

ILLINOIS POLLUTION CONTROL BOARD

December 13, 1973

CONCERNED CITIZENS COMMITTEE,)	
)	
Complainant,)	
)	
v.)	PCB 73-92
)	
CITY OF GENOA,)	
)	
Respondent.)	

Stanley Olsen appeared for Concerned Citizens Committee
Robert C. Jenkins, City Attorney on behalf of City of Genoa

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

Chairman Roy Tewksbury (now deceased) and co-chairman Stanley Olsen, representing the Concerned Citizens Committee, filed a formal Complaint with the Board on March 6, 1973 charging the City of Genoa with responsibility for sewage backups in the basements of about 65 houses in Genoa. The Genoa attorney stated that the Complainants had failed to serve a copy of the Complaint on the City, but apparently the parties did get together and agree upon a settlement prior to the hearing date.

On August 7, 1973 a public hearing was conducted. Neither party offered evidence but they submitted a six paragraph Statement and Settlement Agreement. The Settlement Agreement acknowledged the existence of problems with the sanitary sewer system which had led certain homeowners to experience sewage reversals and untreated sewage in their basements. This was caused by infiltration into the sewer lines, direct entry of storm water, illegal connection by users, defects in the sewer lines by reason of age, improper installation and poor soil conditions. It was agreed that the City "shall immediately upon the execution of this Agreement" inspect all sewers in the affected area for the purpose of repairing, replacing or otherwise correcting such defects; continue application for and use of available sources of revenue for the purpose of providing an adequate sewer system; and commence an exhaustive survey of the affected area no later than August 20, 1973, complete the survey by January 1, 1974 and thereafter complete a survey as to the entire City.

We recently held in Donaldson vs. Elmhurst, PCB 72-389, that we will hear complaints regarding sewage systems which deposit sewage in homes. In this particular case, however, the parties have not submitted sufficient information so that we can come to any conclusions about the inadequacies of the sewage system. They seem to have worked out their problems in a manner which is satisfactory to them and the settlement does not really call for any action by the Board.

The only question which is asked of us is whether a sewer connection ban would be proper. Our response is that we were not given sufficient information to reach a conclusion on the matter. The Statute requires that the public be given 30 days notice of any hearing which might affect the right of the public to the use of a community sewer. The hearing must include a full inquiry into the social and economic impact of any decision to restrict usage of the sewer. (Environmental Protection Act § 33) We have, on occasion, prohibited further connection to a sewage system pending the upgrading of the system, but this is a serious step to be taken only upon presentation of substantial evidence regarding the inadequacies of the sewage system and the failure of the sewer system operator to attend to those inadequacies.

The Board commends the parties for the amicable settlement which has been reached. We have no reason to disapprove of the settlement and therefore accept it and terminate the proceedings herein.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 13th day of December 1973 by a vote of 5 to 0.

Christan L. Moffett