

ILLINOIS POLLUTION CONTROL BOARD  
July 11, 1985

CITY OF SYCAMORE, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 83-172  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY )  
 )  
 Respondent. )

DISSENTING OPINION (by Messrs J.D. Dumelle and Walter Nega):

Our dissent is based upon the belief that it would have been better to have put the City of Sycamore under a variance with tight conditions and a performance bond than to deny the variance as the majority has done.

Sycamore spent large sums of money for sewer improvements. Evidently these improvements have not worked and litigation is ongoing. It is somewhat understandable that there have been some delays in curing the basement flooding problem. A construction defect might exist that is easily rectified, such as a blockage.

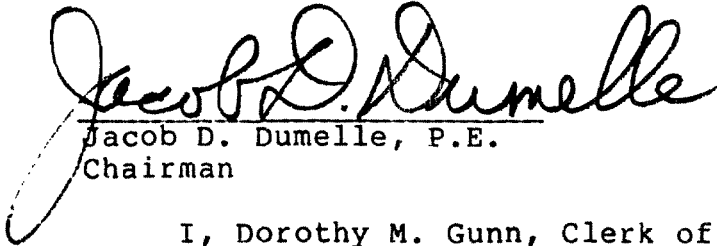
The crux of the problem is determining how to quickly prevent flooded basements with their attendant hazards of electrocution, drowning, waterborne disease, and property damage.

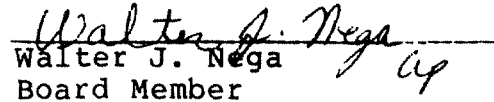
We would have done the following;

- a) Granted variance for the sewer bypass until August 1, 1986.
- b) Required that manhole covers subject to surface flooding (as determined by IEPA) be replaced with watertight covers by October 1, 1985. Note that the record speaks of live fish in the streets which is proof of overbank stream flooding (R 124-5).
- c) Infiltration and inflow studies on private property shall be done by October 1985. Smoke testing to determine roof downspouts connected to the sanitary sewer system can be quickly done using readily available summer help.
- d) All roof downspouts found connected to the sanitary sewer system shall be disconnected by December 1, 1985. This involves simple sheet metal work and installation of an elbow and a splash block.

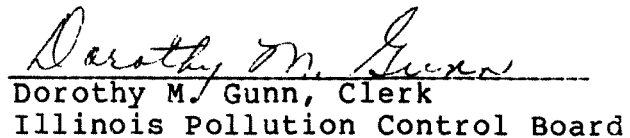
- e) A performance bond of \$10,000 shall be required to guarantee completion of items "b", "c", and "d" above by the dates shown.

Sycamore would have had the opportunity to accept or reject these variance conditions above. If it rejected them then the citizens would know that these simple, inexpensive, and positive steps were not being taken and they could demand action.

  
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Jacob D. Dumelle, P.E.  
Chairman

  
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Walter J. Nega  
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 16<sup>th</sup> day of July, 1985.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board