

BEFORE THE POLLUTION CONTROL BOARD

IN THE MATTER OF)
)
 SUSAN M. BRUCE,)
)
 Complainant,)
)
 v.)
)
 HIGHLAND HILLS SANITARY DISTRICT,)
)
 Respondent.)

PCB No. 2015-139

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 STATE OF ILLINOIS
 Pollution Control Board

 ORIGINAL

AMENDED FORMAL COMPLAINT

Complainant, SUSAN M. BRUCE, by her attorneys, HUCK BOUMA PC, complains of the respondent, HIGHLAND HILLS SANITARY DISTRICT, as follows:

1. Complainant, SUSAN M. BRUCE, is an individual who owns the real property commonly known as 115 East 14th Place, in Lombard, Illinois 60148, which is a parcel of land improved with a single family residence within the borders of the respondent.
2. Respondent, HIGHLAND HILLS SANITARY DISTRICT, a municipal corporation, with offices located at 566 East 13th Place, Lombard, Illinois 60148.
3. The activity of the respondent that is allowing the pollution complained of is allowing, permitting, or omitting to take the necessary and lawfully required actions to prevent, the discharge of untreated effluent or sewage from the respondent's facilities onto the complainant's land, and into the single family residence erected on her land, coming in both by gushing through the plumbing fixtures in her house and seeping into her house after flooding her backyard up against the house.

4. The location of the discharge of effluent or sewage into complainant's house is inside her house at 115 East 14th Place, in Lombard, Illinois 60148 and in her backyard at the same address.

5. The respondent violated the rules of the board codified at 35 Ill. Adm. Code 306.102 either by malfunction or spillage in that there is backup from respondent's sanitary system depositing effluent or sewage containing human waste onto the complainant's backyard and in her house. The respondent is also violating the portions of the judgment of the board in *Traviseo v. Highland Hills Sanitary District*, PCB 79-72, that required the respondent to cease and desist from causing sewer backups at the complainant's location, by failing, and continuing to fail, to cease and desist from causing sewer backups at the complainant's property, as ordered by the board.

6. The type of pollution respondent allowed, permitted, or caused is sewer backups through all the plumbing fixtures in the house with a drain, including floor drains, toilets, bathtubs, showers, and even elevated sinks. Sewage eruptions from respondent's equipment or structure in the backyard that floods the backyard and even infiltrates from the backyard into the house.

7. The duration and frequency of the alleged pollution is as follows:

a. On April 18, 2013, sewage forcibly entered the house through every drain in a geyser-like fashion, and also through the respondent's equipment in the complainant's backyard, flooding the backyard with sewage above the ground level of the house.

b. Additional backups occurred twice in May 2013, on July 24, 2013, August 3 and 6, 2013, and three times in 2010.

8. Respondent owns or operates a treatment works, as it provides sanitary sewer service to the area under its jurisdiction, which area includes complainant's property, sanitary sewer service

it provides through the use of:

devices and systems owned by a local government unit and used in the storage, treatment, recycling, and reclamation of sewerage or industrial wastes of a liquid nature, including intercepting sewers, outfall sewers, sewage collection systems, pumping power and other equipment, and appurtenances

(415 ILCS 5/19.1(f).)

9. The ill effects that the respondent's pollution has had on human health, on the environment, on the enjoyment of life or property and on any lawful business or activity is that the respondents discharge of effluent or sewage renders the complainant's home unhealthy, unpleasant, uninhabitable, and destroys complainant's property.

10. Complainant seeks the board to order the respondent to take all necessary measures to stop the discharge of effluent or sewage onto complainants land or into her house on that land, including without limitation:

- a. taking all necessary pollution abatement measures to stop that discharge;
- b. performing an appropriate cleanup;
- c. reimbursing complainant's cleanup costs;
- d. changing its operations to cease and desist from the discharge;
- e. paying a civil penalty in an amount deemed appropriate by the board;
- f. finding that the respondent violated the board's judgment in *Traviseo v. Highland Hills Sanitary District*, case number PCB 79-72, by previously failing to, and continuing to fail to, cease and desist from causing sewer backups at the complainant's property, as ordered by the board in that proceeding.

WHEREFORE, complainant, SUSAN M. BRUCE, requests from the board the following

relief:

- a. Take all necessary pollution abatement measures to stop the discharge of effluent or sewage from its facilities onto complainant's property;
- b. Perform an appropriate cleanup;
- c. Reimburse complainant's cleanup costs;
- d. Change its operations to cease and desist from the discharge;
- e. Pay a civil penalty in an amount deemed appropriate by the board;
- f. Find that the respondent violated the board's judgment in *Traviseo v. Highland Hills Sanitary District*, case number PCB 79-72, by previously failing to, and continuing to fail to, cease and desist from causing sewer backups at the complainant's property, as ordered by the board in that proceeding; and
- g. For all other relief deemed appropriate under the circumstances.

Respectfully submitted,

HUCK BOUMA PC


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COUNSEL FOR THE COMPLAINANT

CERTIFICATE OF MAILING

I, Linda Koster, state as follows under penalty of perjury this SIXTH day of July 2015:

1. I filed this *Amended Complaint* by placing it in an envelope with proper postage prepaid and plainly addressed to State of Illinois, Clerk of the Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601.

2. I served this *Amended Complaint* by placing accurate copies of it in an envelope with proper postage prepaid and by certified mail, return receipt requested, and plainly addressed to Joseph R. Podlewski, Jr., Esq., Heidi E. Hanson, Esq., Podlewski & Hanson P.C., 4721 Franklin Avenue, Suite 1500, Western Springs, Illinois 60558.

3. I deposited the envelopes in the United States mail at Wheaton, Illinois on July 6, 2015.

4. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.


