A See Comment                      |
| 8. Drainage plan approved? Date Still Under Review                   | YES                                  | <input checked="" type="radio"/> NO | N/A                                  |
| 9. Engineering feasibility report raise problems?                    | YES                                  | NO                                  | <input checked="" type="radio"/> N/A |
| 10. Public utilities available?                                      | YES                                  | <input checked="" type="radio"/> NO | N/A                                  |
| 11. Public utilities required? - Providing Water and Municipal Sewer | YES                                  | NO                                  | N/A Health Dept.                     |
| 12. Sidewalks need to be installed or repaired?                      | <input checked="" type="radio"/> YES | NO                                  | N/A                                  |
| 13. Miscellaneous comments:  |                                      |                                     |                                      |

- Easements -  Label Easement For Lot 70 & 71.
- Provide Easement ~~area~~ for drainage from Renee way Cul de Sec to Retention Pond
- Provide Drainage Easement from Penzli Drive Cul de Sec to Retention Pond

Recommendation:

APPROVAL, subject to: Drainage Plan Approval & Revisions noted For Easements  
 DENIAL/TABLE, due to:

Reviewed by: Sh K. M. Date: 2-28-20

MEMORANDUM

County Surveyor Review – Major Primary Subdivision

February 10, 2020

To: John R. McNamara County Surveyor  
From: Shawn Klein Planner

Subdivision: The Hills at St. Joe Farm Major - #7136-20-P  
Location:  
Zoning:

Please return, at the latest, by February 28, 2020

- 1. Watersheds, streams, and drainage courses correct? YES NO N/A
- 2. Regulated drains correctly shown? YES NO N/A
- 3. Drainage plan approved? YES NO N/A
- 4. Urban Drain? **REQUIRED** a) Need to apply; b) Applied for; c) approved  
**NOT REQUIRED**
- 5. Street names acceptable? YES NO N/A
- 6. State Plane Coordinates? **REQUIRED** a) Need to apply; b) Applied for; c) approved  
**NOT REQUIRED**
- 7. Miscellaneous comments:

WHAT IS THE NAME OF THE EUL-DE SAC  
BY LOTS 79-83 AND 84-97 ?

Recommendation:

**APPROVAL**, subject to: \_\_\_\_\_  
DENIAL/TABLE, due to: \_\_\_\_\_

Reviewed by: JRM Date: 2-10-20

# MAJOR COUNTY PRIMARY SUBDIVISIONS

SUBDIVISION NAME: The Hills at St Joe Farm Major

APPLICATION NUMBER: 7136 - 20 - P

MEETING DATE: 3 / 19 / 2020

TECHNICAL REVIEW MEETING DATE: 2 / 20 / 2020

**The following items are REQUIRED at the time of the filing deadline to be processed:**

| <u>YES</u>                          | <u>NO</u>                           | <u>N/A</u>               | <u>ITEM</u>  |
|-------------------------------------|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | SIX (6) COPIES OF THE DRAWING  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | SIX (6) COPIES OF THE SUPPORT DATA SHEET (SDS)   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | A FEE OF \$800.00 PAYABLE TO THE AREA PLAN COMMISSION  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | APPLICATION FOR PRIMARY APPROVAL   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | COPY OF THE <b><u>APPROVED</u></b> DRAINAGE PLAN <b><u>SIGNED</u></b> BY THE COUNTY ENGINEER OR A LETTER OF NO OBJECTION SIGNED BY THE COUNTY ENGINEER |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | PROOF OF OWNERSHIP   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | ENGINEERING FEASIBILITY REPORT (FILED SEPARATELY OR PLACED ON SDS)   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | RECEIPT SHOWING PROOF OF SUBMITTAL OF A COUNTY HEALTH OFFICER'S REPORT (HOR)   |

**153.062 APPLICATION; PRIMARY APPROVAL.**

An application for primary approval of a major subdivision shall be submitted in accordance with the filing schedule established by the Commission. The submission shall contain the following:

✓ (A) *Drawing.* An original drawing on 24-inch by 36-inch vellum, linen or mylar film, at a scale of one inch equals 200 feet or less. All printed numbers, letters and typed information shall be in capital letters and the size of an 11 point (pt.) type font so that the drawing is adaptable to photographic reduction and will maintain complete legibility. The original drawing shall be accompanied by six prints and include the following:

- ✓ (1) Name of the subdivision;
- ✓ (2) Location of the subdivision by section, township, range and governmental township;
- ✓ (3) Boundary of the proposed subdivision based on accurate traverse survey with accurate dimensions in feet and hundredths thereof, and bearings expressed in degrees, minutes and seconds. The traverse survey shall be closed to the minimum requirements of the state standards for the practice of land surveying as required by 865 I.A.C. 1-12-7, et seq. A separate boundary closure sheet need not be submitted;
- ✓ (4) Name, address, seal, signature and certification of the registered land surveyor preparing or certifying the subdivision, in a manner prescribed by the Commission;
- ✓ (5) Numeric scale, graphic bar scale, north point and date;
- ✓ (6) Elevation and delineation of the 100-year regulatory flood, when applicable;
- ✓ (7) A note shall be placed on the plat, when applicable, to indicate that existing predevelopment soil conditions contain historical wetness indicators and therefore that when building a structure below grade, special consideration should be given to soil condition;
- ✓ (8) A blank area four inches vertical by nine inches horizontal, within which the Commission may affix its certificate of approval without obscuring or obliterating any other items on the plat;
- ✓ (9) The location of all public wells and the delineation of any wellhead protection area, when applicable;
- ✓ (10) Delineation of wetlands identified by the National Wetlands Inventory, when applicable;
- ✓ (11) Delineation of airport noise sensitive zone, when applicable;

✓ (12) A note shall be placed on the plat indicating that building setbacks shall conform to the applicable provisions of the zoning ordinance;

✓ (13) Name and address of subdivider;

✓ (14) Layout of proposed streets, which shall include: the classification of each street; the names and widths; walkways; easements; and location of any accel/decel lane or passing blister; - *Need counts for cul-de-sac*

✓ (15) Statement that all easements that are indicated on documentation provided by the property owner are shown on the drawing; - *Some streets do not have classifications (all local but Blvd Presumptive)*

✓ (16) Statement regarding how the subdivision will be served by water and sewer, i.e., well and septic or municipal water and sewer; *at least an*

✓ (17) Layout and approximate dimensions of lots.; *① Academy Lane!*

✓ (18) Lot numbers; *② Lincoln*

✓ (19) All existing easements in exact dimensions of feet and hundredths thereof and bearings expressed in degrees, minutes and seconds; *③ Glacier Bay Drive  
↳ Minn*

*NIR* (20) Coordinate data which ties the subdivision to the North American Datum 1983 State Plane Coordinates System to the standards adopted by the County Surveyor, or provide a letter from the County Surveyor which indicates that ties to such State Plane Coordinates System is not required; *④ Acadia  
↳ Minn*

✓ (21) Any areas other than public rights-of-way to be dedicated or reserved for public or semi-public use, or areas to be reserved for the use of all property owners, shall be shown on the drawing and labeled as to their use and shall have a separate legal description on the drawing with accurate dimensions in feet and hundredths thereof and bearings expressed in degrees, minutes and seconds; *⑤ Teton Ct  
↳ German  
↳ Trip*

✓ (22) Show in dotted or dashed line, the location, width and names of previously subdivided and recorded streets and lots in the proposed subdivision and within 300 feet of the proposed subdivision;

✓ (23) The frontage streets and the nearest major intersections, with existing and proposed rights-of-way labeled;

✓ (24) A vicinity key map at a noted scale of one inch equals 2,000 or 3,000 feet showing the location of the subdivision, major streets and physical features, such as rivers and creeks, within a distance of two miles;

✓ (25) Location of any public on-site water and/or wastewater treatment plants;  
and

(26) The drawing shall be accompanied by such other information as the Commission may require under the provisions of this chapter.

(B) *Watershed map*. Six prints (if placed on a sheet other than the site analysis), on 24-inch by 36-inch sheets, of the Commission's watershed map or similar map showing:

- (1) Location of the subdivision within the watershed;
- (2) Intermediate streams, drainage courses and reaches within the total watershed;
- (3) Delineation of the watershed flowing into the proposed subdivision and the number of acres within that part of the watershed; and
- (4) Delineation of the watershed flowing out of the proposed subdivision and the number of acres within that part of the watershed.

*On diagram Plan*  
(C) *Site data sheet (SDS)*. Six prints of a map or a series of maps on 24-inch by 36-inch sheets, at a scale of one inch equals 200 feet or less (the Commission's section maps may be used as base maps) showing the following information for the proposed subdivision and the adjacent area within 300 feet, including, but not limited to the following:

- (1) Name of the subdivision;
- (2) Show in dotted or dashed line, the location, width and names of previously subdivided and recorded streets and lots in the proposed subdivision and within 300 feet of the proposed subdivision;
- (3) Name and address of the registered land surveyor preparing the subdivision;
- (4) Numeric scale, graphic bar scale, north point and date;
- (5) Known or suspected location of landfills, dumpsites, or sites used for disposing of hazardous substances;
- (6) Soil information, as determined by a soil investigator or the Soil Survey of St. Joseph County, Indiana, with soil boundaries, identification codes, names, slope and erosion factors. Location of soil borings and test pits when applicable;
- (7) Existing man-made structures and improvements within the proposed subdivision, including: driveways, culverts, fences, utility poles, hydrants, and the like. Profiles of ditches at 25 foot intervals may be required at the request of the County Engineer;
- (8) Natural features such as wooded areas, swamps, marshes, streams, drainage courses and objects which may be located in the public right-of-way, including trees;



✓ (9) Existing topographic contours at vertical intervals of two feet or less. Vertical control data shall be based on National Geodetic Vertical Datum or the St. Joseph County GIS. United States Geological Survey Contours shall not be acceptable;

✓ (10) A graphic and/or textual summary of any known environmental site studies which contains a recommendation or conclusion which impacts the site of the proposed subdivision;

✓ (11) The location of all public wells and the delineated wellhead protection area, if any;

✓ (12) Location of the subdivision by section, township, range and governmental township;

✓ (13) Boundary of subdivision, with approximate dimensions in feet;

✓ (14) Floodplains and floodways as shown on maps published by the Federal Emergency Management Agency;

✓ (15) Delineation and location of all watersheds, streams, drainage courses, reaches and swales which flow into and/or through the proposed subdivision if not shown on a separate Watershed Map;

✓ (16) At the boundary of the proposed subdivision, the acreage of all watersheds which flow into and out of the subdivision if not shown on a separate watershed map;

✓ (17) Acres of watersheds at the confluence of streams, drainage courses, reaches and swales within the proposed subdivision if not shown on a separate watershed map; and

✓ (18) If adjoining property within three hundred feet of the subdivision has not been subdivided, the names of property owners, as shown in the Assessor's office, Auditor's office, or Recorder's office shall be included. If the property within three hundred feet of the subdivision has been subdivided, the subdivision layout, name, section, and instrument number shall be included.

✓ (D) *Engineering feasibility report.* Three copies of a typed feasibility report covering sewage, water and drainage facilities and streets to serve the subdivision, including but not limited to the following:

✓ (1) *Existing system.* The applicant shall submit either: (i) if the subdivider proposes to connect to an existing public sewer and/or water supply system, a letter from the utility indicating the ability of the utility to service the subdivision and approval for that subdivision to connect to the utility; or, (ii) if the subdivider does not propose to connect to an existing public sewer or water supply system, a report on the feasibility of a connection shall be made. The report shall include the distance from the nearest public sewer and water mains, the capacity of the existing systems intended to handle the additional load and the estimated cost.

✓ (2) *Community system.* If the connection to an existing sewer or water system is not feasible, the feasibility of constructing a public on-site sewage and/or water system shall be studied. The study shall give consideration to treatment works, receiving streams, lagoons and public on-site water supplies and their estimated cost.

✓ (3) *Drainage system.* If the connection to an existing storm drain system is not feasible, the type of drainage system to be utilized shall be stated.

✓ (4) *Street construction.* A preliminary report on type of street construction to be used based on the latest standards adopted by the Board.

Submitted (E) *Drainage plan.* The drainage plan shall be prepared and certified by a registered engineer or registered land surveyor in accordance with standards adopted by the Board, and submitted to the County Engineer. Prior to the preparation of a drainage plan, the registered engineer or registered land surveyor shall confirm the watershed area with the County Surveyor and shall submit such watershed confirmation to the County Engineer along with the proposed drainage plan. The County Engineer shall make initial comments on design within 30 days of submittal. The submittal of the subdivision to the Commission shall not be accepted unless one copy of the approved drainage plan or, when appropriate, a letter of no objection to submittal from the County Engineer accompanies the submittal. Note: an application for approval of the subdivisions drainages system as an "Urban Drain" as specified in the 1965 Indiana Drainage Code, Chapter 305, Acts of 1965, as amended, must be submitted prior to primary approval of the subdivision.

✓ (F) *County Health Officer's report.*

✓ (1) *Report not required.* A County Health Officer's Report shall not be required if the subdivision is connecting to both public water and public sewer facilities.

(2) *Report required.* If either a private water system or private sewer system is proposed, developers of subdivisions subject to requirements of the Indiana State Department of Health or the St. Joseph County Health Department shall:

(a) Provide proof of submittal to the County Health Department of soil boring location and test result information at the time of filing with the Area Plan Commission.

(b) Before a subdivision can be placed on a Plat Committee agenda for public hearing, the County Health Officer's Report as defined in § 153.010 shall be submitted to the office of the Area Plan Commission not less than three weeks prior to a Plat Committee meeting.

(c) Failure to submit a Health Officer's report to the Area Plan Commission not less than three weeks prior to a hearing date will result in the proposed subdivision not being placed on a Plat Committee agenda.

(d) A revised County Health Officer's Request shall be submitted and a revised County Health Officer's report shall be obtained any time there is substantive change to the proposed subdivision including any alteration of lot lines, addition of easements, or other changes that could affect the ability of the lot to meet State of Indiana or St. Joseph County requirements for septic systems and water wells.

(G) *Traffic impact study.* A traffic impact study may be required by the County Engineer when warranted in compliance with the INDOT Traffic Impact Study Guidelines or the guidelines specified in the County design and construction standards approved by the Board. Such traffic impact study shall be prepared by a registered professional engineer and shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway network.

(H) *Digital data submission.* All major plats submitted for primary review shall include a digital copy of the proposed subdivision prepared in accordance with the requirements set forth in the Digital Data Submission Standards as set forth by the Commission.

✓ (I) *Ownership.* A letter from the subdivider showing his interest in the property to be subdivided, or that he is the agent for the owner of the land, or proof of ownership, or a copy of a purchase agreement.

✓ (J) *Property list.* A list showing names and addresses of property owners within three hundred feet of the proposed subdivision and two sets of stamped, addressed envelopes for property owners within 300 feet of the proposed subdivision. Names and addresses may be obtained from the Assessor's office, or the Auditor's office.

✓ (K) *Other approval.* The applicant shall provide a summary of any other local, state or federal governmental approvals required for the development of the subdivision and a statement of the status of each such approval.

✓ (L) *Fee.* The submission of the subdivision shall be accompanied by fees as prescribed by the Commission.

✓ (M) *Application.* A completed application upon forms provided and in a manner prescribed by the Commission.

✓ (N) *St. Joseph County Water and Sewer District report.* If municipal water or sewer is being extended to the subdivision, submit a letter from the District's engineer indicating that a copy of the plat has been filed with the District.

(Ord. 44-08, passed 6-10-2008)

## DESIGN STANDARDS

### 153.020 MINIMUM STANDARDS.

The subdivider shall observe the following minimum requirements and standards. All subdivisions approved by the Commission shall comply with the following:

- (A) The subdivision shall conform to the applicable provisions of the zoning ordinance.
- (B) In all subdivisions every consideration shall be given to preserve the natural environment and historic monuments as designated by the State or National Registry of Historic Buildings and Monuments and as designated by local authority.
- (C) In order to promote public safety, the efficient use of motor fuels, and the attainment of air quality standards, the subdivision shall be coordinated with existing developments or neighborhoods through the interconnection of streets whenever possible.
- (D) In the review of subdivisions, the Commission shall give consideration to the needs and requirements for the following open space uses and community facilities, including but not limited to: school sites, other public and semi-public buildings and facilities and locations for water supply systems, sewage treatment facilities and drainage facilities in accordance with local and regional land use and transportation plans.
- (E) Where open space uses or community facilities shown in a plan adopted by the County, school district, governmental unit, or other public agency are located in whole or part within the subdivision, the Commission may require the reservation of such area as may be deemed reasonable for such purposes. When such an area is not intended to be dedicated by the subdivider, it shall be reserved as vacant real estate for a period of 18 months from the date of approval of the primary plat for the purpose of permitting the County, school district, governmental unit, or other public agency to acquire an option to purchase said real estate for such community facility development. If the County, school district, governmental unit, or other public agency and the subdivider do not enter into such adoption agreement within the time limit, or institute condemnation proceedings, the community facility reservation shall become null and void.
  - (1) A subdivider may, but shall not be required to, file a primary plat that indicates an alternate use and development of the reservation area in the event that such land is freed from reservation. If the subdivider has submitted a proposed primary plat which includes an alternate use and development of the land subject to the reservation, and such alternative use and development has been conditionally approved, the subdivider may submit a revised final plat for review and approval upon expiration of the 18 month period specified above. The proposed revised final plat shall be labeled as a "Revised Final Plat for \_\_\_\_\_". The Executive Director shall review the revised final plat and, upon determining that the revised final plat conforms to all requirements of this chapter, shall approve the revised final plat under the same terms and conditions applicable to any other final plat that was included as a section or phase of

the proposed primary plat. The Executive Director shall consult with the Plat Committee prior to making any final determinations on such a revised final plat.

(2) If the subdivider has not submitted a proposed primary plat which includes an alternate use and development of the land subject to the reservation and such land is freed from reservation, such land shall be the subject of a new application for primary plat as set forth in this chapter.

(Ord. 44-08, passed 6-10-2008)

### 153.021 STREET REQUIREMENTS.

(A) *Design speeds.* The designers of subdivision streets are advised to contact the County Engineer to establish design speeds for the streets within a subdivision.

(B) *Street arrangement.* The arrangements of proposed streets shall conform to the design standards of the County Engineer as approved by the Board.

(C) *Residential street layout.* Residential streets shall be laid out so as to discourage through and high-speed traffic and shall conform to the latest standards adopted by the Board.

(D) *Stub streets.* Stub streets connecting adjacent areas shall be dedicated and improved to the latest standards adopted by the Board. Temporary turnaround easements shall be required for any stub street in excess of one lot in length or may be required at the discretion of the County Engineer or the Commission. Temporary turnaround easement shall comply with the design standards of the County Engineer, as approved by the Board,

(E) *Street intersections.* All street intersections shall be designed in compliance with the intersection sight requirements in the latest standards adopted by the Board.

(F) *Non-access easement.* Subdivisions abutting arterial streets shall provide a frontage street or reverse frontage with a minimum five foot non-access easement along the arterial street.

(G) *Continuation of stub streets.* In order to provide an integrated street system, all stub streets of abutting subdivisions shall be continued into the proposed and existing street system. Existing stub streets in abutting subdivisions which are to be continued and are unimproved shall be improved by the subdivider of the proposed subdivision unless surety is in place in the abutting subdivision; or the stub street is not shown on the approved construction plans of the abutting subdivision; or the abutting subdivision was platted prior to 1997.

(H) *Dead-end streets.* Dead-end streets shall be prohibited, except as stub streets to permit street extension into adjoining vacant tracts, or when designed as cul-de-sacs.

(I) *Half-streets.* The platting of half-streets shall be prohibited, except when the Commission determines it essential to the reasonable development of the subdivision in conformity with other requirements of this chapter. Whenever a half street has been determined

essential, a right-of-way of 50 feet and a pavement width per the latest standards adopted by the Board shall be required.

(J) *Reserve strips.* Reserve strips or areas denying access to adjacent streets are prohibited, unless a written agreement between the subdivider and the Board, setting forth the terms for the sale of such strip or area, is submitted to the Committee at the time the subdivision is submitted for secondary approval.

(K) *Cul-de-sac streets.* Cul-de-sac streets with a turnaround, not a system of minor collector or local streets, shall not be more than 1,000 feet in length measured along their centerline from the centerline of the street of origin to the center point of the turn-around nor have more than 30 lots with direct access to the cul-de-sac. A system of any number of interconnected minor collector or local streets whether ending in turnarounds or stub streets and having only one current means of ingress and egress to a public street that provides two means of ingress and egress, shall not be more than 1,000 feet unless a greater length is approved by the Plat Committee or a temporary access road is provided, the design and width of which is approved by both the County Engineer and the Plat Committee. See § 153.010 for a graphic of "cul-de-sac".

(L) *Lot frontage.* Lots within subdivisions shall have frontage along a public street and shall have continuous access to other public streets of the County.

(M) *Public streets required.* Streets within subdivisions shall be public streets, unless the streets are within a project which has been granted a frontage variance by the Area Board of Zoning Appeals; or is organized under the authority of I.C. 32-25; or within an area zoned for multifamily uses; or are part of a planned unit development.

(N) *Horizontal curve.* Along major streets, minor collector street or local streets, the minimum centerline horizontal curve shall be designed in accordance with *American Association of State Highway and Transportation Officials: A Policy on Geometric Design of Highways and Streets* or the *Indiana Department of Transportation Design Guide*, latest editions, as determined by the County Engineer. The minimum curve radius for a design speed of 25 mph shall not be less than 180 feet.

(O) *Excess right-of-way.* Right-of-Way widths in excess of those recommended by the Transportation Plan adopted by the Michiana Area Council of Governments or the design standards of the County Engineer as approved by the Board, and required by this chapter may be required whenever, due to topography, additional width is necessary to provide for adequate and stable earthen side slopes unless the developer uses an acceptable engineering solutions approved by the County Engineer. Such earthen side slopes shall not be in excess of one foot vertical for each three feet horizontal.

(P) *Bridges.* Bridges of primary benefit to the subdivider, as determined by the Commission, shall be constructed at the full expense of the subdivider without reimbursement from the County. The sharing of expense for the construction of bridges not of primary benefit

to the subdivider, as determined by the Commission, will be fixed by special agreement between the County and the subdivider.

(Q) *Design standards for all private streets.* Private Streets (which are not intended to be dedicated to or accepted by the County for maintenance), which have been authorized for use by the Area Board of Zoning Appeals; or developed under the authority of I.C. 32-25; or within an area zoned for multifamily uses; or as part of non-residential district; or within a Planned Unit Development District where private streets were approved as part of the planned unit development process, shall comply with the minimum pavement width standards set forth in § 154.076 of the zoning ordinance and the minimum depth and materials standards required by the Board for public streets.

(R) *Grading and improvement plan.* Streets shall be graded and improved to conform with the construction standards and specifications of the Board and those standards set forth in Table 153-1: Minimum Design Standards for Streets, set forth below. Such construction standards and specifications shall be indicated on construction plans required prior to secondary plat approval and shall be approved as to design and specification by the County Engineer.

(S) *Street signs, pavement markings and traffic control signs.* The subdivider shall provide street signs at every street intersection within the subdivision. The subdivider shall also provide pavement markings and traffic control signs at required locations as determined by the County Engineer and as shown on the approved construction plans. All street signs, pavement markings and traffic control signs shall conform to the standards and the *Indiana Manual on Uniform Traffic Control Devices for Streets and Highways* as published by the Indiana Department of Transportation. After proper installation and acceptance by the Board of street signs, pavement markings and traffic control signs, the Board shall be responsible for maintenance and replacement. All work by the subdivider related to street signs, pavement markings and traffic control signs shall be performed under the supervision of the County Engineer.

(T) *Street lights.* The subdivider shall provide and install street lights at entrances to conform with the construction standards and specifications of the Board for street lights. Street light plans, which may include internal street lights, shall be approved by the County Engineer.

(U) *Widening and realignment of existing streets.* Where a subdivision borders an existing narrow street or when the Long Range Transportation Plan indicates plans for realignment or widening of a street that would require use of some of the land in the subdivision, the subdivider shall be required to dedicate that portion of such existing street which is contained within the land subject to the secondary plat of the subdivision to the full width required by this Ordinance, and improve such street as required by the Plan Commission and as approved by the Board. Land reserved for any street purposes shall not be counted in satisfying the minimum yard or lot area requirements of the St. Joseph County zoning ordinance.

(V) *Design standards for all public streets.* In order to provide for streets which are of a suitable location, width, material and Improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation, and road maintenance

equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, all streets which are to be dedicated to, and accepted for maintenance by the Board shall be designed and constructed in accordance with the following guidelines as applicable:

- (1) Table 153-1: Minimum Design Standards for Streets, set forth below;
- (2) Current standards and specifications as approved by the Board of Commissioners;
- (3) American Association of State Highway and Transportation Officials (AASHTO): *A Policy on Geometric Design of Highways and Streets* (commonly referred to as the "Green Book");
- (4) *Indiana Department of Transportation Standards, Specifications and Design Manual*;
- (5) *Indiana Manual on Uniform Traffic Control Devices for Streets and Highways*; and,
- (6) Current Americans with Disabilities Act (ADA) Guidelines.



| <b>Table 153 – 1: Minimum Design Standards for Streets</b>  |                       |                        |                        |                     |
|---|-----------------------|------------------------|------------------------|---------------------|
|   | <i>Major arterial</i> | <i>Major collector</i> | <i>Minor collector</i> | <i>Local</i>        |
| Half right-of-way (1)   | 50 ft. (1)            | 50 ft.                 | 30 ft.                 | 25ft. (2)           |
| Pavement width  | (3)                   | (3)                    | 34 ft.                 | 24 ft.              |
| Curb and gutter   | (3)                   | (3)                    | Yes                    | Yes                 |
| Back-to-back of curb  | (3)                   | (3)                    | 38 ft.                 | 28 ft.              |
| Sidewalks   | (3)                   | (3)                    | Yes – 5 ft. (4)        | Yes – 5 ft. (4)     |
| Cul-de-sac  | Not applicable        | Not applicable         | Not applicable         | 55 ft. paved radius |
| <b>NOTES:</b>   |                       |                        |                        |                     |
| (1) The reservation and dedication of rights-of-ways of streets shall be in accordance with the County’s Long Range Transportation Plan as adopted by the Michiana Area Council of Governments (MACOG) and/or the latest design and construction standards approved by the Board. The minimum half right-of-way width on roadways identified in the County’s Long Range Transportation Plan as adopted by MACOG is 65 ft. |                       |                        |                        |                     |
| (2.) Minimum 58 ft. right-of-way radius on cul-de-sacs  |                       |                        |                        |                     |
| (3) For regulations regarding maximum grades, minimum grades, curve radius, tangent lengths, sight distances, pavement widths, medians, curb and gutter and back-to-back of curb widths, pavement depth and materials, sidewalks, corner radius, and transition curves, see the County design and construction standards approved by the Board.   |                       |                        |                        |                     |
| (4) Refer § 153.024 for more information regarding sidewalks, pedestrian ways and bike paths.   |                       |                        |                        |                     |

(Ord. 44-08, passed 6-10-2008)

**153.022 INTERSECTION STANDARDS.**

- (A) No more than two streets shall intersect at one point.
- (B) All streets shall intersect at eighty to ninety degrees for a minimum centerline distance of one hundred feet on both sides of the intersection; however, when approved by the County Engineer, the angle of intersection may be reduced to not less than seventy degrees.
- (C) Two minor collector or local streets, or minor collector or local street segments, intersecting from opposite sides of a street, shall intersect at their centerlines or have their centerlines offset at least 150 feet.
- (D) Two major streets, or major street segments, intersecting from opposite sides of a street, shall intersect at their centerlines, or their centerlines shall be offset at least 500 feet.

(E) When a minor street and a major street intersect from opposite sides of a street, the centerlines shall intersect, or the streets shall have their centerlines offset by at least 150 feet.

(Ord. 44-08, passed 6-10-2008)

**153.023 STREET NAMES.**

(A) No new street shall have a name which duplicates or so nearly duplicates so as to be confused with any existing street in the incorporated or unincorporated areas of the county, unless the new street is to be an extension of the so named existing street.

(B) Loop streets which are an extension of existing streets, but will never be continued, shall not duplicate the name of the existing street.

(C) Cul-de-sacs which are an extension of existing streets may duplicate the name of the existing street, but shall end in "Court".

(D) Continuous streets which have major directional changes shall require a change in street name for each directional change.

(E) The last word of a cul-de-sac street name shall be "Court".

(Ord. 44-08, passed 6-10-2008)

**153.024 SIDEWALKS/PEDESTRIAN WAYS/ALTERNATIVE MULTI-USE OR BIKE PATHS.**

(A) *Sidewalks.*

(1) Sidewalks shall be located along side of a street within the dedicated, non-paved portion of the street right-of-way as follows:

- (a) Major streets - optional;
- (b) Minor collector or local streets - optional; and
- (c) Cul-de-sac streets - optional.

(2) Sidewalks shall be constructed in compliance with the county design and construction standards approved by the Board.

(B) *Pedestrian ways.* Where the Commission determines it is necessary for the public welfare, safety, or adequate pedestrian circulation, pedestrian easements of not less than 11 feet in width shall be provided. Paved walkways of not less than five feet in width shall be placed within the pedestrian easement.

(C) *Alternative multi-use or bike paths.*

(1) Where the Commission determines it is appropriate, an alternative multi-use or bike path may be proposed in lieu of sidewalks. Multi-use or bike paths shall be a minimum of ten feet in width and a minimum of 16 foot clear area containing the path.

(2) Alternative multi-use or bike paths may be constructed of concrete, asphalt or other material approved by the County Engineer and installed in compliance with the county design and construction standards approved by the Board.

(3) Alternative multi-use or bike paths may be located in either the public right-of-way or a pedestrian easement reserved for such use outside of the public right-of-way.

(D) *Indemnity.* An indemnity agreement in favor of the county shall be provided for all sidewalks/pedestrian ways/alternative multi-use or bike paths installed in the public right-of-way within a development until such provisions are covered under a separate county ordinance.

(Ord. 44-08, passed 6-10-2008)

**153.025 LOTS.**

(A) Residential lots within subdivisions, unless excepted in § 153.007, shall have frontage along an improved public right-of-way.

(B) Lot size. The minimum lot areas, widths and building setbacks shall meet the requirements of the zoning ordinance and all other applicable ordinances.

(C) The requirements of the St. Joseph County Board of Health or the Indiana State Department of Health may require that residential lots served by on-site sewage disposal systems be larger than the minimum lot area required by local ordinances.

(D) The requirements of the St. Joseph County Board of Health or the Indiana State Department of Health may require that nonresidential lots served by an on-site water and/or sewage disposal systems be larger than the minimum lot size required by other ordinances.

(E) Lots served by an on-site sewage disposal system shall have adequate area of naturally occurring soils determined by the Health Officer as being suitable for the placement of two conventional on-site sewage disposal drain fields.

(F) Lots containing easements dedicated for future street rights-of-way along a side lot line shall be considered as corner lots. The area of the future street right-of-way shall not be used for determining lot area and lot width.

(G) Lots which abut a required storm water retention/detention pond shall have lot lines which extend into such pond so as to include all portions of the pond within one or more of the abutting lots.

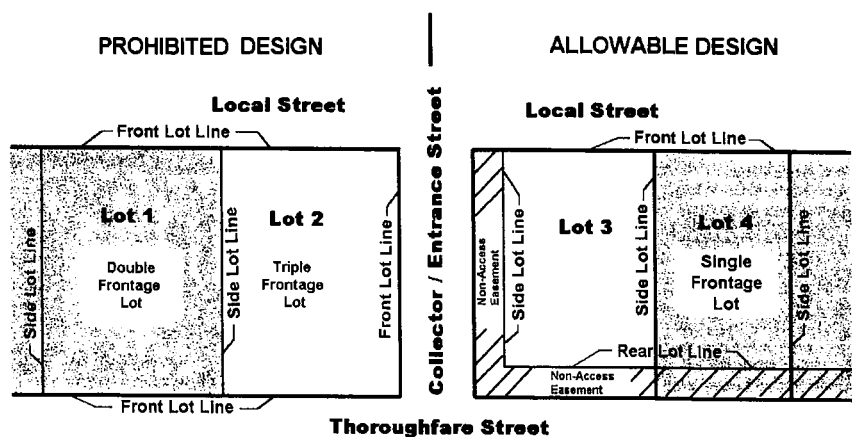
(H) The area of street or road rights-of-way, landscape easements, or storm water retention or detention easements shall not be used for determining lot area and required yards.

(I) Lot lines adjoining utility easements shall not be less than twenty feet in length, to provide adequate utility access.

(J) Side lot lines shall generally be at right angles or radials to the street line, or substantially so.

(K) Double frontage. Lots shall not have double frontage, except where reversed frontage is required.

(L) Triple Frontage. Triple frontage lots (i.e., those lots which have frontage on three streets and do not include a non-access easement along the abutting major streets) shall be prohibited in residential developments.



(M) Lots abutting a major arterial street or a major collector street, shall have their access from either a minor collector street or a local street. A five foot non-access easement shall be placed upon that portion of a lot abutting an major arterial street.

(N) Corner lots shall have a sight triangle that conforms with the standards established by the zoning ordinance, and the American Association of State Highway and Transportation Officials or the Indiana Design Guide Manual as determined by the County Engineer.

(O) The frontage of all lots, except lots fronting on cul-de-sacs and stub streets, shall be accessible from at least two different and independent directions by improved, dedicated, and accepted public roads. If approved by the County Engineer and the Plat Committee, a temporary access road may be used to satisfy this requirement.

(P) In the case of a lot within a minor subdivision which is located along a minor collector street or a local street, said lot shall have permanent access to the minor collector or local street.

(Q) In the case of a double frontage or corner lot within a minor subdivision which is located along a major street (major arterial or major collector), said lot shall not have permanent access to the major street; and further provided, that there shall be a non-access easement along the major street.

(R) In the case of a lot within a minor subdivision or a major subdivision, which lot contains an existing primary use, the County Engineer shall determine the appropriate location, if any, for an opening in a non-access easement so as to allow access to the lot from an major street (major arterial or major collector). When access to an existing primary use is present, the opening in the non-access easement shall be located at the existing point of access unless the required sight triangle or horizontal curve requirements are not met. The location and width of the opening in the non-access easement shall be noted on the subdivision drawing.

(S) In the case of a lot within a minor subdivision which only has frontage on an major street (major arterial or major collector), the County Engineer shall determine the appropriate location, if any, for an opening in a non-access easement to the lot from a major street. The County Engineer may determine such location at the time of plat approval or at a later date provided a note is placed on the plat to indicate that the location of any access approved at a later date is subject to the approval of the County Engineer.

(Ord. 44-08, passed 6-10-2008)

### **153.026 EASEMENTS.**

(A) Easements within subdivisions shall be provided for public utilities, drainage, and road and street maintenance and operation, as necessary, and dimensioned and labeled as to their specific use. Size of easements shall conform to the latest standards adopted by the Board.

(B) Whenever a public utility holds an easement for the use of the entire property to be subdivided, the subdivider shall obtain a release of the easement from the public utility. The blanket easement may be reduced to an area that allows the utility to maintain its facilities. Copies of the releases shall be submitted when the subdivision is submitted for secondary approval.

(C) Easements not covered in the deed of dedication will require a separate dedication note on the secondary plat outlining the purpose of the easement.

(Ord. 44-08, passed 6-10-2008)

### **153.027 EXTENSION OF PUBLIC WATER AND SEWER.**

Where the Commission determines that it is economically feasible to extend public sewer and/or water or other municipal services to a subdivision or where public health or safety dictates that such services be extended, the Commission shall require the subdivider to extend such public service to the subdivision as a condition of primary approval. The determination of economic feasibility of public sewer and water shall be made by the Commission in accordance with the provisions of Resolution No. 148-03: "A Resolution of the Area Plan Commission of St. Joseph County, Indiana, Establishing a Policy Governing the Consideration of Economic Feasibility of Public Sewer and Water Service in Approving New Subdivisions", as the same may be amended from time to time.

(Ord. 44-08, passed 6-10-2008)

### **153.028 PROVISION FOR PUBLIC WATER.**

Where the Commission determines that it is not economically feasible at the time the primary subdivision is submitted, to extend public water, the subdivider shall design the subdivision in such a manner that public water can most economically be installed to each lot after the subdivision is developed. The Commission, when requested by a Town or City Engineer, may require that a water line general concept plan for all the property included in the Primary Plat be submitted to and approved by the applicable City or Town Engineer prior to the approval of a secondary plat. Further, the required easements shall be shown and dedicated on the secondary plat.

(Ord. 44-08, passed 6-10-2008)

### **153.029 PROVISIONS FOR PUBLIC SEWER.**

Where the Commission determines that it is not economically feasible at the time the primary subdivision is submitted, to extend public sewer, the subdivider shall design the subdivision in accordance with the requirements and specifications set forth in Resolution No. 144-03: "A Resolution of the Area Plan Commission of St. Joseph County, Indiana, Establishing a Policy Governing Consideration of Planned Methods of Waste Disposal in Approving New Subdivisions", as the same may be amended from time to time. The Commission, when requested by a Town or City Engineer, may require that a sanitary sewer line general concept

plan for all the property included in the primary plat be submitted to and approved by the applicable City or Town Engineer prior to the approval of a secondary plat. Further, the required easements shall be shown and dedicated on the secondary plat.

(Ord. 44-08, passed 6-10-2008)

### **153.030 MULTI-FAMILY DEVELOPMENTS.**

(A) Multi-family developments shall be served by public water and sanitary sewer systems; and further shall only be constructed after secondary plats have been recorded and the improvements required by the county in connection therewith have either been constructed or guaranteed, as provided in this chapter.

(B) The standards and requirements of this chapter may be modified by the Commission for multi-family developments which, in the judgment of the Commission, achieve substantially the objectives of this chapter and which are further protected by such covenants or other legal provisions as shall assure conformity to the achievement of the plan for the development. Such developments shall meet the requirements of the zoning ordinance and other applicable codes and ordinances.

(Ord. 44-08, passed 6-10-2008)

### **153.031 SUBDIVISIONS IN FLOOD HAZARD AREAS.**

(A) Primary Plats shall be reviewed to determine whether the proposed subdivision lies in a special flood hazard area. If the proposed subdivision is to be located in a special flood hazard area, the subdivider's registered land surveyor or engineer shall forward pertinent plans and materials to the Department of Natural Resources for review and comment. Appropriate changes and modifications may be required in order to assure that the development of the proposed subdivision is consistent with the need to minimize flood damages, including but not limited to the following: all public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage; adequate drainage shall be provided so as to reduce exposure to flood hazards; and, on-site waste disposal systems, if provided, shall be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

(B) All subdivisions to be located in a special flood hazard area shall have the elevation of the 100-year flood noted on the secondary plat and a delineation of the special flood hazard area thereon.

(Ord. 44-08, passed 6-10-2008)

**APPLICATION FOR PRIMARY APPROVAL**

I (We) do hereby apply for Primary Approval of the **Major** Subdivision of the following described property, in accordance with the provisions of the **St. Joseph County**, Indiana Subdivision Control Ordinance.

1. Subdivision Name: **The Hills at St. Joe Farm Major Subdivision**

2. Subdivision Statistics:

Governmental Township: **Harris**

Number of Building Lots: **230**

Number of Outlots (if applicable): **0**

Average Lot Size or Range of Lot Sizes: **0.16 to 4 acres +/-**

Number of Linear Feet of New Streets Proposed: **9,500**

Replat from Number of Lots: **0**

Property Tax Key #'s: 006; 1019; 0252, 006-1019-0109, 006-1004-003506  
006-1009-011027

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3. Property Owner: (if more than one, please attach separate sheet using this format)

Name: **St. Joe Farm LLC, Attn: Mr. Pat Matthews**

Address: **52127 Fall Creek Drive**

City: **Granger,** State: **IN** Zip Code: **46530**

Phone: **(574) 315-9668** E-Mail:

4. Applicant: (if more than one, please attach separate sheet using this format)

Name:

Address:

City: , State: \ Zip Code: \

Phone: ( ) E-Mail:

5. Registered Land Surveyor Preparing this Subdivision:

Firm Name: **Danch, Harner & Associates, Inc.**

Contact Name: **Michael Danch**

Address: **1643 Commerce Drive**

City: **South Bend,** State: **IN** Zip Code: **46628**

Phone: **(574) 234-4003** Fax: **(574) 234-4119**

E-Mail: **mdanch@danchharner.com**

**APPLICATION FOR SECONDARY APPROVAL OF A MINOR OR REPLAT**

**\*\* Do not fill this portion out if filing for a Major Primary Subdivision**

I (We) do hereby apply for Secondary Approval of the **CHOOSE ONE** Subdivision of the following described property, in accordance with the provisions of the **St. Joseph County**, Indiana Subdivision Control Ordinance.

6. All modifications and/or conditions, if any, imposed with Primary Approval have been completed.

\_\_\_\_\_  
Signature of Registered Land Surveyor





Danch, Harner & Associates, Inc.

---

Michael J. Danch, L.A., ASLA  
Ron Harner, P.S.

Land Surveyors • Professional Engineers  
Landscape Architects • Land Planners

Mr. Barry Skalski  
President  
St. Joseph County Regional Water and Sewer District  
7<sup>th</sup> Floor County-City Building, 227 W. Jefferson Blvd.  
South Bend, Indiana 46601

February 7, 2020  
Revised March 10, 2020

RE: Approval to allow a private community well & water system and a gravity sanitary sewer line, lift station and force main to connect to Municipal Sanitary sewer lines for proposed The Hills at St. Farm Major Subdivision located in the 12,700 Block of Brick Road, Harris Township, St. Joseph County:

Dear Mr. Skalski:

On behalf of our clients, The Village Development, LLC, we are asking for approval to allow a private community well & water system and a gravity sanitary sewer line, lift station and force main to connect to Municipal Sanitary sewer lines for proposed The Hills at St. Farm Major Subdivision located in the 12,700 Block of Brick Road, Harris Township, St. Joseph County, Indiana.

The owners desire to create a two-hundred and thirty (230) lot Major Subdivision for single-family home sites as shown on the attached subdivision plan.

The project is proposed to be serviced within the subdivision boundaries by a gravity sanitary sewer system. The sanitary sewer lines would then connect to a proposed lift station shown on proposed lot 24. The lift station would connect to the existing municipal force main by piping running from said lift station east in the right-of-way of Brick Road to Bittersweet Road, then north along Bittersweet Road to an approved connection point with said municipal force main system. It is proposed that once the subdivision sewer system is built, per the required standards for a municipal system as approved by County Engineering, the District would take over the system and will be responsible for its continued maintenance.

The project is also proposed to be serviced by a private community water system. This system will consist of two wells and water mains run throughout the project along with fire hydrants. The proposed community well facility is shown on lot 230 of the Major Subdivision. The community well will be required to be approved for residential use by the State of Indiana. The developer of the project will be responsible for the maintenance of the community well.

We would hope the Board would approve our request to build the proposed Water and Sanitary sewer systems in the County and to connect to the existing Municipal Sanitary Sewer lines as proposed.

If you have any questions concerning this matter, please feel free to contact me at 574-234-4003.

Sincerely,

*Michael J. Danch*

Michael J. Danch

President

Danch, Harner & Associates, Inc.

Cc: Jessica Clark, Stephen Studer, Area Plan Commission



Danch, Harner & Associates, Inc.

---

Michael J. Danch, L.A., ASLA  
Ron Harner, P.S.

Land Surveyors • Professional Engineers  
Landscape Architects • Land Planners

Mr. John Mc Namara – Chairman  
Plat Committee of the Area Plan Commission  
Room 1140 County-City Building  
South Bend, Indiana 46601

February 7, 2020

RE: Feasibility Study for The Hills at St. Joe Farm Major Subdivision:

Dear Plat Board Members:

Per Section 153.062 (D) of the St. Joseph County Subdivision Control Ordinance, this letter addresses various design aspects of the proposed The Hills at St. Joe Farm Major Subdivision. The owner/developer of this subdivision proposes the following:

- 1). The proposed two-hundred and thirty (230) Lots shown will be serviced by municipal sanitary sewer lines and a private community water system. The proposed sanitary sewer system and private community water system will be built by the developer. It is proposed that once the sanitary sewer system is built and approved, the County's Water and Sewer District will then take over control and maintenance of the system. The proposed private community water system will service all lots in the subdivision. The control and maintenance of the private community water system will be done by the developer for an initial time. At a future date and with the approval of the County's Water and Sewer District, the District will take over the control and maintenance of the community water system.
- 2). Drainage for this proposed major subdivision will be handled by providing a retention basin as shown on several lots located towards the interior portion of the subdivision. The retention basin would be sized to handle the surface run off anticipated to be created by the proposed two-hundred and thirty lots and the interior public roads. The basin may be designed to be a wet retention basin and is designed to meet the County's capacity standards. Each lot and the interior public road system will be allowed to drain their surface run off to a storm drainage system that will collect the water from each lot and road and channel it to the shown retention basin. The water in the basin will then percolate into the existing sandy soils.

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3). Approximately 9,500 feet of roadway would be built. The roads will be paved and developed to standards approved by the County Engineer.

If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,

*Michael J. Danch*

Michael J. Danch  
President  
Danch, Harner & Associates, Inc.

File No. 170268 "feasibility file"

**URBAN DRAIN PETITION**

STATE OF INDIANA )  
 ) TO THE COUNTY SURVEYOR  
 ) ST. JOSEPH COUNTY, INDIANA  
 COUNTY OF ST. JOSEPH )

IN THE MATTER OF PETITION OF:  
The Hills at St. Joe Farm SUBDIVISION FOR CLASSIFICATION AS  
 AN URBAN DRAIN IN THE COUNTY DRAINAGE SYSTEM OF ST. JOSEPH COUNTY

We, the undersigned, being the owners or representing the owners of the property described below, desire that the proposed The Hills at St. Joe Farm Subdivision drainage system be classified as an Urban Drain, subject to the jurisdiction of the St. Joseph County Drainage Board, pursuant to the 1965 Indiana Drainage Code, as amended. The benefits are greater than the cost.

ACREAGE: 76.0 NUMBER OF LOTS: 230  
 KEY NUMBER OR NUMBERS: 006-1019-252, 0109, 006-1004-003506 006-1009-011027  
 SUBDIVISION LOCATION: 12,700 Block of Brick Road  
 GENERAL ROUTE OF THE DRAIN: North to South

**LEGAL DESCRIPTION:**

**SURVEYED LEGAL DESCRIPTION:**

A PARCEL LOCATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 3 EAST, AND PART OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 4 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 24; THENCE SOUTH 00°45'12" EAST ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 29.17 FEET TO THE NORTHWEST CORNER OF SAID SECTION 18, AND THE SOUTH LINE OF THE RECORDED PLAT OF HINTON'S BITTERSWEET WEST SECOND ADDITION AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 89°28'38" EAST A DISTANCE OF 1184.65 FEET (REC. SOUTH 89°28'30" EAST, 1184.40 FEET) ALONG THE SOUTH LINE OF SAID RECORDED PLAT, TO THE WEST LINE OF THE RECORDED PLAT OF HINTON'S BITTERSWEET SUBDIVISION, SIXTH ADDITION AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 00°50'25" EAST A DISTANCE OF 742.60 FEET (REC. SOUTH 00°13'05" WEST, 742.50 FEET) TO A POINT ON THE WEST LINE OF THE RECORDED PLAT OF HINTON'S BITTERSWEET SOUTH, SECTION TWO, PART ONE AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 89°38'31" EAST A DISTANCE OF 2.09 FEET (REC. SOUTH 88°39'21" EAST, 2.09 FEET); THENCE SOUTH 00°55'43" EAST A DISTANCE OF 1028.96 FEET (REC. SOUTH 00°03'27" WEST, 1028.96 FEET) ALONG THE WEST LINE OF SAID HINTON'S BITTERSWEET SOUTH, SECTION TWO, PART ONE, AND ALSO THE WEST LINE OF HINTON'S BITTERSWEET SOUTH, SECTION TWO, PART TWO AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, TO A POINT ON THE NORTH LINE OF INDIANA EAST AND WEST TOLL ROAD; THENCE SOUTH 89°11'27" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1881.32 FEET; THENCE NORTH 00°41'52" WEST A DISTANCE OF 1787.43 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 24; THENCE NORTH 88°34'34" EAST ALONG SAID NORTH LINE OF SECTION 24, A DISTANCE OF 668.63 FEET (REC. NORTH 89°18'50" EAST, 668.30 FEET) TO THE POINT OF BEGINNING.

CONTAINING 76.00 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AS RESTRICTION OF RECORD.

Name & Address (Developer)

St. Joe Farm LLC  
Attn: Mr. Pat Matthews  
52127 Fall Creek Dr.  
Granger, IN 46530  
574.315.9668

Name & Address (Surveyor)

Danch, Harner & Assoc.  
Attn: Michael Danch  
1643 Commerce Drive  
South Bend, IN 46628  
574-234-4003  
mdanche@danchharner.com  
 Signed: [Signature]

Date Filed: \_\_\_\_\_



# MERIDIAN

TITLE CORPORATION

April 16, 2019

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**Property Address:** Vacant Land, Granger, IN 46530  
**County:** Saint Joseph  
**File Number:** 19-4489  
**Customer Reference No.:**

**Client:** Paul & Cathy Blum

**Enclosures:** Title Product

**Notes:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Commitment Number: 19-4489

Issuing Agent: 19-4489  
Issuing Office: Meridian Title Corporation

ALTA® Universal ID: 0001118  
Loan ID Number:  
Issuing Office File Number: 19-4489  
Revision Number:


Property Address: Vacant Land, Granger, IN 46530

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**SCHEDULE A**

1. Commitment Date: January 4, 2019 at 8:00 AM
2. Policy to be issued:
  - (a)  ALTA® Owner's Policy 06/17/06  
Proposed Insured: Seven Diamonds, LLC  
Proposed Policy Amount: T/B/D
  - (b)  ALTA® Loan Policy 06/17/06  
Proposed Insured:  
Proposed Policy Amount:
3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.
4. Title to the Fee Simple estate or interest in the Land is at the Commitment Date vested in:  
St. Joe Farm Limited Liability Company
5. The Land is described as follows: SEE ATTACHED EXHIBIT "A"

**Chicago Title Insurance Company**

By:   
Authorized Signatory

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; [and] Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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EXHIBIT "A"

A parcel of land located in the Northeast Quarter of Section 24, Township 38 North, Range 3 East and the Northwest Fractional Quarter of Section 19, Township 38 North, Range 4 East, described as follows: That portion of the East Half of the East Half of said Northeast Quarter, and the West Half of said Northwest Quarter, lying North of the Indiana East West Toll Road. Approximately 75 acres.

Property Address Reference: Vacant Land, Granger, IN 46530

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*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; [and] Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form].*

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No SD Required AA

**2020-00178**

RECORDED AS PRESENTED ON  
01/03/2020 10:24 AM  
MARY BETH WISNIEWSKI  
ST. JOSEPH COUNTY  
RECORDER  
PGS: 3 FEES: 25.00

006-1004-003502  
006-1009-0109  
006-1009-0110  
006-1019-0252

~~2019-32628~~  
RECORDED AS PRESENTED ON  
12/10/2019 10:54 AM  
MARY BETH WISNIEWSKI  
ST. JOSEPH COUNTY  
RECORDER  
PGS: 3 FEES: 25.00

~~SD Filed AA~~  
Transfer 36614  
Taxing Unit Harris  
Date 01/03/2020

Transfer 36072  
Taxing Unit Harris  
Date 12/10/2019

*\* re-record to correct recording order*

Tax ID No.  
71-04-24-200-004.000-011,  
71-04-13-476-003.000-011 - Part of Parcel,  
71-04-24-400-002.000-011 - Part of Parcel,  
71-05-19-300-001.000-011 - Part of Parcel

**WARRANTY DEED**

THIS INDENTURE WITNESSETH THAT

St. Joe Farm Limited Liability Company

CONVEY(S) AND WARRANT(S) TO

The Village Development LLC, an Indiana limited liability company, for Ten Dollars and other valuable consideration the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Saint Joseph County, in the State of Indiana, to wit:

LNC

SEE ATTACHED EXHIBIT "A"

Subject to Real Estate taxes now due and payable and thereafter.

Subject to covenants, restrictions and easements of record.

The undersigned person(s) executing this deed on behalf of the Limited Liability Company represent and certify that they are a current member/manager of said Limited Liability Company and have been fully empowered by a proper meeting and vote of the Limited Liability Company members to execute and deliver this deed.

IN WITNESS WHEREOF, the Grantor has executed this deed this 31<sup>st</sup> day of October, 2019.

St. Joe Farm Limited Liability Company

*Paul Blum*  
By: Paul Blum  
Title: Member

DULY ENTERED FOR TAXATION  
ST. JOSEPH CO. INDIANA  
SUBJECT TO FINAL ACCEPTANCE  
FOR TRANSFER

MTC File No.: 19-4489 (LLCWD)  
VM

Page 1 of 3

7130 MAR 06 '20

DULY ENTERED FOR TAXATION  
ST. JOSEPH CO. INDIANA  
SUBJECT TO FINAL ACCEPTANCE  
FOR TRANSFER

2019-32628

2020-00178

PROPERTY

Cathleen Blum

By: **Cathleen Blum**  
Title: **Member**

State of Indiana, County of St. Joseph ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named **Paul Blum and Cathleen Blum, Members of St. Joe Farm Limited Liability Company** who acknowledged the execution of the foregoing Deed and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS, my hand and Seal this 31<sup>st</sup> day of October, 2019.

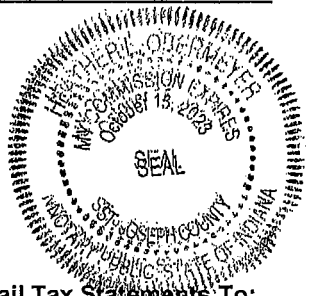
My Commission Expires:

Neathu R. Obermyer  
Signature of Notary Public

Commission No.

Printed Name of Notary

Notary Public County and State of Residence



**This instrument was prepared by:**  
Debra A. Guy, Attorney-at-Law, IN #24473-71 MI #P69602  
202 S. Michigan Street, Ste. 300, South Bend, IN 46601

**Property Address:**  
Vacant Land  
Granger, IN 46530

**Grantee's Address and Mail Tax Statements To:**  
52127 Fall Creek Dr.  
Granger, IN 46530

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Debra A. Guy

71309 MAR 01 20

**EXHIBIT "A"**

PARCEL I: A parcel located in the Northeast Quarter of Section 24, Township 38 North, Range 3 East, and part of the Northwest Quarter of Section 19, Township 38 North, Range 4 East, Harris Township, St. Joseph County, Indiana, being more particularly described as beginning at the Northeast corner of said Section 24; thence South 00°45'12" East along the East line of said Section 24, a distance of 29.17 feet to the Northwest corner of said Section 19, and the South line of the recorded Plat of Hinton's Bittersweet West Second Addition as recorded in the Office of the Recorder of St. Joseph County, Indiana; thence North 89°28'38" East a distance of 1184.65 feet (Rec. South 89°28'30" East, 1184.40 feet) along the South line of said recorded Plat to the West line of the Recorded Plat of Hinton's Bittersweet Subdivision, Sixth Addition as recorded in the Office of the Recorder of St. Joseph County, Indiana; thence South 00°50'25" East a distance of 742.50 feet (Rec. South 00°13'05" West, 742.50 feet) to a point on the West line of the Recorded Plat of Hinton's Bittersweet South, Section Two, Part One as recorded in the Office of the Recorder of St. Joseph County, Indiana; thence South 89°38'31" East a distance of 2.09 feet (Rec. South 88°39'21" East, 2.09 feet); thence South 00°55'43" East a distance of 1026.96 feet (Rec. South 00°03'27" West, 1026.96 feet) along the West line of said Hinton's Bittersweet South, Section Two, Part One, and also the West line of Hinton's Bittersweet South, Section Two, Part Two as recorded in the Office of the Recorder of St. Joseph County, Indiana, to a point on the North line of Indiana East and West Toll Road; thence South 89°11'27" West along said North right of way line, a distance of 1861.32 feet; thence North 00°41'52" West a distance of 1797.43 feet to a point on the North line of said Section 24; thence North 88°34'34" East along said North line of Section 24, a distance of 668.63 feet (Rec. North 89°18'50" East, 668.90 feet) to the point of beginning.

PARCEL II: Driveway Access Easement Agreement by and between St. Joe Farm Limited Liability Company and The Village Development LLC dated October 31, 2019 and recorded December 10, 2019 as Instrument No. 2019-32631 and recorded January 2, 2020 as Instrument No. 2020-00029 in the Office of the Recorder of Saint Joseph County, Indiana.

7 1 3 0 P MAR 6 20

LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., 11<sup>TH</sup> FLOOR COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-7800

March 4, 2020

RE: The Hills at St. Joe Farm Major Subdivision - #7136-20-P

Dear Property Owner:

Please be advised that the Plat Committee of the Area Plan Commission will hold a Public Hearing in the Commission Office, located on the 11th floor of the County-City Building, on Thursday, March 19, 2020, at 8:30 a.m. local time to consider an application of St. Joe Farm LLC for primary approval of The Hills at St. Joe Farm Major, a proposed subdivision to be located on the north side of Interstate 80/90 approximately 1250' west of Bittersweet Road.

Since the site is zoned for the intended use, the owner has the right to subdivide the property provided that the overall design, lot size, street and drainage improvements, and all other standards and conditions of the Subdivision Regulations are met.

Based upon Indiana Law, the only issue that the Committee may address is whether this proposed subdivision meets the requirements of the St. Joseph County Subdivision Ordinance. Court rulings have established that Area Plan Commissions have no discretion to approve some subdivision plats and disapprove others but may only determine whether a plat presented to them comports with requirements of their subdivision ordinance. The courts have also ruled that Testimony of adjacent landowners at hearing on proposed subdivision plat is irrelevant in establishing whether plat complies with master plan, ordinances, and statutes.

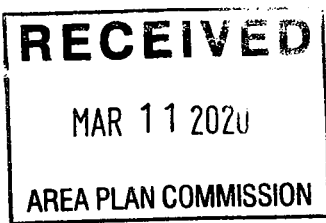
Therefore, although public input is allowed at the meeting, the Committee can not consider arguments concerning whether or not streets should be extended from adjacent subdivisions, whether the property should remain as is, be developed for some other purpose, or be developed to standards other than those of the County.



Department of Infrastructure, Planning & Growth  
W. Jefferson Blvd. | 7th Fl. | South Bend, IN 46601

PAPOI STEPHEN R & GEORGIA  
12866 Darlene Court  
Granger, IN 46530

Hasler  
03/04/2020  
FIRST-CLASS MAIL PERMIT NO. 1000 SOUTH BEND, IN  
RETURN SERVICE REQUESTED  
US POSTAGE \$000.46  
ZIP 46601  
11E126510



T 462 NBE 1260C19I8603/05/20  
RETURN TO SENDER  
PAPOI STEPHEN  
TEMPORARILY AWAY

RETURN TO SENDER  
BC: 46601183099 \*4203-00028-05-00





LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., 11<sup>th</sup> FLOOR COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-7800

March 4, 2020

RE: The Hills at St. Joe Farm Major Subdivision - #7136-20-P

Dear Property Owner:

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Since the site is zoned for the intended use, the owner has the right to subdivide the property provided that the overall design, lot size, street and drainage improvements, and all other standards and conditions of the Subdivision Regulations are met.

Based upon Indiana Law, the only issue that the Committee may address is whether this proposed subdivision meets the requirements of the St. Joseph County Subdivision Ordinance. Court rulings have established that Area Plan Commissions have no discretion to approve some subdivision plats and disapprove others but may only determine whether a plat presented to them comports with requirements of their subdivision ordinance. The courts have also ruled that Testimony of adjacent landowners at hearing on proposed subdivision plat is irrelevant in establishing whether plat complies with master plan, ordinances, and statutes.

Therefore, although public input is allowed at the meeting, the Committee can not consider arguments concerning whether or not streets should be extended from adjacent subdivisions, whether the property should remain as is, be developed for some other purpose, or be developed to standards other than those specified by the Subdivision

**ST. JOSEPH COUNTY**  
ESTABLISHED 1830

ESTABLISHED 1830

Department of Infrastructure, Planning & Growth  
Jefferson Blvd. | 7th Fl. | South Bend, IN 46601

Hasler  
03/04/2020  
FIRST-CLASS MAIL PERMIT  
US POSTAGE \$000.46  
ZIP 46601  
011E1265104

RETURN  
SERVICE  
REQUESTED

HARLACHER MICHAEL A & KELLY  
12655 Linda Ln  
Granger, IN 46530

*UK*

**RECEIVED**  
MAR 11 2020  
AREA PLAN COMMISSION

NIXIE 462 DE 1260 0003/08/20  
RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

UNC  
15 6RDENP 46601 46530  
BC: 46601183099 \*0885-03177-08-28



LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., 11<sup>th</sup> FLOOR COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-7800

March 19, 2020

RE: The Hills at St. Joe Farm Major Subdivision - #7136-20-P.

Dear Sir or Madam:

Pursuant to Indiana Code 36-7-4, the undersigned certifies that the Major Subdivision of The Hills at St. Joe Farm Major was considered by the Plat Committee of St. Joseph County, Indiana at its meeting held on March 19, 2020.

A majority of the Committee concurred in finding that, subject to the modifications noted below, said Subdivision complies with all requirements of the St. Joseph County Subdivision Regulations, and no fact, factor, or situation in the Subdivision impacts adversely public health or safety. Therefore, the Committee granted Primary Approval to said Subdivision, subject to drainage plan approval.

Pursuant to Indiana Code 36-7-4, you, as an interested party may appeal to the Area Plan Commission, the Plat Committee's decision concerning the above noted subdivision. A written appeal must be filed with the Area Plan Commission by 4:30 pm on Tuesday, March 24, 2020. If an appeal is filed, the Area Plan Commission will consider the appeal at a Public Hearing and provide notice according to State Law and established Commission procedures.

Based upon Indiana Law, the only issues that the Commission may address are whether this proposed Subdivision meets the requirements of the County Council Subdivision Regulations, or impacts adversely the public health or safety.

Since the site is zoned for the intended use, the owner has the right to subdivide the property provided that the overall design, lot size, street and drainage improvements, and all other standards and conditions of the Subdivision Regulations are met. The Commission is precluded from considering whether the property should remain as is, be



**ST. JOSEPH COUNTY**  
ESTABLISHED 1830

Department of Infrastructure, Planning & Growth  
227 W. Jefferson Blvd. | 7th Fl. | South Bend, IN 46601

HARLACHER MICHAEL A & KELLY  
12655 Linda Ln  
Granger, IN 46530

Hasler FIRST-CLASS  
03/19/2020  
US POSTAGE \$000.4  
ZIP 46 011E1266

RETURN  
SERVICE  
REQUESTED

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APR 03 2020  
AREA PLAN COMMISSION

*Handwritten initials*

NIXIE 452 FE 1266 0003/20/20

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UNABLE TO FORWARD

15 APR 2020 11:53:00  
466011830

BC: 46601183099 \*0785-04986-29-24

LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., 11<sup>TH</sup> FLOOR COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-7800

March 19, 2020

RE: The Hills at St. Joe Farm Major Subdivision - #7136-20-P.

Dear Sir or Madam:

Pursuant to Indiana Code 36-7-4, the undersigned certifies that the Major Subdivision of The Hills at St. Joe Farm Major was considered by the Plat Committee of St. Joseph County, Indiana at its meeting held on March 19, 2020.

A majority of the Committee concurred in finding that, subject to the modifications noted below, said Subdivision complies with all requirements of the St. Joseph County Subdivision Regulations, and no fact, factor, or situation in the Subdivision impacts adversely public health or safety. Therefore, the Committee granted Primary Approval to said Subdivision, subject to drainage plan approval.

Pursuant to Indiana Code 36-7-4, you, as an interested party may appeal to the Area Plan Commission, the Plat Committee's decision concerning the above noted subdivision. A written appeal must be filed with the Area Plan Commission by 4:30 pm on Tuesday, March 24, 2020. If an appeal is filed, the Area Plan Commission will consider the appeal at a Public Hearing and provide notice according to State Law and established Commission procedures.

Based upon Indiana Law, the only issues that the Commission may address are whether this proposed Subdivision meets the requirements of the County Council Subdivision Regulations, or impacts adversely the public health or safety.

Since the site is zoned for the intended use, the owner has the right to subdivide the property provided that the overall design, lot size, street and drainage improvements, and all other standards and conditions of the Subdivision Regulations are met. The Commission is precluded from considering whether the property should remain as is, be developed for another land use activity, or be developed to standards other than those specified by the Subdivision

**ST. JOSEPH COUNTY**  
ESTABLISHED 1830

Department of Infrastructure, Planning & Growth  
7. Jefferson Blvd. | 7th Fl. | South Bend, IN 46601

SAUTTER DUANE L AND SHARON F  
52215 Cheryl Dr  
Granger, IN 46530

Hasler  
03/19/2020  
FIRST-CLASS  
PR  
POSTAGE \$000.40  
ZIP 4660  
011E12651C

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REQUESTED

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APR 03 2020  
AREA PLAN COMMISSION

T 462 NFE 1260C19I0003/19/20  
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TEMPORARILY AWAY  
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SC: 46601183099 \*4203-00018-10-47  
15 BRDEN466015530

LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., 11<sup>th</sup> FLOOR COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-7800

March 19, 2020

RE: The Hills at St. Joe Farm Major Subdivision - #7136-20-P.

Dear Sir or Madam:

Pursuant to Indiana Code 36-7-4, the undersigned certifies that the Major Subdivision of The Hills at St. Joe Farm Major was considered by the Plat Committee of St. Joseph County, Indiana at its meeting held on March 19, 2020.

A majority of the Committee concurred in finding that, subject to the modifications noted below, said Subdivision complies with all requirements of the St. Joseph County Subdivision Regulations, and no fact, factor, or situation in the Subdivision impacts adversely public health or safety. Therefore, the Committee granted Primary Approval to said Subdivision, subject to drainage plan approval.

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Department of Infrastructure, Planning & Growth  
27 W. Jefferson Blvd. | 7th Fl. | South Bend, IN 46601

PAPOI STEPHEN R & GEORGIA  
12866 Darlene Court  
Granger, IN 46530

RETURN  
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T 462 NFE 1260C19I0003/19/20  
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PAPOI STEPHEN  
TEMPORARILY AWAY  
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15 BRDEN 4660112300



LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., 11<sup>TH</sup> FLOOR COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-7800

March 19, 2020

RE: The Hills at St. Joe Farm Major Subdivision - #7136-20-P.

Dear Sir or Madam:

Pursuant to Indiana Code 36-7-4, the undersigned certifies that the Major Subdivision of The Hills at St. Joe Farm Major was considered by the Plat Committee of St. Joseph County, Indiana at its meeting held on March 19, 2020.

A majority of the Committee concurred in finding that, subject to the modifications noted below, said Subdivision complies with all requirements of the St. Joseph County Subdivision Regulations, and no fact, factor, or situation in the Subdivision impacts adversely public health or safety. Therefore, the Committee granted Primary Approval to said Subdivision, subject to drainage plan approval.

Pursuant to Indiana Code 36-7-4, you, as an interested party may appeal to the Area Plan Commission, the Plat Committee's decision concerning the above noted subdivision. A written appeal must be filed with the Area Plan Commission by 4:30 pm on Tuesday, March 24, 2020. If an appeal is filed, the Area Plan Commission will consider the appeal at a Public Hearing and provide notice according to State Law and established Commission procedures.

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Area Plan Commission of St. Joseph County, IN  
27 W. Jefferson Blvd. | 11th Fl. | South Bend, IN 46601

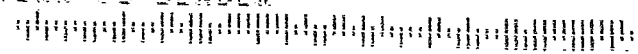
ZAKROWSKI ARTHUR S AND DIANA L  
12727 Vickie Ln  
Granger, IN 46530

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FIRST-CLASS  
RETURN SERVICE REQUESTED  
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MAR 24 2020  
AREA PLAN COMMISSION

462 NFE 1260A19I0003/19/20  
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ZAKROWSKI  
1916 HAZELTINE WAY  
WINTER HAVEN FL 33881-9734

15 BRDEN 46601 031920





LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., 11th FLOOR COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-7800

March 4, 2020

RE: The Hills at St. Joe Farm Major Subdivision - #7136-20-P

Dear Property Owner:

Please be advised that the Plat Committee of the Area Plan Commission will hold a Public Hearing in the Commission Office, located on the 11th floor of the County-City Building, on Thursday, March 19, 2020, at 8:30 a.m. local time to consider an application of St. Joe Farm LLC for primary approval of The Hills at St. Joe Farm Major, a proposed subdivision to be located on the north side of Interstate 80/90 approximately 1250' west of Bittersweet Road.

Since the site is zoned for the intended use, the owner has the right to subdivide the property provided that the overall design, lot size, street and drainage improvements, and all other standards and conditions of the Subdivision Regulations are met.

Based upon Indiana Law, the only issue that the Committee may address is whether this proposed subdivision meets the requirements of the St. Joseph County Subdivision Ordinance. Court rulings have established that Area Plan Commissions have no discretion to approve some subdivision plats and disapprove others but may only determine whether a plat presented to them comports with requirements of their subdivision ordinance. The courts have also ruled that Testimony of adjacent landowners at hearing on proposed subdivision plat is irrelevant in establishing whether plat complies with master plan, ordinances, and statutes.

Therefore, although public input is allowed at the meeting, the Committee can not consider arguments concerning whether or not streets should be extended from adjacent subdivisions, whether the property should remain as is, be developed for some other purpose, or be demolished.



Department of Infrastructure, Planning & Growth  
7 W. Jefferson Blvd. | 7th Fl. | South Bend, IN 46601

SLENK ERIC & KRISTEN  
51901 Hinton Ln  
Granger, IN 46530

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US POSTAGE \$000.4  
ZIP 466 011E1265

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15 BRDEN-46601183099



LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., 11<sup>TH</sup> FLOOR COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-7800

March 4, 2020

RE: The Hills at St. Joe Farm Major Subdivision - #7136-20-P

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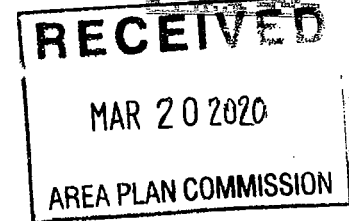
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Department of Infrastructure, Planning & Growth  
17 W. Jefferson Blvd. | 7th Fl. | South Bend, IN 46601

SAUTTER DUANE L AND SHARON F  
52215 Cheryl Dr  
Granger, IN 46530

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US POSTAGE \$000.4  
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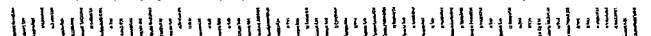
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NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

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BC: 46601183099 \*1585-02032-08-33

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ANDREWS CHARLES N AND BARBARA  
52310 Wayne Ct S  
Granger, IN 46530

BAERT PATRICK J & REBECCA S  
BARNETT  
12877 Darlene Ct  
Granger, IN 46530

BARNBROOK RYAN  
12700 Vicki Ln  
Granger, IN 46530

BAUMAN-DODD KAREN L  
52340 Wayne Ct S  
Granger, IN 46530

BEELAERT WILLIAM G AND DEBORAH J  
52338 Wayne Ct S  
Granger, IN 46530

BIRK RICHARD L AND SANDRA A  
12632 Glen Oak Ln W  
Granger, IN 46530

BORLIK THOMAS J AND DARLENE L  
TRUSTEES OF THE BORLIK LIVING  
12735 Vicki Ln  
Granger, IN 46530

BORSINI TOMMI TIBBS  
12922 Darlene Ct  
Granger, IN 46530

BRIGGS RONALD L & JACQUELYN A  
51977 Ray Dr  
Granger, IN 46530

BROWN CHRISTOPHER A. & DARLENE  
52170 Wayne Court N.  
Granger, IN 46530

BYERS BRADLEY R AND JESSICA J  
12728 Vicki Ln  
Granger, IN 46530

CALLENDER ADAM & ALLISON  
12678 Pat Ln  
Granger, IN 46530

CARTER SCOTT AND ALISON G  
51989 Hinton Ln  
Granger, IN 46530

CLARK JILL  
52337 Wayne Ct S  
Granger, IN 46530

COWE ANN M  
51890 Miller Dr  
Granger, IN 46530

COX PATRICIA A TRUSTEE PATRICIA A  
COX REVOCABLE TRUST  
52131 Cheryl Dr  
Granger, IN 46530

DAYTON PAUL G AND SHIRLEY J  
52193 Wayne Ct No  
Granger, IN 46530

DENNIG PATRICK W & NANCY J  
12711 Pat Lane  
Granger, IN 46530

DONNELLY RICHARD E & ELLEN C  
12844 Darlene Court  
Granger, IN 46530

FALLON WALTER J & DIANE &  
ANDERSON MICHELLE  
12744 Brick Rd  
Granger, IN 46530

FARINELLA ALANNA & DOHERTY  
NANCY JT W/FROS  
50585 Yorkview Dr  
Granger, IN 46530

FINKS JOHN R JR REV TRUST & AS  
TRUSTEE W LIFE ESTATE  
12838 Loop Ct  
Granger, IN 46530

FOZO KATHLEEN J  
12686 Cheryl Dr  
Granger, IN 46530

FREELAND DAVID R & JULYNNE A  
12692 Vicki Ln  
Granger, IN 46530

FUMAROLO DEVIN M  
52216 Cheryl Dr  
Granger, IN 46530

GOOCH JOE  
12655 Brick Rd  
Granger, IN 46530

GOULD TIM L & ERIN V  
12787 Darlene Ct  
Granger, IN 46530

12655 Linda Ln  
Granger, IN 46530

GURCHIEK JESSICA N & THOMAS R  
12700 Cheryl Dr  
Granger, IN 46530

HALLIDAY DANIEL L AND NANCY R  
52293 Wayne Ct S  
Granger, IN 46530

HARRIS CHAD E AND JESSICA G  
12811 Darlene Ct  
Granger, IN 46530

HESSEY DONALD P & CINDY L  
12798 Vicki Lane  
Granger, IN 46530

HIPSHER DARREL E & CHERYL M REV  
TRUST & AS TRUSTEES W LIFE ESTATES  
51980 Ray Dr  
Granger, IN 46530

HOOVER CHARLES V JR AND LINDA A  
51965 Ray Dr  
Granger, IN 46530

HOOVER DAN E AND DEBORAH J  
51852 Hinton Lane  
Granger, IN 46530

HORN THERESA L  
52073 Ray Dr  
Granger, IN 46530

HORNBERGER PAUL JR  
12677 Linda Ln  
Granger, IN 46530

HORVATH MICHAEL R AND KATHLEEN  
12955 Kay Ln  
Granger, IN 46530

HURLEY PATRICK R JR  
12656 Pat Ln  
Granger, IN 46530

HUSTON AMELIA J  
12855 Darlene Ct  
Granger, IN 46530

JANKOWSKI MICHAEL A & LORRAINE F  
12904 Darlene Ct  
Granger, IN 46530

JETER CHRISTOPHER J  
12655 Pat Ln  
Granger, IN 46530

KIMBRELL SHANE W & KATELYN N  
51939 Cheryl Dr  
Granger, IN 46530

KING HELEN & BRAMLETT KAREN F  
52260 Cheryl Dr  
Granger, IN 46530

KNAPPENBERGER DALE & HELEN  
12677 Brick Rd  
Granger, IN 46530

KNIGHT MARK A & MELISSA D  
12656 Linda Ln  
Granger, IN 46530

KOLBE ROBERT R JR & WARD  
MARCELLA A  
12822 Darlene Ct  
Granger, IN 46530

KOWALSKI NICHOLAS C & SANDRA L  
52339 Wayne Court South  
Granger, IN 46530

LANGLAND CHADWICK J  
12870 Loop Ct  
Granger, IN 46530

LEGUERN CHARLES AND PATRICIA  
51930 Hinton Lane  
Granger, IN 46530

LEWIS CYNTHIA R & NOEL N  
12888 Darlene Ct  
Granger, IN 46530

LOMBARDI MARK A & LORI LEE  
17551 Biscayne Dr  
South Bend, IN 46635

MARTIN ROBERT G AND DEBRA M  
12633 Brick Rd  
Granger, IN 46530

MATTISON CHRISTOPHER D  
12660 Brick Rd  
Granger, IN 46530

MILLER WILDA N REVOCABLE TRUST W  
LIFE ESTATE  
12780 Darlene Ct  
Granger, IN 46530

MORRETT JEFFREY S & ANNA M  
12795 Darlene Ct  
Granger, IN 46530

52171 Cheryl Dr  
Granger, IN 46530

NEER BRIAN AND JACQUELYN  
12860 Loop Ct  
Granger, IN 46530

OLSON ROBERT AND MEGAN  
52237 Wayne Ct N  
Granger, IN 46530

OPPMAN SHIRLEY A  
12895 Darlene Ct  
Granger, IN 46530

OWENS DOYLE AND GINA  
12633 Glen Oak Lane West  
Granger, IN 46530

PAPOI STEPHEN R & GEORGIA  
12866 Darlene Court  
Granger, IN 46530

PARADINE MICHAEL H  
12616 Glen Oak Ln W  
Granger, IN 46530

PEDEN SHERRIE K TRUST AND AS  
TRUSTEE  
12754 Vicki Ln  
Granger, IN 46530

PETTIT MARY K LIVING TRUST & AS  
TRUSTEE  
52311 Wayne Ct S  
Granger, IN 46530

PODEMSKI KEITH T & LYNDIA DIXON  
52215 Wayne Ct  
Granger, IN 46530

PORTOLESE LARRY A & SUSAN M  
12776 Vicki Ln  
Granger, IN 46530

RAILTON JASON & MARCIA  
52233 Cheryl Dr  
Granger, IN 46530

REDDING RANDAL J  
12699 Brick Rd  
Granger, IN 46530

RIGGLE WILBUR  
52091 Ray Dr  
Granger, IN 46530

RODRIGUEZ TRACY R  
12816 Vicki Ln  
Granger, IN 46530

RODTS RYAN A  
52171 Wayne Ct N  
Granger, IN 46530

RUSH DANIEL S AND CATHY A  
51999 Cheryl Dr  
Granger, IN 46530

RUSH RODNEY AND RUSH JODY A  
51871 Hinton Ln  
Granger, IN 46530

SANTA RONALD J  
52055 Ray Dr  
Granger, IN 46530

SAUTTER DUANE L AND SHARON F  
52215 Cheryl Dr  
Granger, IN 46530

SCHACKOW DAVID & SCHACKOW  
GINNY  
52238 Wayne Ct N  
Granger, IN 46530

SCHIRRIPA DIANE REV TRUST W LIFE  
ESTATE  
12600 Glen Oak Ln W  
Granger, IN 46530

SCHIRRIPA SALVATORE S  
51883 Sharon Ct  
Granger, IN 46530

SCHOPPE JEFFREY A & PEGGY J  
52066 Ray Dr  
Granger, IN 46530

SHAFFER CONSTANCE S  
51955 Hinton Lane  
Granger, IN 46530

SLENK ERIC &amp; KRISTEN

51901 Hinton Ln

Granger, IN 46530

ST JOE FARM LIMITED LIABILITY

COMPANY

52682 Currant Rd

Granger, IN 46530

STEMBEL ROBERT AND JEANNE M

51971 Hinton Lane

Granger, IN 46530

STEPHENSON MICHAEL R II W LIFE EST

52000 Ray Dr

Granger, IN 46530

STILP JACK A &amp; DEBORAH A

12699 Pat Ln

Granger, IN 46530

STUCKEY RONALD D &amp; CHERYL LYNN

52031 Ray Dr

Granger, IN 46530

SWAIN JOYCE M REV TRUST &amp; AS

TRUSTEE W LIFE ESTATE

51981 Cheryl Dr PO Box 54

Granger, IN 46530

SWARTZ RONALD L AND JUDY A

12722 Brick Rd

Granger, IN 46530

SZKLAREK JEROME F AND LINDA E

52155 Cheryl Dr

Granger, IN 46530

TAVERNIER RANDAL

51878 Sharon Ct

Granger, IN 46530

TRYNER SANDRA J

12684 Brick Rd

Granger, IN 46530

VO LYNN MY

51910 Hinton Ln

Granger, IN 46530

WEST WILLIAM L AND JUDY K

52333 Wayne Ct S

Granger, IN 46530

WILCHER SAMUEL R &amp; BRITTNEY N

12833 Darlene Ct

Granger, IN 46530

WILK FAMILY REVOCABLE LIVING  
TRUST

12677 Pat Ln

Granger, IN 46530

WILLIES DEVELOPMENT CORP INC

P O BOX 174

Osceola, IN 46561

WISLER MERLIN P. &amp; FRANCES G.

52192 Wayne Court N.

Granger, IN 46530

WOGOMAN RICHARD L & LINDA R AS  
TRUSTEES OF THEIR TRUSTS

12736 Vicki Ln

Granger, IN 46530

WOLF GERALD P II

52189 Cheryl Dr

Granger, IN 46530

YODER STEPHEN M &amp; YODER VICKI L

51868 Hinton Ln

Granger, IN 46530

ZAKROWSKI ARTHUR S AND DIANA L

12727 Vickie Ln

Granger, IN 46530

ZEBELL JONATHAN

52335 Wayne Ct S

Granger, IN 46530

ZULTANSKI TIMOTHY J &amp; KRISTIN D

12740 Cheryl Dr

Granger, IN 46530

ANDERSON ERIC E  
52160 Wayne Ct  
Granger, IN 46530

GREGOR CRAIG M AND SHARON  
12700 Cheryl DR  
Granger, IN 46530

MAURER ROBERTS G AND DEBRA  
52216 Wayne Ct  
Granger, IN 54630

SIMPSON LEONARD R & CLARA  
51885 Hinton Lane  
Granger, IN 46530



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PUBLIC WATER SUPPLY

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by the commissioner within twelve (12) months of the NOI submission. (*Water Pollution Control Division; 327 IAC 8-3.5-10; filed Mar 31, 1999, 10:20 a.m.: 22 IR 2526; errata filed Aug 17, 1999, 3:15 p.m.: 23 IR 26; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA; readopted filed Jul 29, 2013, 9:21 a.m.: 20130828-IR-327130176BFA; readopted filed Jun 14, 2019, 1:59 p.m.: 20190710-IR-327190246BFA*)

**327 IAC 8-3.5-11 Inspection and enforcement**

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-2; IC 13-18-1; IC 13-18-3; IC 13-18-4; IC 13-18-16-8

Affected: IC 13-11-2; IC 13-14-2-2; IC 13-14-5; IC 13-18

Sec. 11. (a) The commissioner may inspect any site, pursuant to IC 13-14-2-2 and IC 13-14-5, including the public water system, involved in the construction of a project regulated by this rule. The commissioner may take samples or test at any site involved in the construction of a project regulated by this rule.

(b) If the commissioner determines, based on the inspection of the NOI, plans or specifications, or the construction of the project, that the project does not comply with the general construction permit rule, the commissioner may do the following:

(1) Require the responsible person to undertake necessary action to achieve compliance with the general construction permit rule.

(2) Notify the responsible person of the commissioner's order of an immediate stop to the commencement or further progression of the construction of the project in the area of the noncompliance.

(3) Notify the responsible person of the commissioner's order of an immediate stop to the commencement or further progression of the construction of the entire project.

(4) Revoke the ability to construct with the general construction permit.

(c) Persons regulated by this rule shall furnish to the commissioner any information requested by the commissioner to determine compliance with this rule and whether cause exists for revoking approval to construct under this rule. (*Water Pollution Control Division; 327 IAC 8-3.5-11; filed Mar 31, 1999, 10:20 a.m.: 22 IR 2526; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA; readopted filed Jul 29, 2013, 9:21 a.m.: 20130828-IR-327130176BFA; readopted filed Jun 14, 2019, 1:59 p.m.: 20190710-IR-327190246BFA*)

**327 IAC 8-3.5-12 Requirements for the public water system**

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-2; IC 13-18-1; IC 13-18-3; IC 13-18-4; IC 13-18-16-8

Affected: IC 13-11-2; IC 13-18

Sec. 12. (a) The public water system must maintain the information contained on each NOI and all documents submitted with each NOI for all water main construction with a general construction permit.

(b) The public water system must maintain the information contained on the plans and specifications for each corresponding NOI for all water main construction with a general construction permit. (*Water Pollution Control Division; 327 IAC 8-3.5-12; filed Mar 31, 1999, 10:20 a.m.: 22 IR 2527; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA; readopted filed Jul 29, 2013, 9:21 a.m.: 20130828-IR-327130176BFA; readopted filed Jun 14, 2019, 1:59 p.m.: 20190710-IR-327190246BFA*)

**Rule 3.6. Demonstration of New Public Water Supply System Capacity**

**327 IAC 8-3.6-1 Definitions**

Authority: IC 13-13-5; IC 13-15-1-2; IC 13-15-2-1

Affected: IC 13-11-2; IC 13-18-16

Sec. 1. In addition to the applicable definitions contained in IC 13-11-2, 327 IAC 8-3.2-1, and 327 IAC 8-3.4-1, the following definitions apply throughout this rule:

(1) "Financial capacity" means the ability of a public water supply system to acquire and manage sufficient financial resources to allow the system to achieve and maintain compliance with this article.

(2) "Managerial capacity" means the ability of a public water supply system to conduct its affairs in a manner enabling the

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PUBLIC WATER SUPPLY

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system to achieve and maintain compliance with this article.

(3) "New public water supply system" means the following:

(A) A community water supply system or nontransient noncommunity water supply system that is newly constructed and will commence operation after October 1, 1999.

(B) A community water supply system or nontransient noncommunity water supply system that has not previously met the definition of a public water supply system but will have expanded infrastructure after October 1, 1999, to meet the definition of a public water supply system.

(C) A community water supply system, nontransient noncommunity water supply system, or transient water supply system that currently meets the definition of a public water supply system and expands its infrastructure after October 1, 1999, if such expansion results in a change in the classification of the system to a community water supply system or a nontransient noncommunity water supply system.

(4) "Technical capacity" means the physical and operational ability of a public water supply system to meet the requirements of this article.

*(Water Pollution Control Division; 327 IAC 8-3.6-1; filed Aug 10, 1999, 8:54 a.m.: 22 IR 3678; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA; readopted filed Jul 29, 2013, 9:21 a.m.: 20130828-IR-327130176BFA; readopted filed Jun 14, 2019, 1:59 p.m.: 20190710-IR-327190246BFA)*

### **327 IAC 8-3.6-2 Applicability**

Authority: IC 13-13-5; IC 13-15-1-2; IC 13-15-2-1

Affected: IC 13-18-16

Sec. 2. (a) This rule applies to a new public water supply system that commences operation after October 1, 1999.

(b) This rule does not apply to a public water supply system in operation prior to October 1, 1999, except as provided in section 1(3)(C) of this rule. *(Water Pollution Control Division; 327 IAC 8-3.6-2; filed Aug 10, 1999, 8:54 a.m.: 22 IR 3679; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA; readopted filed Jul 29, 2013, 9:21 a.m.: 20130828-IR-327130176BFA; readopted filed Jun 14, 2019, 1:59 p.m.: 20190710-IR-327190246BFA)*

### **327 IAC 8-3.6-3 Water system management plan submission**

Authority: IC 13-13-5; IC 13-15-1-2; IC 13-15-2-1

Affected: IC 13-18-16

Sec. 3. (a) A new public water supply system shall submit to the commissioner a water system management plan that demonstrates the capacity of the proposed public water supply system. The plan shall include, at a minimum, an assessment of the following:

(1) Technical capacity according to section 4 of this rule.

(2) Financial capacity according to section 5 of this rule.

(3) Managerial capacity according to section 6 of this rule.

(b) Four (4) copies of the water system management plan shall be submitted to the commissioner in advance of the public water supply system's intended submission to the commissioner of application for a construction permit with sufficiency to allow the commissioner one hundred twenty (120) days for review of the water system management plan.

(c) Information requested by section 4, 5, or 6 of this rule that the applicant cannot provide shall be:

(1) identified as being not applicable or not available; and

(2) accompanied by an explanation of its absence.

(d) A written request by the commissioner for additional information from the applicant, due to an incomplete water system management plan, shall extend the one hundred twenty (120) days allowed for the commissioner's review. *(Water Pollution Control Division; 327 IAC 8-3.6-3; filed Aug 10, 1999, 8:54 a.m.: 22 IR 3679; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA; readopted filed Jul 29, 2013, 9:21 a.m.: 20130828-IR-327130176BFA; readopted filed Jun 14, 2019, 1:59 p.m.: 20190710-IR-327190246BFA)*

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**327 IAC 8-3.6-4 Technical capacity of a new public water supply system**

Authority: IC 13-13-5; IC 13-15-1-2; IC 13-15-2-1

Affected: IC 13-18-16; IC 25-31

Sec. 4. (a) A water system management plan shall provide the following technical capacity information:

(1) Details of the public water supply system that include the following:

(A) A description of the type of system, including:

- (i) whether it is a community public water supply system or a nontransient noncommunity public water supply system and the basis for determining the system type; and
- (ii) the population to be served.

(B) A description of the planned service area, including:

- (i) the anticipated growth for the next twenty (20) years; and
- (ii) the plans to provide for the demand of the anticipated growth.

(C) A description of the public water supply system by county, section, township, and range.

(D) A site plan that includes the location of the following, as applicable:

- (i) Wells.
- (ii) Surface water intakes.
- (iii) Treatment facilities.
- (iv) Storage facilities.
- (v) Pumping facilities.
- (vi) Connections to another public water supply system.
- (vii) Other applicable facilities.

(E) A description, design basis, and anticipated useful life for treatment and transmission facilities, including the following:

- (i) Treatment plants.
- (ii) Pipes.
- (iii) Pumping stations.
- (iv) Storage facilities.

(F) The identification of interconnections with other systems.

(G) A description and design basis of the fire protection demand on the system.

(H) A description of a plan for metering water production by source and water use by consumers.

(I) A description of plans to manage waste generated by the treatment processes of the public water supply system.

(J) A description of the highest flood elevation at the site of sources and treatment facilities, if the site is within the one hundred (100) year frequency flood plain.

(2) Details of an assessment of the water supply source adequacy that include the following:

(A) A site map for each water supply source that must be drawn to scale with the scale disclosed on the map.

(B) A narrative describing each source, and a description of land uses within a three thousand (3,000) foot radius of each water supply source.

(C) The design basis for system demands, including:

- (i) average daily; and
- (ii) peak daily;

consumer demand according to 327 IAC 8-3.3-2.

(D) An analysis of a proposed source to reliably meet consumer demand.

(E) A geological or hydrogeological characterization of the source of the drinking water supply.

(F) A summary of a source water quality analysis that includes the applicable primary and secondary drinking water standards.

(G) The proposed activities to protect source water.

(3) A public water supply system that proposes to purchase water from another public water supply system must provide documentation of a planned purchase agreement with the other public water supply system.

(4) A method to meet the requirements of the following public drinking water rules:

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- (A) 327 IAC 8-1 concerning drinking water direct additives and indirect additives.
  - (B) 327 IAC 8-2-8.5 concerning filtration and disinfection.
  - (C) 327 IAC 8-3 concerning public water supply construction permits.
  - (D) 327 IAC 8-3.4 concerning public water system wells.
  - (E) 327 IAC 8-4.1 concerning wellhead protection.
  - (F) 327 IAC 8-10 concerning cross connection control.
- (5) A method to provide for the operation, maintenance, inspection, testing, repair, replacement, and associated record keeping for the following, according to the American Water Works Association Standards, Section A100 through Section F100 (February 1998 Edition)\* and the Recommended Standards for Water Works, Great Lakes—Upper Mississippi River Board of State Public Health and Environmental Managers (1997 Edition)\*\*:
- (A) Source of supply facilities.
  - (B) Pumping facilities.
  - (C) Water meters.
  - (D) All components of the treatment process.
  - (E) Storage tanks, including the following:
    - (i) Cleaning.
    - (ii) Painting.
  - (F) Water mains, including the following:
    - (i) Flushing.
    - (ii) Exercising valves.
  - (G) Approved cross connection control devices.
- (6) Details of an infrastructure replacement plan that include the following:
- (A) A schedule of equipment replacement.
  - (B) Estimated life expectancy of equipment.
  - (C) Expected replacement date.
  - (D) Estimated cost of replacement.
- (7) Details for providing a certified operator in charge of the public water supply system and complying with applicable state and federal requirements concerning certified operators, including 327 IAC 8-12.
- (b) The technical capacity information required by subsection (a) shall:
- (1) be prepared by:
    - (A) a professional engineer, as described under IC 25-31, who is registered in Indiana;
    - (B) a licensed professional geologist, as described in 305 IAC 1-2-5, who is registered in Indiana; or
    - (C) a qualified person under the direct supervision of a professional engineer or licensed professional geologist registered in Indiana;
- as applicable according to the information required; and
- (2) demonstrate that the proposed public water supply system shall produce drinking water that meets public water supply requirements of this article.

\*This document is incorporated by reference. Notwithstanding language to the contrary in the primarily incorporated documents, the versions of all secondarily incorporated documents, which are those documents referred to in the primarily incorporated documents, shall be the versions in effect on the date of final adoption of the primarily incorporated document. Copies of this publication may be obtained from the American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235 or from the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Room N1255, Indianapolis, Indiana 46204.

\*\*This document is incorporated by reference. Notwithstanding language to the contrary in the primarily incorporated documents, the versions of all secondarily incorporated documents, which are those documents referred to in the primarily incorporated documents, shall be the versions in effect on the date of final adoption of the primarily incorporated document. Copies of this publication may be obtained from Health Education Services, P.O. Box 7126, Albany, New York 12224 or from the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Room N1255, Indianapolis, Indiana 46204. (*Water Pollution Control Division; 327 IAC 8-3.6-4; filed Aug 10, 1999, 8:54 a.m.: 22 IR 3679; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; errata filed Feb 6, 2006, 11:15 a.m.: 29 IR 1937; readopted filed*

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*Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA; readopted filed Jul 29, 2013, 9:21 a.m.: 20130828-IR-327130176BFA; readopted filed Jun 14, 2019, 1:59 p.m.: 20190710-IR-327190246BFA)*

**327 IAC 8-3.6-5 Financial capacity of a new public water supply system**

Authority: IC 13-13-5; IC 13-15-1-2; IC 13-15-2-1

Affected: IC 13-18-16

Sec. 5. (a) A new community public water supply system shall provide the following financial capacity information as part of the water system management plan:

(1) A five (5) year budget plan that includes the following:

(A) A pro forma income statement, balance sheet, statement of retained earnings, and statement of cash flows for each of the next five (5) years.

(B) An accounting of operating revenues for the following:

(i) Metered water revenues.

(ii) Unmetered water revenues.

(iii) Fire protection revenues.

(iv) Sales for resale.

(v) Other water revenues.

(C) An accounting of operating expenses for the following:

(i) Operation and maintenance, including the following:

(AA) Operating expenses by category.

(BB) The greater of depreciation or extensions and replacements.

(CC) Taxes other than income.

(DD) Operating income before income taxes.

(EE) Current federal income taxes.

(FF) Current state income taxes.

(GG) Deferred income taxes.

(HH) Income tax credits.

(II) Other charges and credits.

(JJ) Net operating income.

(KK) Debt service and debt service reserve, including an anticipated amortization schedule on any proposed borrowings.

(ii) Administration expenses, including the following:

(AA) Salaries.

(BB) Benefits.

(CC) Supplies.

(DD) Insurance.

(EE) Legal fees.

(FF) Engineering fees, studies, and plans.

(GG) Reporting requirements.

(HH) Accounting services.

(II) Costs to comply with other applicable state or local requirements.

(2) A twenty (20) year financial plan, in five (5) year increments, including the following:

(A) Projected growth and a description of the ability to meet expected growth.

(B) An infrastructure replacement plan, required by section 4(a)(6) of this rule, including funding of the plan.

(C) An account for funding necessary repairs to the proposed public water system to meet the drinking water standards and projected growth.

(b) A new nontransient noncommunity public water supply system shall submit a five (5) year budget plan that describes the public water supply system's source of revenue and ability to meet the costs associated with the public water supply system portion of the business, including the following:

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PUBLIC WATER SUPPLY

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(1) A summary of the revenues directed to the construction, operation, maintenance, and administration of the new nontransient noncommunity public water supply system.

(2) A detailed listing of the expenses associated with the construction, operation, maintenance, and administration of the new nontransient noncommunity public water supply system.

(c) The financial capacity information required by subsections (a) and (b) shall be prepared by a certified public accountant who is registered in Indiana. (*Water Pollution Control Division; 327 IAC 8-3.6-5; filed Aug 10, 1999, 8:54 a.m.: 22 IR 3681; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA; readopted filed Jul 29, 2013, 9:21 a.m.: 20130828-IR-327130176BFA; readopted filed Jun 14, 2019, 1:59 p.m.: 20190710-IR-327190246BFA*)

**327 IAC 8-3.6-6 Managerial capacity of a new public water supply system**

Authority: IC 13-13-5; IC 13-15-1-2; IC 13-15-2-1

Affected: IC 13-18-16; IC 25-31

Sec. 6. A water system management plan shall provide the following managerial capacity information:

(1) A description of the organization, the purpose, the corporate status, and the nature of the entity, and its ownership that includes the following:

(A) Name of the owner of the public water supply system.

(B) Name of the following, where applicable:

(i) Chief executive officer.

(ii) Director.

(iii) Agency head.

(iv) Members of the board of directors.

(C) An organizational structure chart showing the following:

(i) The chain of command.

(ii) Other aspects of management related to operation.

(D) An assessment of the job responsibilities and estimated time commitment in hours for each management job position.

(2) A description of the ability to respond to an emergency situation that includes the following:

(A) Identification of:

(i) risks, whether they be:

(AA) known;

(BB) potential;

(CC) natural in origin; or

(DD) human caused;

(ii) staff members, by job position, that are responsible to act in response to risks; and

(iii) the risk response actions to be taken by staff.

(B) Notification procedures to be implemented during an emergency.

(C) A means to obtain an alternate water supply.

(D) The existence and limits of casualty insurance.

(3) An assessment of consolidation with or interconnection to another public water supply system, including the following:

(A) A narrative describing:

(i) the accessibility to another public water supply system;

(ii) efforts by a proposed public water supply system to notify other operating public water supply systems, within a ten (10) mile radius, that there is a proposal to develop a new public water supply system;

(iii) the response to notification required by item (ii); and

(iv) whether an agreement can be obtained for consolidation with or interconnection to an operating public water supply system within a ten (10) mile radius.

(B) A cost benefit analysis comparing:

(i) development of a new public water supply system;

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PUBLIC WATER SUPPLY

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- (ii) consolidation with an existing public water supply system; and
- (iii) interconnection with an existing public water supply system.
- (C) The information required by this subdivision shall be prepared by a professional engineer, as described under IC 25-31, who is registered in Indiana, or by a qualified person under the direct supervision of a professional engineer registered in Indiana.
- (4) An assessment of authority and responsibility, including the following:
  - (A) A narrative describing proposed policies, ordinances, rules, or regulations, that, at a minimum, define the following:
    - (i) Conditions required for providing water service for existing or new connections.
    - (ii) Responsibilities of the public water supply system to the consumer.
    - (iii) Responsibilities of the consumer to the public water supply system.
  - (B) A summary of existing local, state, or federal requirements pertaining to and explaining the effects upon the proposed public water supply system.
- (5) A description of the following:
  - (A) The minimum required qualifications for the following staff:
    - (i) Owners.
    - (ii) Directors.
    - (iii) Managers.
    - (iv) Operators.
    - (v) Other responsible persons.
  - (B) A proposal for continuing training.

*(Water Pollution Control Division; 327 IAC 8-3.6-6; filed Aug 10, 1999, 8:54 a.m.: 22 IR 3681; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA; readopted filed Jul 29, 2013, 9:21 a.m.: 20130828-IR-327130176BFA; readopted filed Jun 14, 2019, 1:59 p.m.: 20190710-IR-327190246BFA)*

**327 IAC 8-3.6-7 Certification of capacity**

Authority: IC 13-13-5; IC 13-15-1-2; IC 13-15-2-1  
Affected: IC 13-18-16

Sec. 7. (a) The commissioner shall do the following:

- (1) Review a water system management plan that contains the following:
  - (A) The information required by this rule.
  - (B) A statement signed by the owner or person in responsible charge of the public water supply system attesting to having reviewed and to understanding the contents of the water system management plan.
- (2) Deny the water system management plan and return it to the applicant if the plan fails to demonstrate the technical, financial, or managerial capacity of the proposed public water supply system.
- (3) Issue a written determination that the public water supply system has met the technical, financial, and managerial capacity requirements of this rule.

(b) The commissioner may contact the applicant, by letter, to request omitted or supplemental information that is related to the water system management plan of the public water supply system. *(Water Pollution Control Division; 327 IAC 8-3.6-7; filed Aug 10, 1999, 8:54 a.m.: 22 IR 3682; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA; readopted filed Jul 29, 2013, 9:21 a.m.: 20130828-IR-327130176BFA; readopted filed Jun 14, 2019, 1:59 p.m.: 20190710-IR-327190246BFA)*

**Rule 4. Approval of Public Water Supply Plans**

**327 IAC 8-4-1 Public water system plans; approval by board**

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-2; IC 13-18-1; IC 13-18-3; IC 13-18-4; IC 13-18-16-8  
Affected: IC 13-11-2; IC 13-18

Sec. 1. (a) No:



# Indiana Department of Environmental Management

## Information Handbook for Preparing a Water System Management Plan: Requirements for Proposed New Community and Nontransient Noncommunity Water Systems April 2015



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INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF WATER QUALITY  
DRINKING WATER BRANCH

Indiana Government Center North • 100 North Senate Avenue  
Indianapolis, Indiana • 46204-2251  
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worthiness, and fiscal controls. Basically, does your system have a budget and enough revenue to cover operation costs, repairs, and replacements?

Preparing a sound management plan is an important way of demonstrating capacity

Finally, managerial capacity refers to the ability of a public water supply system to conduct its affairs in a manner enabling the system to achieve and maintain compliance with state and federal regulations. The management structure of the water system includes but is not limited to ownership accountability, adequate and qualified staffing and a sound organization. In simpler terms, do you have capable and trained staff? Does your system have an effective management structure?

## What You Need To Know Before Filing a Plan to Create a New Water System

Prior to beginning the process of developing a community water system or a nontransient noncommunity water system, applicants must be aware of and consider several factors, not the least of which is the requirement to prepare a Water Systems Management Plan. The planning process can be time-consuming and costly; most applicants will need to retain outside professional help such as an environmental engineering firm and accountant. You should also consider:

1. **Alternatives.** Alternatives to developing a new community water system or nontransient noncommunity water system may be available, sometimes with technical or economic advantages. Have you explored all your options, such as extension of service from existing public or private systems or purchasing treated water from another system? What are the costs and benefits of the alternatives?
2. **Regulations.** Drinking water service is a very highly regulated business, subject to many federal, state, and local statutes, rules, and ordinances. Have you considered all the regulations that apply to your business? Are you prepared and able to meet these regulations? Are you fully familiar with the requirements of the Safe Drinking Water Act, including treatment, testing, and water-quality reporting?
3. **Costs.** The total cost of water service – supply, treatment, and delivery -- can be very significant. Consider all costs, including labor, energy, chemicals, laboratory testing, regulatory and permit fees, and so on. Have you calculated these costs and compared them with alternatives? Do you have reliable cost estimates and plausible cost projections that consider inflation and uncertainty?
4. **Rates.** For community water systems, the cost of service is normally recovered through rates. Some systems are subject to rate regulation and other forms of economic oversight by the [Indiana Utility Regulatory Commission](#) (IURC) and the [Office of Utility Consumer Counselor](#) (OUCC). Are you prepared to set rates that recover costs? Do you know

whether your system will be regulated by the IURC and able to comply with applicable accounting, financing, and ratemaking requirements?

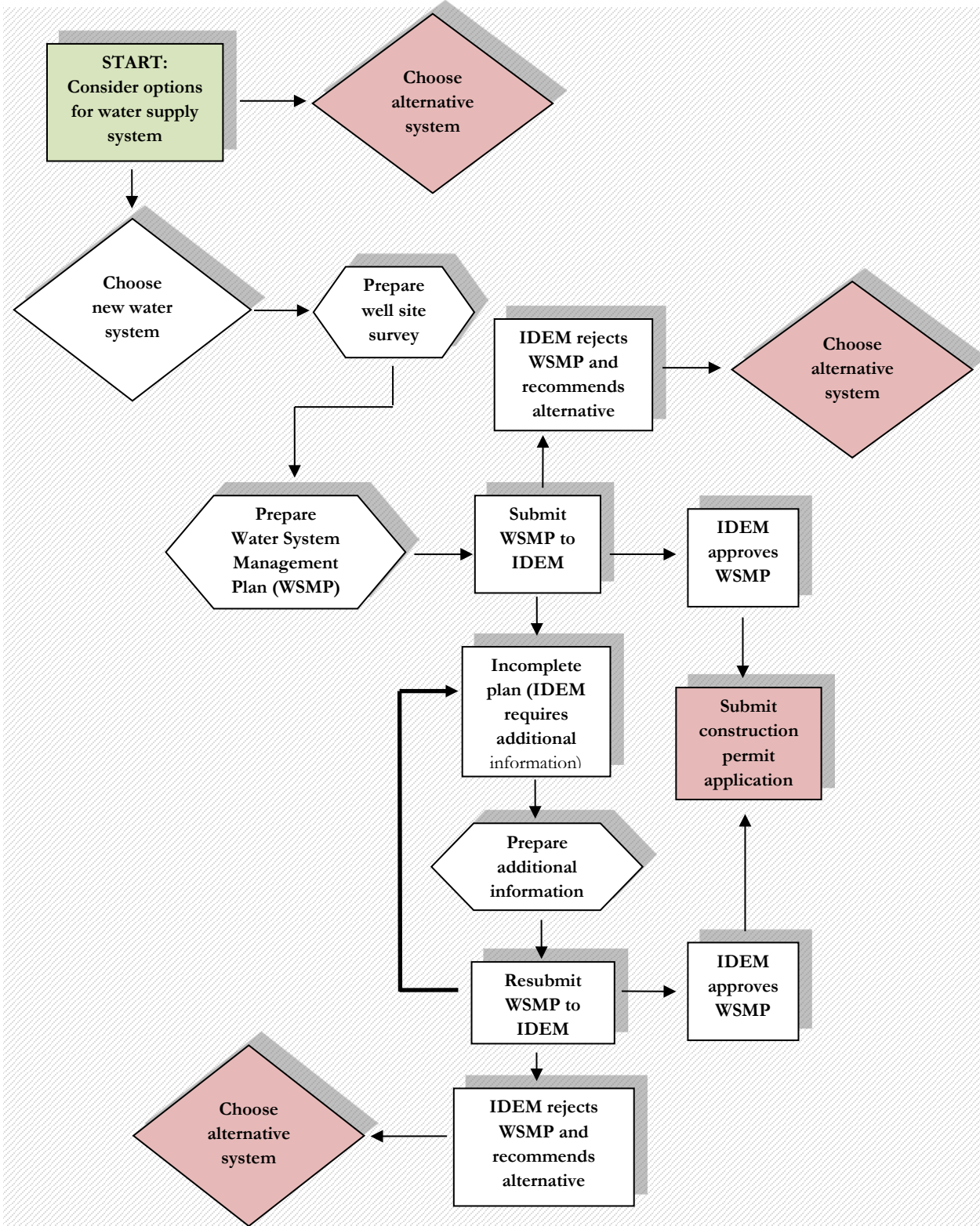
5. **Personnel.** A community water system or a nontransient noncommunity water system requires expert personnel certified by the state. Are you able to provide these personnel, including certified professionals to run the system? Furthermore, you will need professional assistance, such as a professional engineer (PE), licensed professional geologist (LPG), and/or certified public accountant (CPA) to help prepare this planning document and other required documents.


## Flow Chart

The following flow chart indicates the sequence of events, alternatives, and decisions to be made, including required permit submissions and approvals, before construction can begin on a community water system or a nontransient noncommunity water system.



INFORMATION HANDBOOK FOR PREPARING A WATER SYSTEM MANAGEMENT PLAN



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## Building the Capacity of Drinking Water Systems

CONTACT US <<https://epa.gov/dwcapacity/forms/contact-us-about-building-capacity-drinking-water-systems>>

# Indiana

### State Agencies Supporting Water System Partnerships

Indiana Utility Regulatory Commission

Indiana Department of Environmental Management

Indiana Finance Authority

### State Policies and Programs Regarding Water System Partnerships



#### DWSRF PRIORITIZATION OF CONSOLIDATION PROJECTS

Indiana's DWSRF program incentivizes projects that include the consolidation of two or more PWSs by providing priority points for various consolidation projects. For example, projects that incorporate consolidation or interconnection of a non-complying PWS (acute public health concerns) are awarded 50 points, those that support consolidation of a non-complying PWS (chronic public health concerns) are awarded 20 points, and those involving SDWA compliant PWSs are awarded 1 point.



#### TMF SELF ASSESSMENTS

The Capacity Development Program provides water systems wishing to apply for DWSRF funding a self-assessment that asks whether systems have considered consolidation; emergency interconnections with neighboring systems; and operator sharing as tools to enhance TMF capacity.



## **NEW SYSTEMS MUST CONSIDER INTERCONNECTION TO EXISTING SYSTEMS**

New PWSs must provide the Indiana Utility Regulatory Commission (IURC) with a Water System Management Plan that includes a managerial capacity section which assesses “the potential accessibility to another public water supply system with adequate water supply, flow, and pressure to serve the proposed service area.” The assessment must include “a description of the efforts to notify other operating public water supply systems within a ten-mile radius that there is a proposal to develop a new public water supply system and the responses to that notification. Finally, the narrative must state whether an agreement could be obtained for consolidation with or interconnection to an operating public water supply system within the ten-mile radius. If other systems are willing to serve the proposed service area, the Plan must include a cost-benefit analysis prepared by or under the direction of a professional engineer who is registered in Indiana.” The cost-benefit analysis must compare the development of a new public water supply system against consolidation with an existing public water supply system, and interconnection with an existing public water supply system. After receiving the narrative and cost-benefit analysis, the IURC can give or deny consent for the PWS to provide service in a municipality with an existing PWS.

## **Helpful Links to State Resources**

- Indiana’s State Revolving Fund: <http://www.in.gov/ifa/srf/> <<http://www.in.gov/ifa/srf/>>
- Drinking Water Page: <http://in.gov/idem/cleanwater/2381.htm>  
<<http://in.gov/idem/cleanwater/2381.htm>>
- Operator Certification and Capacity Development:  
<http://in.gov/idem/cleanwater/2446.htm> <<http://in.gov/idem/cleanwater/2446.htm>>
- Indiana’s Information Handbook for Preparing a Water System Management Plan: [http://in.gov/idem/cleanwater/files/dw\\_ops\\_ws\\_plan\\_handbook.pdf](http://in.gov/idem/cleanwater/files/dw_ops_ws_plan_handbook.pdf)  
<[http://in.gov/idem/cleanwater/files/dw\\_ops\\_ws\\_plan\\_handbook.pdf](http://in.gov/idem/cleanwater/files/dw_ops_ws_plan_handbook.pdf)>

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[Building the Capacity of Drinking Water Systems Home <https://epa.gov/dwcapacity>](https://epa.gov/dwcapacity)

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[About Capacity Development <https://epa.gov/dwcapacity/learn-about-capacity-development>](https://epa.gov/dwcapacity/learn-about-capacity-development)

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[About Operator Certification <https://epa.gov/dwcapacity/about-operator-certification>](https://epa.gov/dwcapacity/about-operator-certification)

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[About Water System Partnerships <https://epa.gov/dwcapacity/about-water-system-partnerships>](https://epa.gov/dwcapacity/about-water-system-partnerships)

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[About Asset Management <https://epa.gov/dwcapacity/about-asset-management>](https://epa.gov/dwcapacity/about-asset-management)

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## Follow.



LAST UPDATED ON MAY 7, 2021

United States  
Environmental Protection  
Agency

EPA 816-R-01-018  
July 2001

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Office of Water(4606)

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# **State Programs to Ensure Demonstration of Technical, Managerial, and Financial Capacity of New Water Systems**

**A Comprehensive Summary of State  
Responses to Section 1420(a) of the Safe  
Drinking Water Act**



## Executive Summary

By October 1, 1999, EPA Headquarters and the EPA Regions had approved programs for ensuring technical, managerial, and financial (TMF) capacity in new community water systems (CWSs) and new nontransient, noncommunity water systems (NTNCWSs) for the 50 States and Puerto Rico. The States, and Puerto Rico, developed these programs in response to Section 1420(a) of the 1996 Amendments to the Safe Drinking Water Act (SDWA) which requires the EPA Administrator to withhold a portion of a State's Drinking Water State Revolving Fund (DWSRF) monies if that State does not have,

“the legal authority or other means to ensure that all new CWSs and new NTNCWSs commencing operation after October 1, 1999, demonstrate TMF capacity with respect to each national primary drinking water regulation in effect, or likely to be in effect, on the date of commencement of operation.”

This document summarizes each State's response to this provision of the SDWA. It is a reference tool for making comparisons among State programs for ensuring capacity in new systems, and includes:

- C The statutory and regulatory authorities used to ensure that all new CWSs and NTNCWSs demonstrate adequate TMF capacity,
- C The identification of the State agency primarily responsible for developing and administering the program,
- C A description of the State's control points,
- C A list of the documentation required to demonstrate adequate TMF capacity, and
- C A description of how the State plans to implement and measure the success of the program.

The tables that appear in Appendix A at the end of this document serve as a quick reference, and allow for easy comparison among the programs.

Table 1 provides a summary of each State's control points and the documentation used to assess TMF capacity.<sup>1</sup> For example: in Arkansas, during the permit to construct approval process, the State will assess the technical capacity of a system by reviewing preliminary plans, source water and infrastructure information, a facilities inspection report, and plans and specifications.

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<sup>1</sup> **Special note:** In some cases a State may require the submission of managerial and financial information as part of another document such as an Engineering Report. Because the specific items required for these documents are not listed in the table it may appear that some States do not require the submission of detailed managerial and financial information. Please reference the individual state summary for a complete list of the documentation required for a demonstration of capacity.

Table 2 cites the statutory and regulatory authority for each State and shows when a new CWS or new NTNCWS is required to demonstrate TMF capacity. For example, a new CWS in Alabama is required to submit TMF documentation both prior to being granted approval to construct and prior to being granted approval to operate. In contrast, Idaho only requires a new system to submit TMF documentation prior to receiving an approval to construct.

## **Indiana**

### **I. Basis of Authority**

#### *A) Statutory Authority*

Indiana Code §13-18-21-3(d) gives the Indiana Department of Environmental Management (IDEM) broad authority to ensure that new systems demonstrate capacity:

“... This is all the legal authority required by the State for the budget agency and the department to ensure that all new community water systems and new nontransient, noncommunity water systems... commencing operations after October 1, 1999, demonstrate technical, managerial, and financial capacity with respect to each federal primary drinking water regulation... The department has primary responsibility to carry out this sub section.”

<http://www.state.in.us/legislative/ic/code/title13/ar18/ch21.html>

#### *B) Implementing Authority*

Section 327 Indiana Administrative Code (IAC) 8-3-1.1 requires new systems to demonstrate capacity in order to receive a permit to construct:

“(a) A new community public water supply system and a new nontransient noncommunity public water supply system that will commence operation after October 1, 1999, must fulfill the requirements of §327 IAC 8-3.6 prior to making a submission to the commissioner for a permit to construct as described in sections 2 and 3 of this rule.”

<http://www.ai.org/legislative/iac/>

#### *C) Responsible Agencies*

IDEM has been delegated the authority to administer Indiana’s capacity development program. The Indiana Office of the Utility Consumer Counsel (IOUCC) and the Indiana Utility Regulatory Commission (IURC) assist with the review of a system’s financial capabilities.

### **II. Control Points**

#### *A) Water System Management Plan (WSMP) Approval*

New systems must submit a WSMP to IDEM that includes:

##### Technical Capacity

- A description of the type of system, the planned service area, and the public water supply system by county, section, township, and range
- A site plan
- A description of the design basis and anticipated useful life for treatment and transmission facilities

- Identification of interconnections with other systems
- A description of the fire protection demand on the system
- A description of a plan for metering water production and use
- A description of plans to manage treatment waste
- A description of the highest flood elevation at the site of sources and facilities
- Details of source adequacy including: a site map; a summary of water quality; proposed protection activities; methods to provide for operation, maintenance, inspection, testing, repair, replacement, and associated record keeping for source and pumping facilities; water meters; an infrastructure replacement plan; and information on providing a certified operator

#### Managerial Capacity

- A description of the organization and its ownership
- A chart showing chain of command; an assessment of job responsibilities for each management position
- A description of ability to respond to emergency situations including risks, responsible staff, response actions, notification procedures, alternate water supply, and existence/limits of insurance
- An assessment of consolidation or interconnection with other systems including a cost and benefit comparison
- An assessment of authority and responsibility considering each policy, ordinance, rule, and regulation
- A summary of existing requirements pertaining to the proposed water system
- A description of required staff qualifications
- A proposal for continued training

#### Financial Capacity:

- A five year budget plan that includes: a statement of retained earnings and cash flows for each of the five years; an account of operating revenues; and an account of expenses for operation, maintenance, and administration expenses
- A twenty year financial plan that includes projected growth and how this growth can be met, an infrastructure replacement plan including funding, and an account for funding needed repairs to meet drinking water standards and growth

#### *B) Construction Permit*

Once the WSMP has been approved by IDEM, the system must submit plans and specifications and a Construction Permit application including:

- Contact information
- A description of the project including funding sources
- A list of all parties requiring notification of granting, renewing, restoring, transferring, or denying a license
- A seal from a professional engineer certifying that by following the plans and specifications drinking water will be of satisfactory quality
- A proposed schedule for construction

IDEM will review the application and information and issue a Construction Permit if the system has met all the requirements.

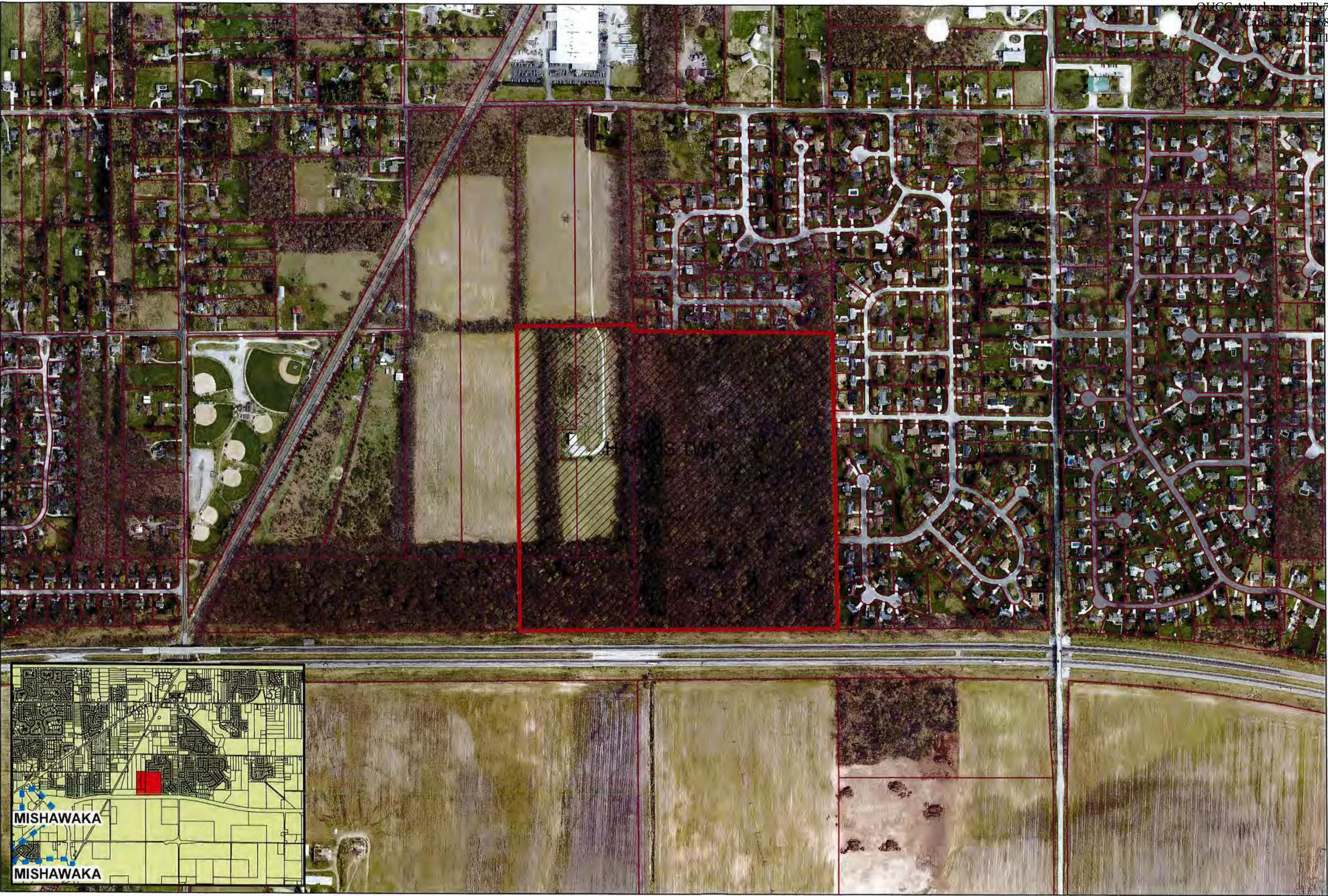
### **III. Program Evaluation**

IDEM will evaluate the compliance status of systems that begin operation after October 1, 1999 to determine whether the Water System Management Plan approach is successful in lowering violation rates.

APC# 7136-20-P  
Zoning: R  
Parcel ID #: 006-1009-0109, 011027 <sup>006-1019-0252</sup>  
<sub>006-1004-003806</sub>  
Sidwell Page #: \_\_\_\_\_ Mapbook #: \_\_\_\_\_  
Date of Plat Meeting: 3/19/2020  
Date of Tech Review Meeting: 2/20/2020  
Status: **Approved/ Denied Date:** \_\_\_\_\_  
  
Subdivision: \$ 800  
GRAND TOTAL: 800  
Date Paid: 2-10-2020 SMK

The Hills at St. Joe Farm Major  
Danch, Harner & Associates, Inc.  
St. Joseph County  
3/19/2020

7136-20-P



**HARRIS TOWNSHIP**  
1 INCH = 500 FEET



LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., 11<sup>th</sup> FLOOR COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-7800

March 19, 2020  
St. Joe Farm LLC, Attn: Mr. Pat Matthews  
52127 Fall Creek Dr  
Granger, IN 46530  
RE: The Hills at St. Joe Farm Major Subdivision - #7136-20-P.

Dear Petitioner:

Pursuant to Indiana Code 36-7-4, the undersigned certifies that the Subdivision of The Hills at St. Joe Farm Major was considered by the Plat Committee of St. Joseph County, Indiana at its meeting held on March 19, 2020.

A majority of the Committee concurred in finding that, subject to the modifications noted below, said Subdivision complies with all requirements of the St. Joseph County Subdivision Regulations, and no fact, factor, or situation in the Subdivision impacts adversely public health or safety. Therefore, the Committee granted Primary Approval to said Subdivision, subject to drainage plan approval.

Pursuant to Indiana Code 36-7-4, you have the right to appeal to the Area Plan Commission the Plat Committee's decision concerning the above noted subdivision. A written appeal must be filed with the Area Plan Commission by 4:30 pm on Tuesday, March 24, 2020. If an appeal is filed, the Area Plan Commission will consider the appeal at a Public Hearing and provide notice according to State Law and established Commission procedures.

If you have any questions, please call us at (574) 235-7800.

Sincerely,

A handwritten signature in black ink that reads 'L. P. Magliozzi'.

Lawrence P. Magliozzi

CC: Danch, Harner & Associates, Inc.  
County Council Building Department  
County Council Engineering Department  
County Council Health Department



✓ (9) Existing topographic contours at vertical intervals of two feet or less. Vertical control data shall be based on National Geodetic Vertical Datum or the St. Joseph County GIS. United States Geological Survey Contours shall not be acceptable;

✓ (10) A graphic and/or textual summary of any known environmental site studies which contains a recommendation or conclusion which impacts the site of the proposed subdivision;

✓ (11) The location of all public wells and the delineated wellhead protection area, if any;

✓ (12) Location of the subdivision by section, township, range and governmental township;

✓ (13) Boundary of subdivision, with approximate dimensions in feet;

✓ (14) Floodplains and floodways as shown on maps published by the Federal Emergency Management Agency;

✓ (15) Delineation and location of all watersheds, streams, drainage courses, reaches and swales which flow into and/or through the proposed subdivision if not shown on a separate Watershed Map;

✓ (16) At the boundary of the proposed subdivision, the acreage of all watersheds which flow into and out of the subdivision if not shown on a separate watershed map;

✓ (17) Acres of watersheds at the confluence of streams, drainage courses, reaches and swales within the proposed subdivision if not shown on a separate watershed map; and

✓ (18) If adjoining property within three hundred feet of the subdivision has not been subdivided, the names of property owners, as shown in the Assessor's office, Auditor's office, or Recorder's office shall be included. If the property within three hundred feet of the subdivision has been subdivided, the subdivision layout, name, section, and instrument number shall be included.

✓ (D) **Engineering feasibility report.** Three copies of a typed feasibility report covering sewage, water and drainage facilities and streets to serve the subdivision, including but not limited to the following:

✓ (1) **Existing system.** The applicant shall submit either: (i) if the subdivider proposes to connect to an existing public sewer and/or water supply system, a letter from the utility indicating the ability of the utility to service the subdivision and approval for that subdivision to connect to the utility; or, (ii) if the subdivider does not propose to connect to an existing public sewer or water supply system, a report on the feasibility of a connection shall be made. The report shall include the distance from the nearest public sewer and water mains, the capacity of the existing systems intended to handle the additional load and the estimated cost.

✓ (2) *Community system.* If the connection to an existing sewer or water system is not feasible, the feasibility of constructing a public on-site sewage and/or water system shall be studied. The study shall give consideration to treatment works, receiving streams, lagoons and public on-site water supplies and their estimated cost.

✓ (3) *Drainage system.* If the connection to an existing storm drain system is not feasible, the type of drainage system to be utilized shall be stated.

✓ (4) *Street construction.* A preliminary report on type of street construction to be used based on the latest standards adopted by the Board.

Submit ✓ (E) *Drainage plan.* The drainage plan shall be prepared and certified by a registered engineer or registered land surveyor in accordance with standards adopted by the Board, and submitted to the County Engineer. Prior to the preparation of a drainage plan, the registered engineer or registered land surveyor shall confirm the watershed area with the County Surveyor and shall submit such watershed confirmation to the County Engineer along with the proposed drainage plan. The County Engineer shall make initial comments on design within 30 days of submittal. The submittal of the subdivision to the Commission shall not be accepted unless one copy of the approved drainage plan or, when appropriate, a letter of no objection to submittal from the County Engineer accompanies the submittal. Note: an application for approval of the subdivisions drainages system as an "Urban Drain" as specified in the 1965 Indiana Drainage Code, Chapter 305, Acts of 1965, as amended, must be submitted prior to primary approval of the subdivision.

✓ (F) *County Health Officer's report.*

✓ (1) *Report not required.* A County Health Officer's Report shall not be required if the subdivision is connecting to both public water and public sewer facilities.

(2) *Report required.* If either a private water system or private sewer system is proposed, developers of subdivisions subject to requirements of the Indiana State Department of Health or the St. Joseph County Health Department shall:

(a) Provide proof of submittal to the County Health Department of soil boring location and test result information at the time of filing with the Area Plan Commission.

(b) Before a subdivision can be placed on a Plat Committee agenda for public hearing, the County Health Officer's Report as defined in § 153.010 shall be submitted to the office of the Area Plan Commission not less than three weeks prior to a Plat Committee meeting.

(c) Failure to submit a Health Officer's report to the Area Plan Commission not less than three weeks prior to a hearing date will result in the proposed subdivision not being placed on a Plat Committee agenda.

(B) Whenever a public utility holds an easement for the use of the entire property to be subdivided, the subdivider shall obtain a release of the easement from the public utility. The blanket easement may be reduced to an area that allows the utility to maintain its facilities. Copies of the releases shall be submitted when the subdivision is submitted for secondary approval.

(C) Easements not covered in the deed of dedication will require a separate dedication note on the secondary plat outlining the purpose of the easement.

(Ord. 44-08, passed 6-10-2008)

### **153.027 EXTENSION OF PUBLIC WATER AND SEWER.**

Where the Commission determines that it is economically feasible to extend public sewer and/or water or other municipal services to a subdivision or where public health or safety dictates that such services be extended, the Commission shall require the subdivider to extend such public service to the subdivision as a condition of primary approval. The determination of economic feasibility of public sewer and water shall be made by the Commission in accordance with the provisions of Resolution No. 148-03: "A Resolution of the Area Plan Commission of St. Joseph County, Indiana, Establishing a Policy Governing the Consideration of Economic Feasibility of Public Sewer and Water Service in Approving New Subdivisions", as the same may be amended from time to time.

(Ord. 44-08, passed 6-10-2008)

### **153.028 PROVISION FOR PUBLIC WATER.**

Where the Commission determines that it is not economically feasible at the time the primary subdivision is submitted, to extend public water, the subdivider shall design the subdivision in such a manner that public water can most economically be installed to each lot after the subdivision is developed. The Commission, when requested by a Town or City Engineer, may require that a water line general concept plan for all the property included in the Primary Plat be submitted to and approved by the applicable City or Town Engineer prior to the approval of a secondary plat. Further, the required easements shall be shown and dedicated on the secondary plat.

(Ord. 44-08, passed 6-10-2008)

### **153.029 PROVISIONS FOR PUBLIC SEWER.**

Where the Commission determines that it is not economically feasible at the time the primary subdivision is submitted, to extend public sewer, the subdivider shall design the subdivision in accordance with the requirements and specifications set forth in Resolution No. 144-03: "A Resolution of the Area Plan Commission of St. Joseph County, Indiana, Establishing a Policy Governing Consideration of Planned Methods of Waste Disposal in Approving New Subdivisions", as the same may be amended from time to time. The Commission, when requested by a Town or City Engineer, may require that a sanitary sewer line general concept

plan for all the property included in the primary plat be submitted to and approved by the applicable City or Town Engineer prior to the approval of a secondary plat. Further, the required easements shall be shown and dedicated on the secondary plat.

(Ord. 44-08, passed 6-10-2008)

**153.030 MULTI-FAMILY DEVELOPMENTS.**

(A) Multi-family developments shall be served by public water and sanitary sewer systems; and further shall only be constructed after secondary plats have been recorded and the improvements required by the county in connection therewith have either been constructed or guaranteed, as provided in this chapter.

(B) The standards and requirements of this chapter may be modified by the Commission for multi-family developments which, in the judgment of the Commission, achieve substantially the objectives of this chapter and which are further protected by such covenants or other legal provisions as shall assure conformity to the achievement of the plan for the development. Such developments shall meet the requirements of the zoning ordinance and other applicable codes and ordinances.

(Ord. 44-08, passed 6-10-2008)

**153.031 SUBDIVISIONS IN FLOOD HAZARD AREAS.**

(A) Primary Plats shall be reviewed to determine whether the proposed subdivision lies in a special flood hazard area. If the proposed subdivision is to be located in a special flood hazard area, the subdivider's registered land surveyor or engineer shall forward pertinent plans and materials to the Department of Natural Resources for review and comment. Appropriate changes and modifications may be required in order to assure that the development of the proposed subdivision is consistent with the need to minimize flood damages, including but not limited to the following: all public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage; adequate drainage shall be provided so as to reduce exposure to flood hazards; and, on-site waste disposal systems, if provided, shall be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

(B) All subdivisions to be located in a special flood hazard area shall have the elevation of the 100-year flood noted on the secondary plat and a delineation of the special flood hazard area thereon.

(Ord. 44-08, passed 6-10-2008)



Danch, Harner & Associates, Inc.

---

Michael J. Danch, L.A., ASLA  
Ron Harner, P.S.

Land Surveyors • Professional Engineers  
Landscape Architects • Land Planners

Mr. Barry Skalski  
President  
St. Joseph County Regional Water and Sewer District  
7<sup>th</sup> Floor County-City Building, 227 W. Jefferson Blvd.  
South Bend, Indiana 46601

February 7, 2020  
Revised March 10, 2020

RE: Approval to allow a private community well & water system and a gravity sanitary sewer line, lift station and force main to connect to Municipal Sanitary sewer lines for proposed The Hills at St. Farm Major Subdivision located in the 12,700 Block of Brick Road, Harris Township, St. Joseph County:

Dear Mr. Skalski:

On behalf of our clients, The Village Development, LLC, we are asking for approval to allow a private community well & water system and a gravity sanitary sewer line, lift station and force main to connect to Municipal Sanitary sewer lines for proposed The Hills at St. Farm Major Subdivision located in the 12,700 Block of Brick Road, Harris Township, St. Joseph County, Indiana.

The owners desire to create a two-hundred and thirty (230) lot Major Subdivision for single-family home sites as shown on the attached subdivision plan.

The project is proposed to be serviced within the subdivision boundaries by a gravity sanitary sewer system. The sanitary sewer lines would then connect to a proposed lift station shown on proposed lot 24. The lift station would connect to the existing municipal force main by piping running from said lift station east in the right-of-way of Brick Road to Bittersweet Road, then north along Bittersweet Road to an approved connection point with said municipal force main system. It is proposed that once the subdivision sewer system is built, per the required standards for a municipal system as approved by County Engineering, the District would take over the system and will be responsible for its continued maintenance.

The project is also proposed to be serviced by a private community water system. This system will consist of two wells and water mains run throughout the project along with fire hydrants. The proposed community well facility is shown on lot 230 of the Major Subdivision. The community well will be required to be approved for residential use by the State of Indiana. The developer of the project will be responsible for the maintenance of the community well.

We would hope the Board would approve our request to build the proposed Water and Sanitary sewer systems in the County and to connect to the existing Municipal Sanitary Sewer lines as proposed.

If you have any questions concerning this matter, please feel free to contact me at 574-234-4003.

Sincerely,

*Michael J. Danch*

Michael J. Danch

President

Danch, Harner & Associates, Inc.

Cc: Jessica Clark, Stephen Studer, Area Plan Commission



Danch, Harner & Associates, Inc.

---

Michael J. Danch, L.A., ASLA  
Ron Harner, P.S.

Land Surveyors • Professional Engineers  
Landscape Architects • Land Planners

Mr. John Mc Namara – Chairman  
Plat Committee of the Area Plan Commission  
Room 1140 County-City Building  
South Bend, Indiana 46601

February 7, 2020

RE: Feasibility Study for The Hills at St. Joe Farm Major Subdivision:

Dear Plat Board Members:

Per Section 153.062 (D) of the St. Joseph County Subdivision Control Ordinance, this letter addresses various design aspects of the proposed The Hills at St. Joe Farm Major Subdivision. The owner/developer of this subdivision proposes the following:

- 1). The proposed two-hundred and thirty (230) Lots shown will be serviced by municipal sanitary sewer lines and a private community water system. The proposed sanitary sewer system and private community water system will be built by the developer. It is proposed that once the sanitary sewer system is built and approved, the County's Water and Sewer District will then take over control and maintenance of the system. The proposed private community water system will service all lots in the subdivision. The control and maintenance of the private community water system will be done by the developer for an initial time. At a future date and with the approval of the County's Water and Sewer District, the District will take over the control and maintenance of the community water system.
- 2). Drainage for this proposed major subdivision will be handled by providing a retention basin as shown on several lots located towards the interior portion of the subdivision. The retention basin would be sized to handle the surface run off anticipated to be created by the proposed two-hundred and thirty lots and the interior public roads. The basin may be designed to be a wet retention basin and is designed to meet the County's capacity standards. Each lot and the interior public road system will be allowed to drain their surface run off to a storm drainage system that will collect the water from each lot and road and channel it to the shown retention basin. The water in the basin will then percolate into the existing sandy soils.

7 1 3 0 P FEB 1 0 20

3). Approximately 9,500 feet of roadway would be built. The roads will be paved and developed to standards approved by the County Engineer.

If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,

*Michael J. Danch*

Michael J. Danch  
President  
Danch, Harner & Associates, Inc.

File No. 170268 "feasibility file"



**Q-3-7:** Please provide a copy of all invoices with backup documentation Petitioner has received from Peerless Midwest for any work performed on the utility plant.

**Objection:** Granger Water objects to the Data Request on the basis of the foregoing general objections.

**Response:**

Invoices and backup documentation from Peerless Midwest are attached as Attachment OUCG 3-7.



Peerless Midwest is now  
 CUF2 Advanced Solutions

New Remit to Address:

**REMIT TO: PEERLESS-MIDWEST, INC.**  
 PO BOX 207362  
 DALLAS, TX 75320-7362

Phone: 574.254.9050 / Fax: 574.254.9650

**SOLD TO**

Forest Beach Builders  
 52127 Fall Creek  
 Granger, IN 46530

The Hills at St. Joe Farm

**SHIP TO**

|  |                          |
|--|--------------------------|
| INVOICE NO.<br>501073  | BN<br>712993             |
| TERMS- NET 30 . 1.5% SERVICE CHARGE (18% ANNUAL RATE) EACH MONTH<br>THEREAFTER - AFTER 45 DAYS A LIEN WILL BE FILED. |                          |
| Invoice Date<br>2/26/2020  | Proj Mgr.<br>FTW         |
| Project # and Task #<br>145898 / 1.1 & 2.1   | Your Order No.<br>Verbal |
| Tax Exempt?<br>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                                   | Reason Tax Exempt        |
| P  | Material Cost<br>Tax     |

Federal ID # 35-1284374

**Work Completed since Pre-Well Site Survey was finished - November, December, January & February**

|                         |    |           |
|-------------------------|----|-----------|
| Field Labor & Equipment | \$ | 38,445.00 |
| Hydrogeologist Services | \$ | 1,200.00  |

**Material:**

- E-Z Mud
- Well Pack 0.80-1.20MM (#0C)
- Quick Trol Gold
- Ben Seal
- Quik Gel
- Sodium Hypochlorite
- Well Pack 0.60-0.80MM
- Casing Steel 12" A53-B
- 2" PVC Screen
- 2" PVC Casing
- 20' of 12" SSWW Well Screen
- Chemistry Analysis

|  |           |                  |
|--|-----------|------------------|
| Total for Materials.....                 | \$        | 23,443.26        |
| Subtotal.....                            | \$        | 63,088.26        |
| Tax.....                                 | \$        | 1,641.03         |
| <b>TOTAL AMOUNT OF THIS INVOICE.....</b> | <b>\$</b> | <b>64,729.29</b> |

**WE APPRECIATE YOUR BUSINESS. THANK YOU !**



Peerless Midwest, Inc.

New Remit to Address:

**REMIT TO: PEERLESS-MIDWEST, INC.**  
**PO BOX 207362**  
**DALLAS, TX 75320-7362**

Phone: 574.254.9050 / Fax: 574.254.9650

**SOLD TO**

~~Forest Beach Builders~~ *The Village of Development*  
 52127 Fall Creek  
 Granger, IN 46530

**SHIP TO**

The Hills at Saint Joe Farms

|  |                          |
|--|--------------------------|
| INVOICE NO.<br>505610  | BN#<br>718964 / 720183   |
| TERMS- NET 30 . 1.5% SERVICE CHARGE (18% ANNUAL RATE) EACH MONTH<br>THEREAFTER - AFTER 45 DAYS A LIEN WILL BE FILED. |                          |
| Invoice Date<br>5/6/2020   | Proj Mgr.<br>FTW         |
| Project # and Task #<br>145898 / 1.1 & 2.1   | Your Order No.<br>Verbal |
| Tax Exempt?<br>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                                   | Reason Tax Exempt        |
| P  | Material Cost<br>Tax     |

Federal ID # 35-1284374

Construction, development, and testing of 12" test/production well. Construct (2) monitoring  
 Performance of pumping test and aquifer analysis. Preparation of report.

|                                |    |           |
|--------------------------------|----|-----------|
| Field Labor & Equipment        | \$ | 32,987.50 |
| Hydrogeology Labor & Equipment | \$ | 8,400.00  |

Material:

- 2" PVC Well Casing
- 2" PVC Well Screen
- Forty Two (42) Gallons EZ Mud
- Wellpack for Monitoring Wells and Production Well
- 162lbs Quick Trol Gold
- 44 lbs. EZ Mud Gold
- Fifty Three (53) Bags Quick Gel
- Seventy Five (75) bags ben seal
- 86' of 12" Well Casing
- 12"x 20' SSWW Well Screen

|                             |    |           |
|-----------------------------|----|-----------|
| Total for Materials.....    | \$ | 26,985.68 |
| Sales Tax.....              | \$ | 1,889.00  |
| Chemistry and Analysis..... | \$ | 4,584.00  |

**TOTAL AMOUNT OF THIS INVOICE..... \$ 74,846.18**

**WE APPRECIATE YOUR BUSINESS. THANK YOU !**

File: \_\_\_\_\_



Peerless Midwest, Inc.

*New Remit to Address:*

**REMIT TO: PEERLESS-MIDWEST, INC.**  
**PO BOX 207362**  
**DALLAS, TX 75320-7362**

Phone: 574.254.9050 / Fax: 574.254.9650

**SOLD TO**

Forest Beach Builders  
 52127 Fall Creek  
 Granger, IN 46530

**SHIP TO**

The Hills at Saint Joe Farms

|  |                          |
|--|--------------------------|
| INVOICE NO.<br>516753  | BN#<br>731720            |
| TERMS- NET 30 . 1.5% SERVICE CHARGE (18% ANNUAL RATE) EACH MONTH<br>THEREAFTER - AFTER 45 DAYS A LIEN WILL BE FILED. |                          |
| Invoice Date<br>8/28/2020  | Proj Mgr.<br>FTW         |
| Project # and Task #<br>151739 / 1.1   | Your Order No.<br>Verbal |
| Tax Exempt?<br>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                                   | Reason Tax Exempt        |
| P  | Material Cost<br>Tax     |

Federal ID # 35-1284374

**Conduct Pilot Plant Study**

Peerless field labor & equipment - services rendered on 7/16/2020, 7/23/2020, & 7/28/2020 \$ 4,800.00

- Water surplus media filter and chemical feed system
- Water surplus equipment preparation and decommission for pilot test for OXI plus 75 catalytic media treatment system design
- Water surplus preparation of report, summarize data, provide analysis, tables, and figures of results

Total for Water Surplus ..... \$ 13,000.00

Eurofins Laboratory: \$ 950.00

**Material:**

- Hach DR 900 Colorimeter
- FerroVer Iron Reagent
- KTO Manganese Reagent
- Free Chlorine Reagent
- Ratchet Strap
- Ratchet with Rope
- Connectors
- 1 x 3/4 Galvanized Coupling
- Camlock Couplings

Total for Materials ..... \$ 2,882.44

Sales Tax ..... \$ 201.78

**TOTAL AMOUNT OF THIS INVOICE ..... \$ 21,834.22**

***WE APPRECIATE YOUR BUSINESS. THANK YOU !***

File: \_\_\_\_\_



Peerless Midwest, Inc.

New Remit to Address:

**REMIT TO: PEERLESS-MIDWEST, INC.**

**PO BOX 207362  
DALLAS, TX 75320-7362**

Phone: 574.254.9050 / Fax: 574.254.9650

**SOLD TO**

Forest Beach Builders  
52127 Fall Creek  
Granger, IN 46530

**SHIP TO**

The Hills at St. Joe Farms  
Granger, IN

|  |                            |
|--|----------------------------|
| INVOICE NO.<br>530837  | BN#<br>766632              |
| TERMS- NET 30 . 1.5% SERVICE CHARGE (18% ANNUAL RATE) EACH MONTH<br>THEREAFTER - AFTER 45 DAYS A LIEN WILL BE FILED. |                            |
| Invoice Date<br>3/4/2021   | Proj Mgr.<br>FTW           |
| Project # and Task #<br>152892 / 1.1   | Your Order No.<br>Contract |
| Tax Exempt?<br>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                                   | Reason Tax Exempt          |
|  | Material Cost              |
| P  | Tax                        |

Federal ID # 35-1284374

**Water Treatment Plant Equipment and Services as per our correspondence on 2/29/2020**

|   |           |                    |
|---|-----------|--------------------|
| Base Contract Amount  | \$        | 785,000.00         |
| Plus Upgrade of Piping from 6" to 8" as per our e-mail on 12/2/2020   | \$        | 14,920.00          |
| Plus Upgrade of Electrical System as per our e-mail on 12/2/2020  | \$        | 4,850.00           |
| Plus Upgrade of HVAC System as per our e-mail on 12/2/2020  | \$        | 5,110.00           |
| Plus sealing of wells on the site-deep production well previously drilled and monitoring well as per our correspondence on 2/5/2021 | \$        | 5,100.00           |
| Plus addition of manual-only piping system for Fire Department use on the remote well   | \$        | 2,500.00           |
| <b>Adjusted Contract Total .....</b>  | <b>\$</b> | <b>817,480.00</b>  |
| <b>Less Uncompleted Work .....</b>  | <b>\$</b> | <b>-772,480.00</b> |
| <b>TOTAL AMOUNT OF THIS INVOICE .....</b>   | <b>\$</b> | <b>45,000.00</b>   |

**WE APPRECIATE YOUR BUSINESS. THANK YOU !**



Peerless Midwest, Inc.

New Remit to Address:

**REMIT TO: PEERLESS-MIDWEST, INC.**  
PO BOX 207362  
DALLAS, TX 75320-7362

Phone: 574.254.9050 / Fax: 574.254.9650

**SOLD TO**

Forest Beach Builders  
52127 Fall Creek  
Granger, IN 46530

**SHIP TO**

The Hills at St. Joe Farms  
Granger, IN

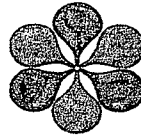
|  |                                |     |
|--|--------------------------------|-----|
| INVOICE NO.<br>530922  | BN#<br>767243                  |     |
| TERMS- NET 30 . 1.5% SERVICE CHARGE (18% ANNUAL RATE) EACH MONTH<br>THEREAFTER - AFTER 45 DAYS A LIEN WILL BE FILED. |                                |     |
| Invoice Date<br>3/4/2021   | Proj Mgr.<br>FTW               |     |
| Project # and Task #<br>152892 / 1.1   | Your Order No.<br>Pat Matthews |     |
| Tax Exempt?<br>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                                   | Reason Tax Exempt<br>All Labor |     |
| P  | Material Cost                  | Tax |

Federal ID # 35-1284374

Construction of a Computer Model for the Upper Aquifer

TOTAL AMOUNT OF THIS INVOICE ..... \$ 5,850.00

**WE APPRECIATE YOUR BUSINESS. THANK YOU !**



**PEERLESS  
MIDWEST**

New Remit to Address:

**REMIT TO: PEERLESS-MIDWEST, INC.**  
55860 Russell Industrial Pkwy.  
Mishawaka, IN 46545

Phone: 574.254.9050 / Fax: 574.254.9650

**SOLD TO**

Granger Water Utility  
52127 Fall Creek  
Granger, IN 46530

The Hills at St. Joe Farms

**SHIP TO**

|  |                                   |
|--|-----------------------------------|
| INVOICE NO.<br><b>60316</b>  | BN#                               |
| TERMS- NET 30 . 1.5% SERVICE CHARGE (18% ANNUAL RATE) EACH MONTH<br>THEREAFTER - AFTER 45 DAYS A LIEN WILL BE FILED. |                                   |
| Invoice Date<br><b>4/5/2021</b>  | Proj Mgr.<br><b>FTW</b>           |
| Project # and Task #<br><b>52892</b>   | Your Order No.<br><b>Contract</b> |
| Tax Exempt?<br>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                                   | Reason Tax Exempt                 |
|  | Material Cost                     |
| <b>P</b>   | Tax                               |

Federal ID # 35-1284374

Water Supply Package

|  |   |                     |
|--|---|---------------------|
| Water Treatment Plant                                | \$  | 809,880.00          |
| Construction of second production well               | \$  | 68,500.00           |
| Supply & installation of pumps and motors and piping | \$  | 123,000.00          |
| Upgrade for fire department piping                   | \$  | 2,500.00            |
| Sealing of old wells                                 | \$  | 5,100.00            |
| VFD's  | \$  | 36,000.00           |
| Construction permit application                      | \$  | 2,500.00            |
|  | Subtotal..... \$                            | 1,047,480.00        |
|  | Less credit per agreement..... \$           | -10,000.00          |
|  | <b>Revised contract total..... \$</b>       | <b>1,037,480.00</b> |
|  | Less previous billing..... \$               | -45,000.00          |
|  | Less uncompleted work..... \$               | -835,847.00         |
|  | Use Tax on Material to Date..... \$         | 6,158.82            |
|  | <b>Total Amount of this Invoice..... \$</b> | <b>162,791.82</b>   |

**WE APPRECIATE YOUR BUSINESS. THANK YOU !**

File: \_\_\_\_\_

45568, Granger Water  
DR 3-7, 08/05/2021



New Remit to Address:

**REMIT TO: PEERLESS-MIDWEST, INC.**  
55860 Russell Industrial Pkwy.  
Mishawaka, IN 46545

Phone: 574.254.9050 / Fax: 574.254.9650

**SOLD TO**

Granger Water Utility  
52127 Fall Creek  
Granger, IN 46530

**SHIP TO**

The Hills at St. Joe Farms

|   |                   |     |  |
|---|-------------------|-----|--|
| INVOICE NO.   |                   | GWU |  |
| 60723   |                   | GWU |  |
| TERMS- NET 30 . 1.5% SERVICE CHARGE (18% ANNUAL RATE) EACH MONTH THEREAFTER - AFTER 45 DAYS A LIEN WILL BE FILED. |                   |     |  |
| Invoice Date  | Proj Mgr.         |     |  |
| 5/7/2021  | FTW               |     |  |
| Project # and Task #  | Your Order No.    |     |  |
| Multiple  | Contract          |     |  |
| Tax Exempt?   | Reason Tax Exempt |     |  |
| Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>   |                   |     |  |
|   | Material Cost     | Tax |  |
| P   |                   |     |  |

Federal ID # 35-1284374

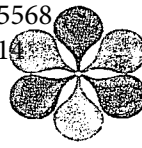
Water Supply Package

|  |    |              |
|--|----|--------------|
| Water Treatment Plant  | \$ | 809,880.00   |
| Construction of second production well                           | \$ | 68,500.00    |
| Supply & installation of pumps and motors and piping             | \$ | 123,000.00   |
| Upgrade for fire department piping                               | \$ | 2,500.00     |
| Sealing of old wells   | \$ | 5,100.00     |
| VFD's  | \$ | 36,000.00    |
| Construction permit application                                  | \$ | 2,500.00     |
| Supply and installation of standby generator and transfer switch | \$ | 57,840.00    |
| Subtotal.....  | \$ | 1,105,320.00 |
| Less credit per agreement.....                                   | \$ | -10,000.00   |
| Revised contract total.....                                      | \$ | 1,095,320.00 |
| Less previous billings (exclusive of tax).....                   | \$ | -201,633.00  |
| Less uncompleted work.....                                       | \$ | -388,820.00  |
| Tax on Material this Installment.....                            | \$ | 14,378.30    |
| Total Amount of this Invoice.....                                | \$ | 519,245.30   |

**WE APPRECIATE YOUR BUSINESS. THANK YOU !**

File: \_\_\_\_\_





**PEERLESS  
 MIDWEST**

Remit to Address:

**REMIT TO: PEERLESS-MIDWEST, INC.**  
 55860 Russell Industrial Pkwy.  
 Mishawaka, IN 46545

Phone: 574.254.9050 / Fax: 574.254.9650

**SOLD TO**

Granger Water Utility  
 52127 Fall Creek  
 Granger, IN 46530

**SHIP TO**

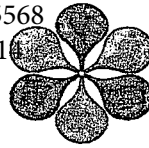
The Hills at St. Joe Farms

|  |                   |
|--|-------------------|
| INVOICE NO.  |                   |
| 61306  | 12202             |
| TERMS: NET 30 . 1.5% SERVICE CHARGE (18% ANNUAL RATE) EACH MONTH<br>THEREAFTER - AFTER 45 DAYS A LIEN WILL BE FILED. |                   |
| Invoice Date   | Proj Mgr.         |
| 6/12/2021  | FTW               |
| Project # and Task #   | Your Order No.    |
| 52892  | Contract          |
| Tax Exempt?  | Reason Tax Exempt |
| Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>  |                   |
|  | Material Cost     |
|  | Tax               |
| Federal ID # 35-1284374  |                   |

Water Supply Package

|  |    |              |
|--|----|--------------|
| Water Treatment Plant  | \$ | 809,880.00   |
| Construction of second production well                           | \$ | 68,500.00    |
| Supply & installation of pumps and motors and piping             | \$ | 123,000.00   |
| Upgrade for fire department piping                               | \$ | 2,500.00     |
| Sealing of old wells   | \$ | 5,100.00     |
| VFD's  | \$ | 36,000.00    |
| Construction permit application                                  | \$ | 2,500.00     |
| Supply and installation of standby generator and transfer switch | \$ | 57,840.00    |
| Subtotal.....  | \$ | 1,105,320.00 |
| Less credit per agreement.....                                   | \$ | -10,000.00   |
| Revised contract total.....                                      | \$ | 1,095,320.00 |
| Less previous billings (exclusive of tax).....                   | \$ | -706,500.00  |
| Less uncompleted work.....                                       | \$ | -194,410.00  |
| Tax on Material this Installment.....                            | \$ | 6,459.19     |
| Total Amount of this Invoice.....                                | \$ | 200,869.19   |

**WE APPRECIATE YOUR BUSINESS. THANK YOU !**



**PEERLESS  
MIDWEST**

New Remit to Address:

**REMIT TO: PEERLESS-MIDWEST, INC.**  
55860 Russell Industrial Pkwy.  
Mishawaka, IN 46545

Phone: 574.254.9050 / Fax: 574.254.9650

**SOLD TO**

Granger Water Utility  
52127 Fall Creek  
Granger, IN 46530

**SHIP TO**

The Hills at St. Joe Farms

|   |                   |
|---|-------------------|
| INVOICE NO.   |                   |
| <b>61846</b>  | 12202             |
| TERMS- NET 30 . AFTER 45 DAYS A LIEN WILL BE FILED.                 |                   |
| Invoice Date  | Proj Mgr.         |
| <b>7/26/2021</b>  | FTW               |
| Project # and Task #  | Your Order No.    |
| <b>52892</b>  | Contract          |
| Tax Exempt?   | Reason Tax Exempt |
| Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |                   |
|   | Material Cost Tax |

Federal ID # 35-1284374

Water Supply Package

|  |           |                     |
|--|-----------|---------------------|
| Water Treatment Plant  | \$        | 809,880.00          |
| Construction of second production well                           | \$        | 68,500.00           |
| Supply & installation of pumps and motors and piping             | \$        | 123,000.00          |
| Upgrade for fire department piping                               | \$        | 2,500.00            |
| Sealing of old wells   | \$        | 5,100.00            |
| VFD's  | \$        | 36,000.00           |
| Construction permit application                                  | \$        | 2,500.00            |
| Supply and installation of standby generator and transfer switch | \$        | 57,840.00           |
| Subtotal.....  | \$        | 1,105,320.00        |
| Less credit per agreement.....                                   | \$        | -10,000.00          |
| <b>Revised contract total.....</b>                               | <b>\$</b> | <b>1,095,320.00</b> |
| Less previous billings (exclusive of tax).....                   | \$        | -900,910.00         |
| Less uncompleted work.....                                       | \$        | -57,840.00          |
| <b>Tax on Material this Installment.....</b>                     | <b>\$</b> | <b>3,309.15</b>     |
| <b>Total Amount of this Invoice.....</b>                         | <b>\$</b> | <b>139,879.15</b>   |

**WE APPRECIATE YOUR BUSINESS. THANK YOU !**

OUR PAYMENT TERMS ARE NET 30, NO DISCOUNT.

PMI RESERVES THE RIGHT TO FILE A NOTICE OF FURNISHING OR INTENT TO LIEN FOR THIS PROJECT.

**Q-4-3:** Reference Attachment JPM-9, Estimated Project Costs, The Granger Water Utility LLC, Construction Budget (Plant Only), May 18, 2021. Please state, identify or provide the following:

- a. Name of the person and entity that prepared the cost estimate.
- b. Basis for each cost listed.
- c. Copies of all contracts for each listed cost component (e.g., Architectural at \$35,516, Civil Engineering (Danch) at \$50,000, Peerless Midwest at \$1,074,000, Site Work (RB) at \$50,000, etc.). Please identify all listed cost components that do not have a contract.
- d. Copies of all invoices incurred to date for each listed cost component.
- e. Total amount paid to date for the new groundwater wells and water treatment plant facilities.
- f. Total amount remaining to be incurred for the new groundwater wells and water treatment plant facilities.
- g. Anticipated final completion date when the new groundwater wells and water treatment plant facilities will be complete and in service.

**Objection:** Granger Water objects to the Data Request on the basis of the foregoing general objections.

**Response:**

- a. J. Patrick Matthews of Granger Water Utility LLC prepared the cost estimate.
- b. Verbal conversations with vendors combined with J. Patrick Matthews' professional experience in making such estimates.
- c. See Attachment OUCC 4-3(c)
- d. See Attachment OUCC 4-3(d).
- e. See Attachment OUCC 4-3(e).
- f. See Attachment OUCC 4-3(f).
- g. August 15, 2021.

**Attachment JPM-9 - Estimated Project Costs**

**The Granger Water Utility LLC  
Consturction Budget (Plant Only)  
May 18, 2021**

**Q-4-3-c Repsonse**

|                             |                |
|-----------------------------|----------------|
| <b>Land (Lot 230 Hills)</b> | 169,000        |
| <b>Total Land</b>           | <b>169,000</b> |

Proration of total land costs

**Soft (indirect) Costs**

|                                    |                |
|------------------------------------|----------------|
| Architectural                      | 35,316         |
| Civil Engineering (Danch)          | 50,000         |
| Environmental                      | 4,684          |
| Geotechnical                       | 5,000          |
| Permits                            | 2,000          |
| Legal Fees                         | 50,000         |
| IURC Application                   | 65,000         |
| Accounting Fees                    | 5,000          |
| Recording Fees                     | 5,000          |
| Title Insurance                    | 5,000          |
| Contingency                        | 11,350         |
| <b>Total Soft (indirect) Costs</b> | <b>238,350</b> |

Spalding invoice 1466 attached  
Professional Estimate  
Professional Estimate  
Professional Estimate  
Professional Estimate  
Professional Estimate  
Professional Estimate  
Professional Estimate  
Professional Estimate  
Professional Estimate  
Professional Estimate

**Construction Costs**

|                          |                  |
|--------------------------|------------------|
| Peerless Midwest         | 1,074,000        |
| Site Work (RB)           | 50,000           |
| Shell (Buildings)        | 300,000          |
| <b>Total Const Costs</b> | <b>1,424,000</b> |

Peerless 2 quotes attached  
Professional Estimate  
Forest Beach Builders Budget Attached

**Financing Costs**

|                              |                |
|------------------------------|----------------|
| Financing Fee (bps)          | 12,500         |
| Appraisal                    | 6,000          |
| Progress Inspections         | 18,000         |
| Construction Interest Carry  | 122,317        |
| <b>Total Financing Costs</b> | <b>158,817</b> |

Professional Estimate  
Professional Estimate  
Professional Estimate  
Professional Estimate

|                     |                  |
|---------------------|------------------|
| <b>Grand Totals</b> | <b>1,990,167</b> |
|---------------------|------------------|



PAGE 1 OF 1  
45568, Granger Water Utility  
Attachment DR 4-3 (c)  
08/16/2021  
Page 3 of 5

55860 Russell Industrial Parkway, Mishawaka, IN 46545 Phone: 574.254.9050 Fax: 574.254.9650

**QUOTATION**

Mr. Pat Matthews

*JM* ~~Forest Beach Builders~~ GRANGER WATER UTILITY LLC OUR NO. \_\_\_\_\_  
52127 Fall Creek UTILITY LLC YOUR NO. \_\_\_\_\_  
Granger, IN 46530  
DATE 02/24/21

REFERENCE The Hills at St. Joe Farms

| QUANTITY  | DESCRIPTION  | PRICE   |
|---|--|---|
|   | A. Water Treatment Plant   | \$809,880   |
|   | B. Construction, development, and testing of second shallow aquifer production well                | \$68,500  |
|   | C. Supply and installation of lineshaft turbine pump, motor, and above grade piping for south well | \$61,500  |
|   | D. Supply and installation of lineshaft turbine pump, motor, and above grade piping for north well | \$61,500  |
|   | E. Upgrading piping for one well for Fire Department use   | \$2,500   |
|   | F. Sealing of wells as needed  | \$5,100   |
|   | G. Supply and installation of two (2) 3 phase VFD's, one for each well                             | \$36,000<br>(or \$60,900 if go with single phase) |
|   | H. Construction Permit Application   | \$2,500   |
|   | I. Discount to be provided for total package   | (\$10,000)  |
| STATE SALES TAX, IF APPLICABLE, IS NOT INCLUDED |  |   |

TERMS NET 30

TOTAL PRICE \_\_\_\_\_

START Already Started

COMPLETE \_\_\_\_\_

PEERLESS-MIDWEST, INC.

ACCEPTED BY GRANGER WATER UTILITY LLC  
P. Matthews, MGR

BY Michael J. Williams  
Michael J. Williams



**Peerless Midwest is now  
 SUEZ Advanced Solutions**

Mishawaka, IN: Phone 574.254.9050 Fax 574.254.9650  
 Ionia, MI: Phone 616.527.0050 Fax 616.527.5508  
 Westfield, IN: Phone 317.896.2987 Fax 317.896.3748  
 Fenton, MI: Phone 248.996.2721 Fax 616.527.5508  
 Canton, OH: Phone 330.592.4146

45568, Granger Water Utility  
 Attachment DR 4-3 (c)  
 08/16/2021  
 Page 4 of 5

**QUOTATION**

Forest Beach Builders  
52127 Fall Creek  
Granger, IN 46530  
Attn: Mr. J. Patrick Matthews

OUR NO. MJW-112918  
 YOUR NO. \_\_\_\_\_  
 DATE December 19, 2018

REFERENCE Granger Subdivision

| QUANTITY  | DESCRIPTION   |  |
|---|---|--|
| (1)   | Hydrogeology work associated with IDEM site approval process, Pre-Well Site Survey, and Construction Permit |  |
| (1)   | Construction, Development, and Testing of 6" Diameter PVC Cased Well  |  |
| Complete Scope of Work Is Outlined in November 29th, 2018 Communication (Attached Here) |   |  |
| STATE SALES TAX, IF APPLICABLE, IS NOT INCLUDED   |   |  |

TERMS 30 Days  
 START Upon Authorization  
 COMPLETE 6 Months  
 ACCEPTED BY J. Patrick Matthews

TOTAL PRICE \$35,410.00

PEERLESS-MIDWEST, INC.

BY *J. Patrick Matthews, Peerless*