

ILLINOIS POLLUTION CONTROL BOARD
December 4, 1980

BENJAMIN DAUM,)
)
 Complainant,)
)
 v.) PCB 80-17
)
 VILLAGE OF ROSELLE,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by J.D. Dumelle):

Benjamin Daum (Mr. Daum) filed a citizen's Complaint against the Village of Roselle (Roselle) on January 21, 1980, alleging repeated overflows of sewage in violation of Rule 602(b) of Chapter 3: Water Pollution. Hearing was held on July 1, 1980. Testimony of witnesses from both parties was heard.

Roselle objected to the hearing being held on the basis that no notice of the hearing was given to Roselle by the Board. However, that objection was based on a misreading of Procedural Rule 306(b), and the Board finds that the hearing was properly held in that notice was given in timely fashion by the Hearing Officer (R.6-7).

The testimony at the hearing makes it clear that on numerous occasions since September 13, 1978, raw sewage has backed up into the homes of Mr. Daum and others and has also flooded streets and yards (R.9-11,28-9, and 52-3). There was testimony of "numerous" floods which occur "almost on every occasion it rains" (R.51). Local residents have had to install standpipes in their basements as high as six feet (R.23,29-30 and 35), but that has not provided a full solution to the problem (R.23 and 36-7). Some residents can no longer use basement facilities (R.29-30 and 46-7). One resident has twice been unable to reach his house because of surface flooding of raw sewage (R.53).

These overflows are not disputed by Roselle. "Trouble Reports" were entered into evidence concerning flooding on September 13,17 and 28, 1978; May 26 and September 27, 1979; and February 25-28, 1980 (R.74-80 and Resp. Ex.A-G).

The problems with the Roselle system fall into three areas: excess infiltration and inflow (R.33), lift station failures (R.29), and blockages in the sewer lines (R.64).

John LaRocca, an Operator of the Roselle Treatment Plant, testified that normal dry weather flow for the plant is 1 million gallons per day (gpd) while the wet weather flow is 8-12 million gpd (R.92-3). James Ford, a Wastewater Supervisor testified that this was a result of "rainfall, inflow and infiltration, illegal downspouts, illegal sump pumps" (P.95).

Robert Siel testified that " a couple of years ago or possibly longer, the Village [of Roselle] entered into a major study of its sanitary sewer system in conjunction with the villages of Bloomingdale and Glendale Heights under a federal grant program to determine the extent and the cause of infiltration and inflow" (R.66). Based upon the report Roselle will be able to begin corrective action (R.66-7).

After review of the factors in Section 33(c) of the Environmental Protection Act, the Board finds that the sewage overflow has seriously interfered with the health, general welfare and physical property of the people. Furthermore, sewage systems are only of social and economic value when properly functioning and adequately maintained. The Trouble Reports show that Roselle employees responded to these problems in a reasonably prompt manner given the equipment and personnel available. However, the residents of the area should not be subjected to such repeated flooding. These reports clearly establish that overflows have occurred. The Board, therefore, finds that Roselle has violated Rule 602(b) which proscribes such overflows.

The Board has examined the technical practicability and economic reasonableness of reducing or eliminating the overflows. A solution to the overflow problem and the failure of the lift station to operate and, if possible, to reduce the blockages, must be devised to prevent further detrimental economic and health effects. Roselle must expeditiously pursue a permanent solution to the problem through its efforts in obtaining monies for the improvement of its sewage system and facilities to meet current standards.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. The Village of Roselle has violated Rule 602(b) of the Water Pollution Rules.
2. The Village of Roselle shall cease and desist from any further violations of Rule 602(b).

3. Within 90 days of the date of this Order, the Village of Roselle shall submit to the Agency a plan to minimize overflows as soon as possible through the utilization of bypasses and relief connections, the acquisition of a spare pump, the acquisition of standby power system for the lift station, the reduction of infiltration and inflow, and any other effective means. A description of the work to be performed, an estimate of its cost, and a schedule for completion shall be included in the plan. Within 30 days of the date the plan is submitted the Agency shall respond as to its approval or disapproval of it. The Board will retain jurisdiction in this matter until a plan is deemed acceptable by the Board.
4. The Village of Roselle shall expeditiously pursue funding for improvement of its sewage system.
5. No penalty shall be assessed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 4th day of December, 1980 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board