

ILLINOIS POLLUTION CONTROL BOARD
November 1, 1979

RAMON TRAVIESO,)
)
 Complainant,)
)
 v.) PCB 79-72
)
 HIGHLAND HILLS SANITARY DISTRICT,)
)
 Respondent.)

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

The Complaint in this case alleges that Respondent has violated Rules 601(a) and 602(b) of Chapter 3: Water Pollution by failing to adequately maintain sanitary sewer lines resulting in overflows of the sewers. Hearings were held on July 30 and August 20, 1979 in Lombard, Illinois. Testimony of witnesses from both parties was heard.

At the July 30 hearing it was determined that on numerous occasions recorded by Complainant's since March 4, 1979, raw sewage was reported in Complainant's home and yard rendering the home uninhabitable and causing serious damage. Respondent did not contest the fact that the main which services Complainant's home was clogged (R.128). Complainant's had been forced to pump raw sewage out of their home, to clear debris from their yard and to leave their home on the recommendation of the Health Department (R.39). Other testimony indicates that neighbors have had similar problems in past years (R.18,58), primarily during periods of rainfall. Complainant had made repeated calls for assistance in alleviating the problem and in preventing future occurrences.

A witness for Respondent stated that the sewer lines were cleaned in March of 1978 and in May, 1979. Complainant testified that subsequent to the May 14, 1979 cleaning the problem has not recurred (R.192). Respondent's witness also indicated that checks had been made to ascertain extraneous flows in the main, that corrective steps had been undertaken to alleviate the flows, that repairs were made on the main whenever necessary and that, substantially, complaints as to flowage of extraneous water received immediate attention (R.152-4).

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 occurred repeatedly during periods of rainfall, it is clear that Respondent has not complied with the rule in minimizing violations during flood conditions.

Rule 602(b) of the Water Rules expressly prohibits overflows from sanitary sewers. Respondent admits that its sewers overflow and that there is excessive infiltration into the system. The Board therefore finds the Respondent in violation of Rule 602(b) of the Board's Water Rules.

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 had become a dangerous source of disease-carrying bacteria, 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. A solution to the overflow problem at Complainant's residence must be devised to prevent further detrimental health and economic effects.

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(b) of the Water Pollution Rules and Section 33(c) of the Environmental Protection Act.
- 2) Respondent shall cease and desist from any further violations of Rules 601(a) and 602(b) in causing sewer backups at Complainant's residence within 120 days of the date of this Order.
- 3) Within 90 days of the date of this Order Respondent shall submit a compliance program to reduce excess infiltration into the system. This program shall go to the Board and the Illinois Environmental Protection Agency and shall include target dates for securing federal funds, if necessary. The Agency is asked to comment to the Board on this program within 60 days after receipt. The Board will retain jurisdiction in this matter and shall take further action as needed.

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 1st day of November, 1979 by a vote of 4-0.

Christan L. Moffett *sw*
Christan L. Moffett, Clerk
Illinois Pollution Control Board