July 11, 1985

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

DISSENTING STATEMENT (by R. Flemal):

I share many of the views of the majority regarding Sycamore's failure to provide the full information necessary to warrant granting its requested variance. I further share the majority impression that Sycamore could have done much more towards addressing the fundamental problem of basement backups by reacting sooner and more forcefully to correct the inordinately high inflow and infiltration experienced by its sanitary sewer system; from the perspective of the City's administration, this is indeed a case of self-imposed hardship.

Finally, I share the majority view that bypassing raw sewage, however dilute, is a wholely inadequate remedy for the basement flooding problem. The flooding is plainly promoted by the combination of excessive I/I and inadequate ability to convey and treat the resultant sanitary sewer flows. It is in correcting these system deficiencies that the remedy to basement backups must lie. Sycamore needs to realize that it can neither maintain a faulty sanitary sewer system nor impose its problems upon downstream users of the river by bypassing.

Nevertheless, I must dissent from the majority order that no variance be granted, even for some short period to allow Sycamore to take the actions necessary to bring it into compliance. The hardship borne as a consequence of the majority's action is carried not so directly by the City, but by the portion of its citizens who actually experience backups. They require such protection from the City's failure to address its sanitary sewer problems as might be afforded by operation of the bypass.

The preferable method to both assure the citizens of Sycamore against perpetual backup problems and to provide environmental protection to the receiving waterway and its downstream users would seem to be to impose upon Sycamore a strict

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compliance program as a condition of granting the variance. That Sycamore would indeed fulfill the conditions of the variance could be insured by performance bond.

For these reasons, I dissent.

Ronald C. Flemal

Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Statement was submitted on the 15th day of July , 1985.

Dorothy M. Gunn, Clerk

Illinois Pollution Control