

ILLINOIS POLLUTION CONTROL BOARD
January 8, 1976

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 75-72
)
CITIZENS UTILITIES COMPANY OF)
ILLINOIS, an Illinois corporation,)
)
Respondent.)

Frederic J. Entin, Assistant Attorney General, Attorney for
Complainant
Daniel J. Kucera, Attorney for Respondent

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

This case arises out of a Complaint, filed by the People of the State of Illinois (People) on February 14, 1975 alleging that Respondent, Citizens Utilities Company of Illinois, an Illinois corporation (Citizens) owned and operated a sanitary sewage collection system located in the Fernway Subdivision of the Village of Orland Park and in the Village of Westhaven, Cook County, Illinois in a manner which caused or allowed excessive infiltration into, and overflows from, their sanitary sewers in violation of Rule 602(b) of the Water Pollution Regulations (Chapter 3) and Section 12 of the Environmental Protection Act. The Complaint alleges that the violations took place from April 16, 1972 through February 14, 1975 including but not limited to December 13, 1974; January 10, January 11, and February 10, 1975.

Rule 602(b) expressly prohibits overflows from sanitary sewers and also requires that excess infiltration into sewers be eliminated, and that the maximum practicable flow be conveyed to treatment facilities.

Citizens filed a Motion to Dismiss on March 10, 1975 to which the People responded in opposition on March 12, 1975. The Motion to Dismiss was denied and the cause ordered to be set for hearing by the Board on March 13, 1975. A pre-hearing conference was held July 29, 1975 at which time the parties advised the Hearing Officer that settlement negotiations were in progress. Hearing was held on September 10, 1975 at which time a Settlement Stipulation (Stipulation), executed by counsel for both parties, was entered into the record. No additional

evidence was adduced at the hearing; no members of the public were present. The parties stipulated that Citizens provides public water and sanitary sewer service to approximately 700 customers in the Fernway Subdivision of the Village of Orland Park and in the Village of Westhaven, both in Cook County, Illinois, pursuant to certificates of convenience and necessity issued by the Illinois Commerce Commission.

The sanitary sewer system serving the area and owned and operated by Citizens originally included a sewage treatment plant which was taken out of service and subsequently dismantled in August of 1973 after completion of a 4.5 mile force main which discharges the collected wastes to the facilities of the Metropolitan Sanitary District of Greater Chicago. During 1971-1972 Citizens undertook the inspection and repair of the entire system, one phase of that program was initiation of construction for the connection to MSDGC described above. As a result of the inspection was a determination that a gravity-flow sewer main between Westhaven and Fernway Subdivision was not in satisfactory condition and it was replaced by a temporary force main and lift station during June 1973 (Stip. p. 5).

The parties also stipulate that from June 1973 until May 1975 operating difficulties at the temporary lift station caused sewage to backup in the collecting sewers causing raw sewage overflows into the basements of at least ten residents of Westhaven and that also raw sewage overflowed from sanitary sewer manholes located on the residents' property (Stip. p. 6).

The Stipulation further indicates that failure of the lift station pump was due to clogging from such debris as construction materials and toy balls and that on at least three instances a portable pump was utilized out of necessity while the lift station pump was pulled for repair of damage occasioned by the debris.

Because of these operational difficulties Citizens undertook to modify the temporary lift station and to add a stand-by second pump; construction of these improvements was complete in May 1975 (Stip. p. 6). However, before completion of the improvements the temporary lift station pump again clogged from debris on January 10 and 11, 1975 and on February 10, 1975 again causing raw sewage overflows into basements and from manholes. Since completion of the modification work on the lift station in May 1975, no operational difficulties have been experienced (Stip. p. 8). The parties further stipulate that Citizens has expended the sums of \$1,500,000.00 for construction of the 4.5 mile force main to connect to MSDGC (Stip. p. 3); \$33,000.00 for visual and television inspection and cleaning of the system (Stip. p. 3); \$112,000.00 for system rehabilitation and repair (Stip. p. 3); and, \$24,000.00 for the modification of the temporary lift station (Stip. p. 8).

Because of the successful operation of the temporary lift station as modified since May 1975, the parties propose that under the circumstances outlined above and more fully set forth in the Stipulation that no monetary penalty should be assessed by the Board. It is clear that an adequate remedy to the problem is now being implemented by Citizens.

On the basis of the above and the Stipulation, which constitutes the entire record in this case, we find that Citizens did violate the Act and Regulations as charged in the Complaint by operating a sanitary sewage collection system in violation of Rule 602(b) of the Water Pollution Regulations (Chapter 3) and Section 12 of the Act. No penalty will be imposed.

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

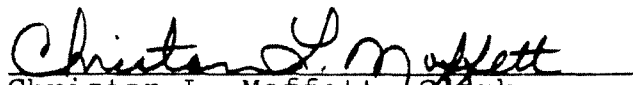
ORDER

1. Respondent, Citizens Utilities Company of Illinois, is found to have operated a sanitary sewage collection system in the Fernway Subdivision of the Village of Orland Park and in the Village of Westhaven, Cook County, Illinois in violation of Rule 602(b) of the Water Pollution Regulations (Chapter 3) and Section 12 of the Environmental Protection Act.

2. Respondent, Citizens Utilities Company of Illinois, shall comply with and do all things agreed in items (a) through (d) of the Settlement Stipulation of September 10, 1975 by and between Respondent Citizens Utilities Company of Illinois and the Complainant People of the State of Illinois which is hereby incorporated into this Order by reference as if fully set forth herein.

IT IS SO ORDERED.

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


Christan L. Moffett, Clerk
Illinois Pollution Control Board