

ILLINOIS POLLUTION CONTROL BOARD  
March 11, 1976

MR. & MRS. WALLACE CARSON, ET. AL,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 75-434
	)	
	)	
CITY OF AURORA,	)	
	)	
Respondent.	)	

Mrs. Wallace Carson appeared pro se.

Mr. Philip C. Ruddy, Corporation Counsel, appeared on behalf of Respondent.

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

This matter comes before the Pollution Control Board (Board) upon the November 10, 1975, Complaint filed by Mr. & Mrs. Wallace Carson and twenty-four similarly situated citizens and residents of the City of Aurora, Illinois (Aurora). The Complaint alleges that Aurora has allowed infiltration and inflow to its combined sanitary sewer system so as to cause sewage back-up into Complainers' basements, thereby violating Rules 601 and 602 of the Water Regulations and Sections 12(a) and (b) of the Environmental Protection Act (Act). A hearing was held on January 16, 1976.

Aurora has a combined storm and sanitary sewer system which was built in the late 1800's. The area in question is the Broadway area and consists of the lower third of the system (R 24). In times of heavy rains, the entire system is under hydrostatic pressure (R 24). In dry weather conditions the system is between one-half to two-thirds full. When there is a heavy rain, the sewers back up (R 25).

Complainants testified that, with the exception of the last two rains, they have experienced sewer back-up each time it rained. These back ups have caused raw sewage to be deposited in Complainers'

basements (R 7). This problem has existed, at least, since the 1950's and certainly during the 1960's (R 17, 21). Overflow from the street has washed out one Complainant's garden (R 18). Aurora admits that there are apparently many illegal downspouts in the area. The City has sent 210 notices of possible downspout violations (City Exs. C and D).

Aurora has presented several methods of alleviating the problem. First, it intends to cut out roots in the sewer system. This would result in only a temporary alleviation of the back-up (R 40). After removing the roots, Aurora suggests that it monitor the line for velocity, direction and depth of flow (R 49). Aurora is meeting with the Sanitary District to discuss either the treating of overflows into the Fox River or separating the system (R 52). The only sure method of preventing the back-up would be to divide the system. This would cost between \$12 and \$15,000,000.00 and would take approximately 3 years to complete if funds were available (R 27, 54).

Two other temporary solutions were suggested. The first would be to install a larger inceptor along South Broadway. This would cost approximately \$1,000,000 (R 53). The second would be to collect the majority of storm water, and, via a new inlet system, run it over Mr. Conover's property to the Fox River, at a cost of \$35,000.00 (R 54-5).

Aurora has welded plates to partially cover the inlets so as to slow waterflow into the sewers (R 56). Aurora also states that individual citizens could install stand pipes and/or sewage ejector pumps to resolve the individual back-ups. However, this could cause their basements to buckle due to hydrostatic pressure (R 64).

The Board finds that Complainants have carried their burden and that the facts presented to the Board constitute violations of Rules 601 and 602(b) of the Water Regulations and Sections 12(a) and (b) of the Act. See Donaldson v. City of Elmhurst, 72-389, 9 PCB 681 (1973). However, the Board does not believe that any purpose would be served through the assessment of a penalty for these violations. The Board also finds that the information in the record is insufficient for the Board to determine the best course of action Aurora should take to cure the violations found, herein. The Board presumes that Aurora will diligently prosecute those persons having illegal downspouts and that Aurora will thoroughly investigate and implement a plan to alleviate the overflows and backups from its combined sewer system.

The Board will grant the relief sought by Complainant and will order Aurora to file status reports with the Agency every sixty days on its progress towards resolution of these problems, including the investigation of obtaining Federal and State grants.

This Opinion constitutes the Board's conclusions of law and findings of fact in this matter.

ORDER

1. The City of Aurora is found to have violated Rules 601 and 602(b) of the Water Regulations and Sections 12(a) and (b) of the Act.
2. The City of Aurora shall report to the Pollution Control Board, through the Agency, within sixty days from the date of this Order the status of its progress in abatement of storm water infiltrations and its program for termination of all illegal connections to sanitary sewers, together with all remedial action taken to improve its storm water sewers and to lessen the likelihood of overflow into sanitary sewers, its termination of cross-connection against recurrence of sewage back-up in the South Broadway Area.
3. The City of Aurora shall report all incidents of sewer back-up basements that have occurred during the intervening period and the reasons therefor.

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 11<sup>th</sup> day of March, 1976 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board