

ILLINOIS POLLUTION CONTROL BOARD
April 8, 1976

ENVIRONMENTAL PROTECTION AGENCY)
)
 Complainant,)
)
 v.) PCB 73-316
)
)
 CITIZENS UTILITIES COMPANY OF)
 ILLINOIS,)
)
 Respondent.)

- and -

CITIZENS UTILITIES COMPANY OF)
 ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 74-279
) (Consolidated)
)
)
 VILLAGE OF BOLINGBROOK, ILLINOIS,)
 an Illinois municipal corporation,)
 Intervening Petitioner,)
 and cross Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

On August 1, 1973, the Environmental Protection Agency (Agency) filed a Complaint, PCB 73-316, against Citizens Utilities Company of Illinois (Citizens). The Complaint charged that Citizens violated Rule 602(b) of Chapter 3, Part VI of the Board's Water Pollution Control Regulations by operating its sewage treatment Plant No. 1 in Bolingbrook and the tributary collection system in a manner which caused or allowed excess infiltration into and overflows from the sanitary sewers; that Citizens violated Rule 601(a) of the Regulations by failing to operate Plant No. 1 and the tributary collection system so as to minimize violations of applicable standards during flooding, adverse weather, power failure, equipment failure, maintenance and similar contingencies; that Citizens violated Rule 405

of the Regulations on one occasion; that Citizens violated Section 12(b) of the Environmental Protection Act (Act) by operating equipment in violation of conditions imposed by an Agency permit; that Citizens violated Rule 1002 of Chapter 3 by failing to file a project completion schedule; and that Citizens violated Section 9(a) of the Act by operating Plant No. 1 in a manner which caused or allowed the discharge of odors into the ambient atmosphere of the State of Illinois.

The Village of Bolingbrook (Village) petitioned the Board to intervene, and on April 18, 1974, that Petition was granted. On July 23, 1974, Citizens filed a Complaint, PCB 74-279, against the Village alleging that the Village's storm water system is inadequate and that, therefore, any alleged excess infiltration into and overflows from Citizen' sanitary sewers is a result of the Village's inadequate system, in violation of Rule 602(b). The Complaint also alleged that standing storm water became stagnant, causing odor emissions in violation of Section 12(b) of the Act. On February 20, 1976, PCB 73-316 and PCB 74-279 were consolidated.

Hearings on this matter commenced on April 2, 1974. At the hearing, the Agency presented witnesses who testified with respect to sewage back-ups in their homes and perceptions of offensive odors. However, at the conclusion of the hearing on November 6, 1974, the hearings were suspended, and on January 20, 1976, the parties submitted a Settlement Stipulation (Stipulation) in lieu of further hearings.

In the Stipulation the parties indicate programs developed and work done both prior and subsequent to the filing of the Complaints. Prior to the filing of the Agency's Complaint, Citizens began an improvement of its system which included installing seal tight manhole lids and frames, cleaning and televising part of the collection system, purchasing an odortrol spray misting unit, replacing the underlayment of the sludge drying beds, cleaning the sewer main, and other improvements.

Subsequent to the filing of the Agency's Complaint, Citizens began a more extensive program to help reduce the possibility of sewer back-ups into homes or odors from its plant. This program included: an increase in on-site operating personnel; employment of two engineering firms to study the problem; installation of a new sanitary sewer line; improvements of Plant No. 1 including replacement and addition of diffusers and blowers, installation of equipment for odor control, and others; employment of three graduate engineers; and other improvements. The total amount expended by Citizens as of the date of the Stipulation was \$369,000.00. In addition, Citizens indicated that, in January of 1976, it would install additional seal tight manhole covers and, if proven necessary, would spot weld the covers closed.

Subsequent to Citizens' Complaint, the Village also developed and implemented a program to improve its storm water collection, drainage and disposal system in that part of the Village served by Citizens' sewer system tributary to Plant No. 1. Based upon the recommendation of an engineering firm, the Village instituted the following improvements: three swales were cleared, regraded, re-shaped and sodded to improve the flow of water; reinforced concrete pipe and new inlets were installed; corrugated metal pipe was installed to replace a damaged pipe; the capacity of the retention pond was increased; a new ditch was dug; and other improvements were implemented. The total cost to the Village for this program was \$163,465.84. The Village also indicates that a new program has been put into effect to inspect, clean and repair the drainage system throughout the Village. In addition, the Village has purchased sewer rodding and cleaning equipment at a cost of over \$17,000 and has ordered catch basin cleaning equipment due for delivery in April, 1976 at a cost of approximately \$46,000.

All three parties agree that since completion of Citizens' parallel sewer main, and the improvements made by the Village to its storm water system, except for a few isolated and limited instances of back-up cured by rodding of service lines or other localized block-ages, there have been no reports of sewer back-ups into homes tributary to Plant No. 1. Citizens has observed that since such work by the Village, in periods of high rainfall, flows received at Plant No. 1 have been 300,000 to 400,000 gallons per day less than comparable occasions before such work. Except for limited occasions believed to be arising from necessary disruptions to Plant No. 1 as the various improvements thereto were under construction, there have been no complaints by residents of odor allegedly arising from Plant No. 1. All the parties agree that the result of all the work done by Citizens and the Village is to have effectively controlled the alleged back-up and odor problems.

Neither Citizens nor the Village admit any violation of the Act or Regulations. In fact, both parties indicate that were hearings to continue, they would produce evidence in defense. The Stipulation was submitted, as all parties agree, merely as a settlement of the matter in order to avoid the expense and delay of protracted and complicated litigation. In consideration of settlement of this matter, Citizens has agreed to pay \$6,000.00 and the Village has agreed to pay \$1,500.00 to the State of Illinois.

The Board finds that Citizens and the Village have undertaken an adequate program to cure the problems complained of in this matter. The interests of the public will best be served by resolution of the

issue by means of the Settlement Stipulation rather than continued litigation. Therefore, the Settlement Stipulation is accepted, the Board will forego any finding on the question of violation, and Citizens and the Village are ordered to pay \$6,000 and \$1,500, respectively, in consideration of settlement of this matter.

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

ORDER

It is the Order of the Board that:

1. Citizens Utilities Company and the Village of Bolingbrook shall continue to carry out the programs they have developed and implemented as indicated in the Settlement Stipulation submitted by the parties on January 30, 1976.

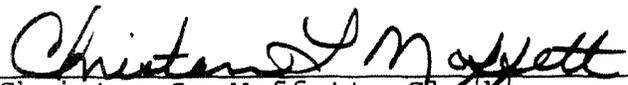
2. In consideration of settlement of this matter, Citizens Utilities Company shall pay the amount of \$6,000.00 and the Village of Bolingbrook shall pay \$1,500.00. Payment by certified check or money order shall be made within 45 days to:

State of Illinois
Fiscal Services Division
Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

3. The Complaints in PCB 73-316 and PCB 74-279 are hereby dismissed.

Mr. Young abstained.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 8th day of April, 1976 by a vote of 4-0.



Christian L. Moffett, Clerk
Illinois Pollution Control Board