

FILE COPY

IN THE

Supreme Court of the United States

STATE OF WISCONSIN, MINNESOTA,
OHIO AND PENNSYLVANIA,

Complainants,

vs.

STATE OF ILLINOIS and THE SANITARY
DISTRICT OF CHICAGO,

Defendants,

STATE OF MISSOURI, KENTUCKY, TEN-
NESSEE, LOUISIANA, MISSISSIPPI, and
ARKANSAS,

Intervening Defendants.

STATE OF MICHIGAN,

Complainant,

vs.

STATE OF ILLINOIS and THE SANITARY
DISTRICT OF CHICAGO, et al,

Defendants.

STATE OF NEW YORK,

Complainants,

vs.

STATE OF ILLINOIS and THE SANITARY
DISTRICT OF CHICAGO, et al,

Defendants.

No. 5,
Original.

No. 8,
Original.

No. 9,
Original.

SUPPLEMENTAL REPORT OF DEFENDANTS RELATIVE TO
MODIFICATION IN SEQUENCE OF CONSTRUCTION PRO-
GRAM PROCEDURE.

May 23, 1934

IN THE
Supreme Court of the United States

Nos. 5, 8 AND 9, ORIGINAL.

**STATE OF WISCONSIN, MINNESOTA,
OHIO AND PENNSYLVANIA,**

Complainants,

vs.

**STATE OF ILLINOIS and THE SANITARY
DISTRICT OF CHICAGO,**

Defendants,

No. 5,
Original.

**STATE OF MISSOURI, KENTUCKY, TEN-
NESSEE, LOUISIANA, MISSISSIPPI, and
ARKANSAS,**

Intervening Defendants.

STATE OF MICHIGAN,

Complainant,

vs.

**STATE OF ILLINOIS and THE SANITARY
DISTRICT OF CHICAGO, et al,**

Defendants.

No. 8,
Original.

STATE OF NEW YORK,

Complainants,

vs.

**STATE OF ILLINOIS and THE SANITARY
DISTRICT OF CHICAGO, et al,**

Defendants.

No. 9,
Original.

**SUPPLEMENTAL REPORT OF DEFENDANTS RELATIVE
TO MODIFICATION IN SEQUENCE OF CONSTRUCTION
PROGRAM PROCEDURE.**

*To the Honorable, the Chief Justice and Associate
Justices of the Supreme Court of the United States:*

Now come the STATE OF ILLINOIS and THE SAN-
ITARY DISTRICT OF CHICAGO, a public municipal
corporation, by Otto Kerner, Attorney General of Illi-

nois, Cornelius Lynde, Special Assistant Attorney General, William Rothman, Joseph B. Fleming, James Hamilton Lewis and Lawrence J. Fenlon, their solicitors, and submit this supplemental report, relative to a modification in sequence of procedure on the construction program heretofore presented to this court, which program was designed to enable defendants to accept the reduction in diversion of water from Lake Michigan through the Drainage Canal as heretofore decreed by the court on April 21, 1930, (281 U. S. 696, 74 L. ed. 1123, 50 S. Ct. 331) said amount of diversion, in addition to domestic pumpage, to be as follows:

6500 cu. ft. per sec. on and after July 1, 1930

5000 cu. ft. per sec. on and after Dec. 31, 1935

1500 cu. ft. per sec. on and after Dec. 31, 1938

The program presented to the Court in 1929 by the Special Master on Re-Reference contemplated, among other things, (1) completion of the West Side Sewage Treatment Works on or before December 31, 1935, to provide for complete treatment of the area served by said West Side Sewage Treatment Works and (2) completion of the Southwest Side Sewage Treatment Works on or before December 31, 1938. The aforesaid plants when completed were to attain not less than an average of 85% purification of the sewage treated.

On July 1, 1933, the Sanitary District reported to the Court that improvements in the method of sewage sludge disposal had made possible the combining of the proposed West Side and Southwest Side Sewage Treatment Plants on the original site for the west side plant. These two combined plants have since been referred to as the West-Southwest Sewage Treatment Plant.

As heretofore reported to the Court, in the Semi-Annual Report of January 1, 1934, the Sanitary District of

Chicago, in June, 1933, under the provisions of the National Industrial Recovery Act, made application to the Federal Emergency Administration of Public Works, for allocation of a Loan and Grant amounting to \$120,000,000 to finance the uncompleted work remaining to be performed under the construction program as recommended by the Special Master on Re-Reference. After extended negotiations with the Public Works Administration over a period of several months, the Sanitary District was advised in November, 1933, that the policy of the Public Works Administration limited allocations of the available funds to work which could reasonably be completed in approximately two years, and that an application would be considered for only such works as could be completed within that time. In pursuance of this policy The Sanitary District of Chicago filed sub-applications for an allocation of the necessary funds to finance that part of the construction program, heretofore presented to the Court, which could be completed within the calendar period of two and one-half years. These sub-applications, as the Court has previously been advised in the semi-annual report of the defendants, resulted in the purchase by the Government of bonds of the Sanitary District in the principal amount of \$41,938,000 to be used to complete certain contracts already in existence, plus certain additional work necessary to complete the West Side Intercepting Sewer, the Calumet Treatment Works Extension and certain collateral sewers, and also to build that portion of the West-Southwest Sewage Treatment Plant required to provide complete treatment for the sewage from the West Side area. The amount allocated for this portion of the West-Southwest Sewage Treatment Plant was \$21,646,000.

As heretofore reported to the Court in the Semi-annual report filed January 1, 1934, the contract with the Government for the purchase and sale of the bonds to finance the work above described provided, that before the Sanitary District would let contracts for any part of the West-Southwest Sewage Treatment Plant embraced in its application, a survey was to be made by an Engineering Board to be appointed by the Government to make a study of the West-Southwest Sewage Treatment Project and report its recommendations in the premises.

In accordance with the foregoing provision an Engineering Board of Review was appointed by the Federal Emergency Administrator of Public Works. This Board after a careful and detailed review extending over a period of three months completed its survey, rendered its report to the Federal Emergency Administrator of Public Works and said report was approved by the Administrator on May 10th, 1934. This report recommends a change in the order of procedure on the construction program heretofore presented to the Supreme Court. A copy entitled "Report of The Board of Engineers appointed by the Hon. Harold L. Ickes, Administrator Federal Emergency Administration of Public Works, To Review The Plans and Specifications Prepared By The Sanitary District of Chicago For Certain Sewage Treatment Work at the West-Southwest Site," is attached to the original petition hereto, marked Exhibit "A." The Engineering Board recommends that the finances obtained from the Government be used to build at once the Southwest Side Intercepting Sewer and a complete treatment works for the Southwest Side area, and that the final step in the program be to supplement the existing partial treatment at the West Side Works with complete treatment.

This construction program as recommended by the Board of Review when completed will provide treatment at least to a partial degree of sewage from all the important areas which affect the question of diversion embraced within The Sanitary District of Chicago.

Attached hereto is a map entitled "The Sanitary District of Chicago Map Indicating Proposed Modification of Order of Construction Procedure May, 1934," marked Exhibit "B," showing the locations of the proposed West-Southwest Treatment Works with the additional intercepting sewers that are to be built indicated in red. This map shows that these additional Southwest Side sewers will complete the interception of all sewers discharging into the Chicago River throughout its entire length extending from its mouth to the site of the treatment works, a distance of approximately eleven miles, thus removing practically all sewage pollution from the Chicago River, except that produced by storm overflows. The Sanitary District will therefore be placed in a safer position in accepting the reduction in diversion on December 31, 1935, than it would be if the original construction program were followed.

The modification in the program recommended by the Engineering Board of Review, appointed by the Federal Emergency Administrator of Public Works in accordance with the Agreement between the Government and the Sanitary District, in which the defendants concur, provides that a main interceptor, a pumping station and a treatment plant be constructed immediately for the collection and treatment of the sewage from the Southwest Side area instead of now building a plant to supplement the existing West Side Sewage Treatment Works, for the reason that such procedure will provide, (a) the immediate purification of the Southwest Side Sewage

and, (b) permit time for further investigation as to the best method of supplementing the West Side Imhoff tank plant, and (c) provide added protection against pollution of the lake water supply in the event of reversal of the Chicago River.

The defendants approve the recommendations of the Engineering Board of Review that the present available funds provided by the Government be used to finance the immediate construction of the intercepting sewers, pumping station, treatment plant and other necessary appurtenances for the Southwest Side area, and respectfully report that the sequence of procedure in the construction program heretofore presented to the Court, will be modified to the extent that the defendants will proceed immediately with the construction of the complete treatment plant, with the Intercepting Sewer System, pumping station and the other necessary appurtenances for the complete treatment of sewage from the Southwest Side area to be followed by supplementing, as a final step, the existing partial treatment of the sewage now provided for the West Side area.

The defendants further respectfully represent that this change in the sequence of procedure recommended by the Engineering Board of Review and by the defendants will not retard, but in the opinion of the defendants and in that of the Engineering Board of Review, will improve conditions and expedite the performance of the decree.

Respectfully submitted,

STATE OF ILLINOIS,

By OTTO KERNER,

Attorney General of Illinois.

CORNELIUS LYNDE,

Special Assistant Attorney General.

THE SANITARY DISTRICT OF CHICAGO.

By THOMAS J. BOWLER,

Its President.

PHILIP HARRINGTON,

Its Chief Engineer.

WILLIAM ROTHMANN,

JOSEPH B. FLEMING,

JAMES HAMILTON LEWIS,

LAWRENCE J. FENLON,

*Solicitors for the Sanitary
District of Chicago.*

Attest:

JAMES J. SULLIVAN,
Clerk.

THE SANITARY DISTRICT OF CHICAGO MAP

INDICATING PROPOSED MODIFICATION
OF ORDER OF
CONSTRUCTION PROCEDURE

Chicago, Ill. May 1934.

Scale: 1"=1 Mile

LEGEND

- Completed Sanitary District Sewers and Plants.
- Calumet and West Side Projects under Construction.
- Southwest Projects Proposed for Immediate Construction.
- City of Chicago Sewers, Southwest Side.

EXHIBIT B

