

ILLINOIS POLLUTION CONTROL BOARD
February 19, 1981

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
Complainant,)
v.) PCB 79-122
CASEYVILLE TOWNSHIP AND ST. CLAIR)
TOWNSHIP, Illinois Townships,)
Respondents.)

BRIAN E. REYNOLDS APPEARED ON BEHALF OF THE COMPLAINANT.

JAMES W. McROBERTS, JR. APPEARED ON BEHALF OF THE RESPONDENT ST. CLAIR TOWNSHIP.

THOMAS J. O'KEEFE, JR. APPEARED ON BEHALF OF THE RESPONDENT CASEYVILLE TOWNSHIP.

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

On June 14, 1979, the Illinois Environmental Protection Agency (Agency) filed a complaint against Caseyville and St. Clair townships alleging violations of Section 12(a) of the Illinois Environmental Protection Act and Rules 601(a) and 602(b) of the Illinois Pollution Control Board Rules and Regulations, Chapter 3: Water Pollution. Eleven days of hearing were held commencing on June 26, 1980, and ending on September 4, 1980. Members of the public were present and testified at some of the hearings.

Caseyville and St. Clair townships are located in St. Clair County, Illinois. Both own and operate sewer systems served by the Caseyville Township East Sewage Treatment Plant and have allegedly caused or allowed overflows from sanitary sewers resulting from excess infiltration. It is further alleged that both townships failed to operate and construct facilities to minimize back-ups of the system. Finally, Caseyville is alleged to have allowed sewage to bypass its treatment plant directly into the receiving stream.

It is undisputed that back-ups occurred on various dates between March of 1977 and February 22, 1979 (R. 1340). During that time material backed up from sewers into the basements of Mr. Raymond Parris, Mr. and Mrs. Ronald Carter, Mr. and Mrs. Howard Simpson and Ms. Janis Rush, all residents of the 200 block of Lakeland Hills Drive in Caseyville Township.

Joseph Blaies, Manager of the Caseyville Township Sanitation System acknowledged that their residences are served by the Caseyville system (R.576) and that he observed water in the basements of the Parris, Carter, and Rush residences (R. 580-8).

Mr. Parris testified to watery materials with the odor of sewage backing up through either the shower drain or the toilet bowl in his basement on December 5 and 12, 1977; March 13, July 14, and September 16, 1978; and in February of 1979 (R.117-130). During this time considerable damage was sustained (R. 125, 132, and Caseyville Exhibit #1).

Mr. Simpson testified to a similar back-up in his basement on July 14, 1978 (R. 412-414) and in the Rush residence on the same day (R. 416).

Mrs. Carter similarly testified to back-ups into her basement on five occasions: twice on unidentified dates between March of 1977 and July of 1978; March 28, 1977; July 14, 1978; and February 22, 1979 (R. 492-495).

The Board therefore finds that back-ups did occur on six occasions in residences in Caseyville Township from March 28, 1977, until February 22, 1979.

To determine the cause of these back-ups, the structure of the sewage system must be understood. Mr. Blaise testified that the sewage from Lakeland Village, Greenbriar Parque and Meadowlake Acres (all in St. Clair Township) flows into the Lakeland Hills lift station through an 8-inch trunk line, then through a 6-inch force main which runs to the Hollandia Lift Station and from there to the Caseyville Township East Sewage Treatment plant through another 8-inch gravity line (R.714 and Comp. Ex. 1).

Mr. Randle, St. Clair Township Engineer, testified to a study which he and others prepared identifying sources of infiltration and inflow (I/I) into St. Clair Township Sewers (Comp. Ex. 11). He identified sixteen broken sections of pipe, twenty-eight cracked joints and pipe, ninety-five joints which had indications of infiltration, and one hundred sixty-seven offset or separated joints in Lakeland Village (R. 954). He also testified to inflow caused by defective manholes in St. Clair Township (R. 958-60 and 981).

Mr. Blaies corroborated this testimony concerning manholes by testifying to his observation of water running into manholes in Greenbriar Parque about the time of the sewage back-ups of December 5 and 12, 1977 (R. 619) and in March of 1978 (R. 623). He also observed water running into manholes in Meadowlake Acres at the time of the February 22, 1979 back-ups (R. 650 and Comp. Ex's 14-18).

Mr. Rhutasel, a registered professional engineer, also testified concerning the I/I problem in St. Clair Township based upon a sewer evaluation survey he prepared for Caseyville

Township (St. Clair Ex. 2). Based upon recommended design criteria, the Lakeland Hills lift station should not receive more than 136,500 gallons per day (GPD) including I/I (R. 1583 and 1797). However, his study showed a peak inflow of 200,000 GPD and an observed peak total flow of 320,000 GPD (R. 1604 and p. 19 of St. Clair Ex. 2). Thus, the I/I transported to the lift station greatly exceeded recommended amounts.

According to Mr. Blaies this flow was pumped by two pumps at the Lakeland Hills lift station. During 1977 and until April of 1978, these 425 gallon per minute (GPM) pumps could combine to handle 600 GPM (R. 578-9). This caused a problem in that the 8-inch gravity line that received this sewage (after being pumped through the force main) could handle only 315 GPM (R. 571-6). Mr. Blaies testified that this situation would result in surcharging of the gravity line in front of the Parris, Carter, Rush and Simpson residences and could cause back-ups (R. 609) As a result, the pumps were changed in April of 1978 such that only one pump could operate at any given time, and in August of 1978 the pumps' capacities were reduced to 285 GPM (R. 578-9). Only one back-up has occurred since that change was made (R.579 and 655).

It is true that not all of the flow through the 8-inch gravity line in front of the Caseyville residences came from the sewers in St. Clair Township and, therefore, that the back-ups may not have been due solely to I/I in the St. Clair sewers. However, the Board finds that the excess I/I was a significant contributing factor to the back-ups in Caseyville Township. Therefore, violations of Rules 601(a) and 602(b) as well as Section 12(a) of the Act have been proven, but a question remains as to who is responsible.

Not surprisingly, both townships deny responsibility. If their theories are accepted Caseyville is not responsible for the back-ups because the St. Clair sewer defects were the cause of the problems, and St. Clair is not responsible because none of the back-ups occurred in St. Clair Township. Therefore, the citizens who suffer the back-ups are left with no governmental relief. The Board cannot accept these propositions.

The record is surcharged with testimony concerning ownership or control over various parts of the Caseyville/ St. Clair sewage system. Regarding St. Clair's position there was testimony showing that:

- 1) Inspections and studies of the system were prepared by St. Clair employees (R. 430, 451 and 464);
- 2) Part of the sewer system in question was taken over as is by St. Clair and other parts were accepted after inspection (R. 473 and 996);
- 3) St. Clair bills the customers in its township who are serviced by the Caseyville plant and retains some of

those funds while turning the remainder over to Caseyville (R. 529-30);

- 4) St. Clair has signed permits to own and operate the sewers in Greenbriar Parque (R. 1788-9);
- 5) St. Clair executed a contract with Caseyville consenting to Caseyville furnishing sanitary sewer service to some of its residents (Comp. Ex. 12);
- 6) St. Clair has enacted ordinances regulating all sewers in the township (Caseyville Ex. 8); and
- 7) St. Clair made repairs to several manholes (R. 1137 and 1171).

Regarding Caseyville's position, there was testimony showing:

- 1) Caseyville took several steps to remedy the problem including modifying the impellers at the Lakeland Hills lift station;
- 2) Caseyville signed a contract accepting the responsibility to provide sanitary sewer service to some St. Clair residents;
- 3) The back-ups occurred in Caseyville; and
- 4) Caseyville signed permits to own and operate the sewers in Greenbriar Parque (Com. Ex's 11 and 12).

Based upon this testimony, the Board finds that there is sufficient evidence to show that both Caseyville and St. Clair share responsibility for the back-ups which occurred. The evidence shows that the back-ups were a result of shortcomings of the entire system rather than any single part of the system and that both had the authority to take action to remedy the problem. The St. Clair part of the system suffered from excessive I/I which resulted in an overload of the Lakeland Hills Lift Station (owned and operated by Caseyville); Caseyville accepted a flow greater than the station could handle and used overly large impellers to move the flow through the system; and the result was sewage back-ups in Caseyville. Therefore the Board finds that Caseyville and St. Clair townships are liable for the penalties which will be assessed for the violations alleged in Counts I and II.

The Board also finds that bypassing of the Caseyville Township Sewage Treatment Plant occurred on March 23 and May 11, 1979. Mr. Mahlandt, an environmental engineer, testified that this occurred from an old wet well just prior to being pumped into the treatment units of the plant (R.70). Raw sewage escaped from the top of the wet well and flowed into Ogles Creek (R.71).

PENALTY

In considering the factors under §33(c) of the Environmental Protection Act, the Board finds that:

- 1) The injury to physical property has, although in relatively isolated incidents, been substantial. Mr. Parris sustained over \$3,000 of damage from flooding;
- 2) While a sanitary sewer system is of considerable social value, that value is greatly reduced when it is not operated and maintained in a proper manner;
- 3) The sewer system is clearly suited to the area in which it is located; and
- 4) It is technologically practical and economically reasonable to reduce or eliminate the back-ups.

The Board further notes that all of the back-ups were associated with heavy precipitation and/or melting snow. That, however, is not mitigating in that a sanitary sewer system is to be designed to handle such events, and the back-ups would not have occurred but for the excess I/I. On the other hand, Caseyville's prompt response to complaints concerning back-ups and St. Clair's efforts to make repairs are mitigating. These repairs have, apparently, largely solved the problem in that only one back-up has occurred since those repairs were made.

For the above reasons the Board finds that penalties of \$500 are appropriate to aid the enforcement of the Act and the Board's regulations. These penalties are assessed individually against both townships. Further conditions will be imposed to insure that these problems do not recur, largely as recommended by the Agency. To the extent that this order demands acts that are already ongoing, as argued by Caseyville, there should be no additional burden in compliance, and continuing efforts to avoid future back-ups should be assured.

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

ORDER

1. Caseyville Township and St. Clair Townships shall cease and desist from violating Water Pollution Rules 601(a) and 602(b) and Section 12(a) of the Act.
2. Penalties of \$500 are assessed against both townships individually; said penalties to be paid within 45 days of the date of this order to State of Illinois, Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

3. St. Clair Township shall within 90 days of the date of this Order, submit a plan acceptable to the Environmental Protection Agency outlining steps that it will take to insure that there are no future violations of the type involved in this proceeding and shall comply with the provisions of that plan.
4. St. Clair Township shall study and prepare a report to be submitted to the Agency within 90 days of the date of this Order on alternative means of transporting and treating the sewage in Lakeland Village, Meadowlake Acres and Greenbriar Parque subdivisions;
5. Caseyville Township shall within 90 days of the date of this Order set up a system of daily inspection of the Lakeland Hills lift station, the manholes to the east and west of the lift station, and the 8-inch gravity sewer serving the Carter, Parris, Rush, and Simpson residences; and
6. Caseyville Township shall cooperate with St. Clair Township in the study proposed in recommendation number 4, and to study any other means of lessening the amount of sewage transported through the 8-inch gravity sewer serving the Carter, Parris, Rush, and Simpson residence.
7. The Board shall retain jurisdiction in this matter.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 19th day of February, 1981 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board