

ILLINOIS POLLUTION CONTROL BOARD
October 4, 1979

MITCHELL DUTTON and WILMA DUTTON,)
)
 Complainants,)
)
 v.)
)
CITY OF CREST HILL,)
)
 Respondent.)

PCB 79-110

MR. MITCHELL DUTTON appeared pro se.

MR. THOMAS COWGILL, CIRRICIONE, BLOCK, KROCKEY & CERNUGEL,
appeared on behalf of Respondent.

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

The Complaint in this case alleges that Respondent violated Rules 601(a) and 602 of Chapter 3: Water Pollution by failing to adequately maintain sanitary sewer lines resulting in overflows of the sewers. A hearing was held on August 7, 1979 in Crest Hill, Illinois. Testimony of witnesses from both parties was heard.

At the hearing it was determined that on numerous occasions recorded by Complainants since September 26, 1978, raw sewage was reported in Complainant's basement with an accumulation of 21 inches on March 3, 1979. This resulted from the failure of an area lift station to operate and by excessive amounts of infiltration and inflow into the sewers in the City of Crest Hill. This infiltration and inflow occurred particularly during periods of rain and testimony indicated that problems with the system have existed since 1970. Previous efforts to correct the situation were unsuccessful. (R.134).

A witness for Respondent indicated that a 1977 study of the Crest Hill sewer system revealed excessive amounts of infiltration and inflow from numerous sources. The study was the first step in the process of applying for a federal grant for improvement of Respondent's sewage treatment plant to upgrade treatment to meet current standards. The federal government, following approval of Respondent's program to remedy the sewage system, would bear 75% of the costs with the remaining 25% of the project to be paid by Respondent.

Several alternatives were set forth by Respondent's witness to alleviate the problem at the sewer subsystem in Complainant's area, along with cost estimates. However, it was pointed out that temporary measures, such as rehabilitation of the sewer subsystem, would not provide a permanent cure. (R.120). Furthermore, federal grant monies would not be given to Respondent for that portion of the work estimated in 1977 at \$18,000.

Rule 601(a) of the Board's Water Rules expressly requires treatment works and associated facilities to be constructed and operated to minimize violations of applicable standards during flooding, adverse weather, power failure, equipment failure, or maintenance. Since the overflow occurs repeatedly during periods of rain and the lift station which would prevent the overflow of sewage has repeatedly failed to operate, it is clear that Crest Hill has not complied with the rule in minimizing violations during flood conditions. The lift station malfunctions and consequent delay in City personnel responding to notification of a problem has aggravated the situation. (R.12). The Board finds the City of Crest Hill in violation of 601(a) of the Board's Water Rules.

Rule 602 of the Water Rules mandates sufficient retention or treatment capacity for sanitary sewers and prohibits excess infiltration. Crest Hill has recognized the problems with its system and thus has instituted the federal funding procedures. The overflow of raw sewage into Complainant's basement caused by the excessive infiltration and inflow to the system is a clear violation of Rule 602.

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. Complainant's home has become a dangerous source of disease carrying bacteria, has become uninhabitable and was extensively damaged. Furthermore, sewage systems and sewage treatment facilities are of social and economic value only when properly functioning and when adequately maintained.

The Board has examined the factors bearing on the technical practicability and economic reasonableness of reducing or eliminating the overflows. An immediate solution to the overflow problem and the failure of the lift station to operate must be devised to prevent further detrimental health and economic effects. The City must also expeditiously pursue a permanent solution to the problem through its efforts in obtaining a federal grant for improvement of its sewage treatment 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) Respondent has violated Rules 601(a) and 602 of the Water Pollution Rules and Section 33(c) of the Act.
- 2) Respondent shall cease and desist from any further violations of Rule 602(a) and 602 and Section 33(c) of the Act.
- 3) Within 60 days of the date of this Order, Respondent shall submit to the Board and the Agency a plan to immediately minimize as much as possible overflows through utilization of bypasses, relief connections, 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 report is submitted, the Agency shall respond as to its approval or disapproval of this plan. The Board will retain jurisdiction in this matter until a plan is deemed acceptable by the Board.
- 3) Respondent shall, as expeditiously as possible, pursue its efforts through federal grant procedures in obtaining federal funding for improvement of its sewage treatment facilities.

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 4th day of October, 1979 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board