

ILLINOIS POLLUTION CONTROL BOARD
July 11, 1986

CITY OF MENDOTA,)
)
 Petitioner,)
)
 v.) PCB 85-182
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

DISSENTING OPINION (by J. D. Dumelle):

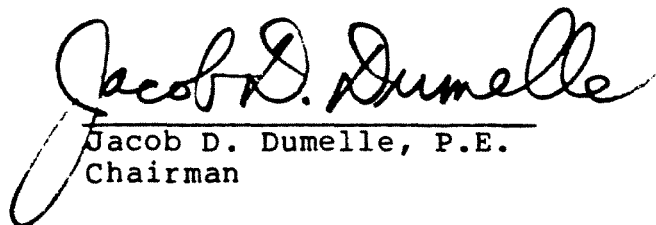
On balance I would have granted the City of Mendota a short variance until, say, September 1, 1987 in order to get them on a program to solve their problem.

Mendota spent \$2,000,000 in 1977 to upgrade its sewer system to reduce water infiltration and to eliminate stream bypasses. That is a good faith effort. Mendota is now suing its former engineers and claims design errors in the 1977 work. While those engineers were the City's own agents the situation does present some understandable mitigation.

I would have set conditions to disconnect all downspouts and sump pumps by December 1, 1986; to rebuild or patch all leaky manholes by that same date; to submit a stream assimilation study to IEPA by January 1, 1987 and to perform an infiltration study on the sewer system by July 1, 1987.

Once these actions were taken and the two studies completed a new program could be ordered by this Board for any future variance extension. That program could include grouting the joints in place in the existing sewer system or inserting long plastic liners in it. Either technique avoids replacement of the entire sewer system and the disruption of tearing up all streets.

Mendota has a sanitary sewer system which should not bypass. This Board has enacted numerous combined sewer overflow exception rules allowing sewage bypasses from those systems. Are we treating Mendota equally with a combined sewer system community? Mendota needs more time to work out a program it can afford. I would have granted them that time.


Jacob D. Dumelle, P.E.
Chairman

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 15th day of August 1986.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board