

ILLINOIS POLLUTION CONTROL BOARD
October 30, 1980

CLEM JURIS and CITY OF SANDWICH,)
)
) Petitioner,)
)
) v.) PCB 80-68
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

SUPPLEMENTAL ORDER OF THE BOARD (by J. Anderson):

The Board's final Order granting variance from Rule 962(a) of Chapter 3: Water Pollution was entered on September 4, 1980. On September 30, 1980, the City of Sandwich (City), which had earlier opposed grant of variance, filed a Petition for Hearing. The accompanying affidavit alleged that at such hearing, evidence concerning problems experienced in a wet period subsequent to the original hearing would be offered.

On October 8, 1980 the Environmental Protection Agency (Agency) filed a Motion for Reconsideration and Relief from Final Order "by reason of new facts." Attached as exhibits thereto were 52 signed complaints from residents concerning surcharge incidents during September 1-8, 1980, as well as photographs taken during that period. The Board also acknowledges its receipt on September 19, 1980 of a letter from Mr. Spencer Zitka, recommending that the Board reverse its decision.

On October 20, 1980 Clem Juris filed a Motion in Opposition to the filings of the City and of the Agency. Juris alleges that the additional proofs now offered by the City and the Agency are merely cumulative to those submitted at the prior hearing in this matter. The Board agrees.

The exhibits submitted with the Agency's motion tend to prove that another Center Street sewer surcharge incident has occurred, with results of the sort which have previously occurred (see Opinion and Order at p. 6), and also that there was standing water in some parts of the Triangle Mobile Home Park as a result of the heavy rains. The Board has previously considered both matters and given them appropriate weight. Triangle's surface water problem is relevant only to the extent that it would relate to additional loading to the restricted Center Street sewer. Previous testimony indicates that water does pond at Triangle, but that it drains away from the

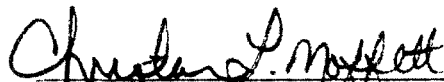
Center Street sewer towards Somanouk Creek (Juris, R. 26-27 and Hanson R. 190-191). Infiltration of standing water into Triangle's sewer system could, of course, increase the loading to the Center Street sewer, but it was Juris' unchallenged testimony that after the raising of manholes and some connections, City officials had indicated that Triangle was not contributing to the City's infiltration/inflow problems (R. 24-25, 35). In his recent motion, Juris further stated that during this September's wet period, that the top of the manholes in Triangle's flooded area stood above the level of the standing water (Juris Motion, p. 2).

As the Board previously indicated, it finds the conditions resulting from the Center Street sewer to be deplorable and in need of immediate attention. The requirement that Juris install and use holding tanks during wet weather periods was imposed in recognition of this. However, these Center Street sewer problems cannot be remedied by this proceeding.

The City's Petition for Hearing is denied. Having reconsidered its Opinion and Order of September 4, 1980, the Board hereby affirms it.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control hereby certify that the above Supplemental Order of the Board was adopted on the 30th day of October, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board