

# The Madison St. Clair Record

<http://www.madisonrecord.com>

## Mascoutah home owners sue city for sewer backup

Monday, November 19, 2007

By Ann Knef (eaknef@gmail.com)

A Mascoutah couple claims the city's failure to maintain its sewage system and lift station caused raw sewage to back up into their basement on four separate occasions within six months.

Richard and Jill Butler, who reside at 1120 Linden Pl., are seeking in excess of \$50,000 in damages in a lawsuit filed in St. Clair County Circuit Court Nov. 14.

After the first backup incident on Dec. 1, 2006, in which sewage came in through a basement floor drain, the Butlers claim they notified the city manager Terry Draper who informed them the city would look into the problem.

"That on or about December 31, 2006, sewage again began filling into Plaintiffs' basement, this time through a toilet as the floor drain was plugged at the suggestion of Mr. Draper after the prior backup, ruining several personal items," the complaint states.

The Butlers are represented by Andrew K. Carruthers of Blake & Allen in Belleville.

According to the complaint, the Butlers again notified the city and "were told by Mr. Draper that the city was going to look into the problem with department personnel."

After the third backup occurred on Jan. 10, the Butlers learned that that a temporary, undersized pump was being used at a lift station because the original pump was being repaired. Because the replacement pump could not handle its load, the control circuit fuse was regularly blowing out, the suit claims.

"That when pump's control circuit fuse would blow out, not only would the pump cease to operate, but also the alarm system that informs city officials when sewage water is rising to unacceptable levels," the complaint states.

The Butlers claim they were once again assured that the pump and motor had been replaced on Jan. 25.

On May 27, the fourth and worst overflow occurred when sewage backed up in the Butlers' basement when they were out of town, the suit claims. The Butlers discovered the backup on May 28.

"That the stench from the basement being flooded with raw sewage rendered the entire home temporarily uninhabitable, forcing Plaintiffs' family into a hotel," the complaint states.

According to the complaint, the city failed to notify the Illinois Environmental Protection Agency (IEPA) about the backups in violation of state statute.

The Butlers also allege the city violated the law by replacing a suction lift pump station without a construction permit from the IEPA.

---

Ann Knef