

ILLINOIS POLLUTION CONTROL BOARD
October 4, 1979

ANTHONY J. CANFARELLI)
and LAURA CANFARELLI,)
)
) Complainants,)
)
) v.) PCB 79-75
)
VILLAGE OF ROMEOVILLE,)
)
) Respondent.)

COMPLAINANTS APPEARED pro se.

THEODORE JARZ, (McKEOWN, FITZGERALD, ZALLNER, BUCK, SANGIMEISTER, AND HUTCHISON) APPEARED ON BEHALF OF RESPONDENT.

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

This enforcement action was filed before the Board on April 5, 1979 alleging violations of Rules 601(a) and 602(b) of Chapter 3: Water Pollution (Water Rules) and of Sections 12(a) and 12(d) of the Environmental Protection Act (Act). On June 22, 1979 and August 6, 1979 hearings were held and testimony from witnesses from both parties was heard.

Testimony from the Complainants and their neighbors indicates that sanitary sewer overflows occurring during storms and melting periods have been causing sewage to back up into crawl spaces and yards of citizens living along Arlington Drive in Romeoville. The Village does not contest the fact that these overflows occur. (R.67). Complainants have been forced to pump raw sewage out of their home, to clear sewage debris from their yard, and to leave their home on direction of the Health Department. (R.20). Other testimony shows that neighbors have had similar problems. (R.31-48).

The overflow problems are due to the inadequate size of sanitary sewer lines presently in use. Infiltration overloads the trunk system and lift station loading into the treatment plant. (R.80). The Village, currently in the facilities planning stage for funding of sewer system upgrading has indicated that the construction of a relief sewer that channels overflow to a different lift station appears to be the permanent solution to overflow problems. (R.81). The cost of such construction is estimated at \$500,000. and obtaining grants is necessary to pay for the project. (R.93).

A witness for the Complainants, a former chairman of the water and sewer committee of Romeoville, testified that a bypass might lessen the current overflow problems. The engineer for the Village of Romeoville has stated that there

are possibly some bypass lines and a relief connection that could be installed now to alleviate some of the flow. (R.96). The engineer, however, has admitted that data needed to determine whether the proposed relief is viable is not available. (R.99).

Rule 602(b) of the Water Rules expressly prohibits overflows from sanitary sewers. Romeoville admits that its sewers overflow. (R.67). The Board, therefore, finds the Village of Romeoville in violation of Rule 602(b) of the Board's Water Rules.

Rule 601(a) of the Board's Water Rules requires that treatment works and associated facilities be constructed and operated in a manner that minimizes violations of applicable standards during flooding, adverse weather, and emergencies. Since the overflow and resultant problems occur repeatedly during snow melting periods, it is clear that Romeoville has failed to minimize violations during flood conditions. The Board, consequently, finds the Village of Romeoville in violation of Rule 601(a) of the Board's Water Rules.

Section 12(a) of the Act prohibits causing, threatening, or allowing contaminants to be discharged into the environment that 1) tend to cause water pollution or 2) violate regulations and standards adopted by the Board. The Village of Romeoville has already been found to be in violation of two of the Board's water rules as a result of the discharge of untreated sewage, a contaminant (see Section 3(d) of the Act). The Board, therefore, finds the Village of Romeoville in violation of Section 12(a) of the Act.

Section 12(d) prohibits deposits of contaminants upon the land that create a water pollution hazard. The Complainants have failed to allege that the sewer discharges threaten to contaminate any waters within the State, nor does any testimony indicate that waters might possibly become contaminated by the raw sewage. The allegation purporting a violation of Section 12(d) of the Act, therefore is dismissed.

The Board has examined the factors bearing upon the reasonableness of the overflows and has determined that the imposition of a penalty will not hasten compliance with Board rules and regulations in this case. Money, rather than being paid in penalties, should be invested to procure immediate relief for citizens plagued by the overflow. In addition, the Village should pursue a permanent solution to the problem through continued participation in the municipal sewage treatment grant program.

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

ORDER

It is the Order of the Illinois Pollution Control Board that:

- 1) The Village of Romeoville has violated Rules 601(a) and 602(b) of Chapter 3: Water Pollution and Section 12(a) of the Environmental Protection Act.
- 2) Within 60 days of the date of this Order, the Village of Romeoville 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) The Village of Romeoville shall begin implementing the plan described in 2) above as soon as Board approval is given.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted on the 4th day of October, 1979 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board