Cordry Sweetwater Conservancy District

8377 Cordry Drive Nineveh, Indiana 46164

FILED

AUG 20 2008

Beth Mulry

CLERK BROWN CIRCUIT COURT

Cause No. 4213
Resolution 2008-7
"Policy for Geothermal Systems"

WHEREAS, pursuant to Indiana Code Section 14, the Indiana Conservancy Act, the Board of Directors of the Cordry Sweetwater Conservancy District has the authority to make regulations for the administration of the affairs of the District,

And

WHEREAS, the Cordry Sweetwater Conservancy District Board of Directors, acting as sovereign power, to of the Cordry and Sweetwater Lakes, as stated in Covenant 13 as "Lake Management", is committed to protect the ecology and safety of the lakes, therefore finds it necessary to accept the attached recommendations approved by the Cordry Sweetwater Conservancy District's Building Commission and referred by the Cordry Sweetwater Conservancy District's Ecology Commission as the;

"Geothermal Heating/Cooling Concerns and Recommendations"
(Attachment revised August 15, 2008)

THEREFORE BE IT RESOLVED that these recommendations become policy and applied to the Cordry Sweetwater Conservancy District Rules, and that the Cordry Sweetwater lakes be for the enjoyment of all the District's freeholders and not to be used for individual freeholder's private utilities.

APPROVED this 19th day of August 2008, at Nineveh, Indiana.

Tom Dziennik, Chairman

Norman Noe, Vice Chairman

David Moebs, Secretary

Tom Daseler

Larry Kolar

Quinn Hetherington

Cheryl Boyle

SWORN AND SUBSCIBED TO BEFORE me, Notary Public, this 19th day of August 2008.

Martha Anderson, Notary Public

Geothermal Heating/Cooling Concerns and Recommendations: (revised August 15, 2008)

The geothermal heating/cooling systems in the lakes are a physical hazard given the heavy recreational uses of our lakes. The heating/cooling coils are located in the lake in 10-14 feet of water and are assembled in bales of 5-6 coils per bale. These bales are 3 feet high and 4 to 5 feet in diameter. The number of bales required for a home depends on the BTU's required to heat and cool the home.

It has been determined that fish hooks will not damage the units although you'll probably loose the hook if you snag a bale. A boat anchor could possibly damage a bale if it got entangled in a bale. They are normally in deep enough water that hitting them if you dive from a boat is unlikely. The effects of the liquid inside the tubes if discharged into the lake along with the heat generated by the coils have a negligible affect on the lake.

They could be damaged by dredging equipment, mechanical weeding activities or if we would lower the lake for dock and shore repair, there might not be the enough water over them for proper operation. If these bales do fail, they will float to the surface where they become a boating hazard and can block access to the lake to nearby property owners. In the past, CSCD personnel have taken it upon themselves to add additional weights to the bales and connecting lines to submerge these units to clear the lakes of these hazards. As these units age, this has become a more common occurrence. Using CSCD personnel to correct these hazards exposes the personnel to personal safety hazards along with exposing CSCD to the possibility of a liability if these units are damaged by our employees or equipment.

With this in mind, we recommend the following:

1. No additional geothermal systems (open or closed) will be allowed or approved, if they will be placed in the lakes or would result in any kind of discharge into the lakes.
2. Existing systems installed prior to June 2008 will be allowed to remain with the following conditions: Current owners of geothermal heating/cooling systems with bales in the lake must submit all the below information and also sign a "Hold Harmless" agreement or the bales must be removed from the lake (CSCD property).
3. Owners must submit the following information and documentation:
    - The system shall be inspected annually by a certified geothermal contractor and a copy of this inspection report shall be filed with the conservancy office.
    - A sign must be posted where the coils enter and exit the lakes to notify boaters or maintenance staff of the existence of the geothermal system.
    - Provide as many phone numbers as it takes to reach them if their system fails.
    - Provide as much information as they can about their system (location, size, etc.).
    - Provide contact information for two approved contractors that CSCD can call if we cannot locate the homeowners. These contractors must be able to remove the hazard within 24 hours of notification.
    - Provide a signed document stating CSCD is authorized to use these contractors on behalf of the homeowner to clear an existing hazard in the event the homeowner cannot be contacted. If these contractors cannot respond in a timely manner and it becomes necessary for CSCD personnel to clear the hazard, the homeowner agrees to pay a $1000 fee to the conservancy to cover costs incurred or actual costs if higher.
    - Provide a signed document certifying that the geothermal coil(s) in the lake are located in the idle zone and not in the high speed zone of the lake. If the coil(s) are in the high speed zone of the lake, they must be moved to the idle zone or removed entirely from the lake.
    - If the geothermal coils are no longer being used, they must be removed from the lakes.
    - If ownership of the property transfers, the new owners must follow the process above at the time they sign up for water service.