

ILLINOIS POLLUTION CONTROL BOARD  
November 15, 1979

JAMES P. GENTILCORE, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 79-74  
 )  
 LA GRANGE HIGHLANDS SANITARY )  
 DISTRICT, )  
 )  
 Respondent. )

MR. BLAIR BRAVERMAN and MR. BRUCE ENTMAN, OAK LAWN, ILLINOIS, appeared on behalf of Complainant.

MR. JOHN R. HIEBER, CHICAGO, ILLINOIS, appeared on behalf of Respondent.

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

The Complaint in this case alleges that Respondent violated Rules 601 (a) and 602 (b) of Chapter 3: Water Pollution by failing to adequately maintain sanitary sewer lines resulting in overflows of the sewers. A hearing was held on September 19, 1979 in La Grange Highlands, Illinois. Testimony of witnesses from both parties was heard.

Complainant indicated that sanitary sewer overflows occur during periods of rainfall causing sewage to back up into Complainant's home and yard. Testimony shows that the situation has existed since at least 1974 and that Respondent and the Illinois Environmental Protection Agency were both formally notified of Complainant's problem in 1976 (R. 6-8). Nothing has subsequently been done to alleviate the problem.

A witness for Respondent testified that investigation and remedial action dealing with the sanitary sewers in Respondent's district was begun in 1968. Federal funding of sewer system upgrading has been applied for to counter infiltration and inflow (R. 25, 42). However, a more immediate resolution of Complainant's problem was suggested through installation of a relief connection resulting in a redistribution or redirection of flow from Complainant's property. The estimated cost of the relief connection is \$7,000 and is not covered by a grant program. Bids are being taken for the work.

Rule 601 (a) of the Board's Water Rules expressly requires treatment works and associated facilities to be constructed and operated to minimize violations of applicable standards during flooding, adverse weather, power failure, equipment failure, or maintenance. Since the overflow

occurs repeatedly during periods of rain, it is clear that Respondent has not complied with the rule in minimizing violations during flooding or adverse weather. The Board finds the Respondent in violation of Rule 601 (a) of the Board's Water Rules.

Rule 602 (b) of the Water Rules expressly prohibits excess infiltration and overflows from sanitary sewers. Respondent has recognized the problems with its system and thus has instituted step one survey work in the federal funding procedures (R. 25). The overflow of raw sewage into Complainant's home caused by the excessive infiltration and inflow to the system is a clear violation of Rule 602 (b).

After review of the factors in Section 33 (c) of the Environmental Protection Act, the Board finds that the sewage overflow has seriously interfered with the health, general welfare and physical property of the people. Complainant's home has become a dangerous source of disease carrying bacteria and has become, at times, uninhabitable. Furthermore, sewage systems and sewage treatment facilities are of social and economic value only when properly functioning and adequately maintained.

The Board has examined the factors bearing on the technical practicability and economic reasonableness of reducing or eliminating the overflows. An immediate solution to the overflow has been suggested by Respondent. The Board finds this remedy acceptable and the costs for implementation of this plan not prohibitive. Although this measure may alleviate the problem in one section of Respondent's sewer system, Respondent should pursue a permanent solution to the problem through continued participation in the sewage system grant program.

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

ORDER


- 1). Respondent has violated Rules 601 (a) and 602 (b) of the Water Pollution Rules.
- 2). Within 30 days of the date of this Order, Respondent shall submit to the Agency the plan it intends to use in eliminating overflows on Complainant's property through utilization of bypasses, relief connections or any other effective means. A description of the work to be performed, an estimate of its cost and a schedule for completion shall be included in the plan. Within 30 days of the date the report is submitted, the Agency shall respond as to its approval or disapproval of the plan.

- 3). Respondent shall begin implementing the plan described in 2) above as soon as Agency approval is given.

IT IS SO ORDERED.

Mr. Goodman abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 15<sup>th</sup> day of November, 1979 by a vote of 3-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board