



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO ATTENTION OF
ECW-15J

VIA ELECTRONIC MAIL

Mayor Curtis McCall Sr.
City of Cahokia Heights
103 Main Street
Cahokia, Illinois 62206
rwilliams@centownil.com

Subject: Administrative Order on Consent Regarding Alleged Violations of the Clean Water Act

Dear Mayor McCall:

Enclosed please find the fully-executed Administrative Order on Consent (“AOC”) to address alleged Clean Water Act (“CWA”) violations that the U.S. Environmental Protection Agency has identified as a result of its ongoing investigation of sanitary sewer overflows (“SSOs”) in the City of Cahokia Heights (“City”). The effective date of the AOC is the date the AOC was signed by EPA. Please note that the AOC sets out early actions to eliminate chronic dry-weather SSOs. The City remains responsible for implementing all such compliance measures.

Thank you for your efforts to bring the City into compliance with the CWA. If you have any questions or concerns, please contact Dean Maraldo of my staff at (312) 353-2098 or maraldo.dean@epa.gov, or your legal counsel may contact Deborah Carlson at (312) 353-6121, or carlson.deborahA@epa.gov.

We look forward to receiving your response.

Sincerely,

Harris,
Michael

Digitally signed by Harris,
Michael
Date: 2021.08.16
09:58:46 -05'00'

Michael D. Harris
Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Rory Morgan, City of Cahokia Heights [rmorgan@cahokiaininois.org]
Mark Scoggins, Crowder & Scoggins Ltd. [MScoggins@CrowderScoggins.com]
Dennis Traiteur, City of Cahokia Heights[commonfields@sbcglobal.net]

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONS**

In the Matter of:)
)
City of Cahokia Heights,) **Administrative Order on Consent**
) **Under Section 309(a) of the Clean Water**
Respondent.) **Act, 33 U.S.C. § 1319(a)**
)
)
)

I. INTRODUCTION

1. The U.S. Environmental Protection Agency ("EPA") makes the findings of fact set forth below (Section IV) and is issuing this Administrative Order on Consent ("Order on Consent" or "Order") to the City of Cahokia Heights ("Respondent") under the authority of Section 309(a) of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. § 1319(a). The Administrator of EPA has delegated the authority to issue such orders to the Regional Administrator of EPA Region 5, who has redelegated this authority to the Director of the Enforcement and Compliance Assurance Division, EPA, Region 5.
2. This Order is mutually entered into by EPA and Respondent.
3. Respondent owns and operates the Sanitary Sewer System located in the City of Cahokia Heights, Illinois. The Sanitary Sewer System was formerly owned and operated individually by the Village of Cahokia, City of Centreville, and the Village of Alorton prior to the merger of those entities into the City of Cahokia Heights on May 6, 2021. Commonfields of Cahokia Public Water District had previously operated portions of the sanitary_sewer collection system but upon the merger of the above referenced municipal entities, it no longer operates any portion of the collection system.
4. As further described below, EPA alleges that Respondent violated Section 301(a) of the CWA, 33 U.S.C. § 1311(a), by discharging a pollutant or pollutants into the navigable waters from a point source without a permit to do so.
5. By entering into this Order, Respondent: (1) consents to EPA's authority to issue this Order; (2) neither admits nor denies the factual allegations as set forth in this Order; (3) agrees to undertake all actions required by the terms and conditions of this Order; (4) agrees not to contest the authority of EPA to issue this Order or the validity of any terms or conditions in this Order; and (5) waives otherwise available rights to judicial review of this Order under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

II. STATUTORY AUTHORITY

6. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person except, *inter alia*, in compliance with an NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
7. Section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3), provides that, whenever EPA finds that any person is in violation of requirements of, *inter alia*, Sections 301, 308, or 402 of the CWA, 33 U.S.C. §§ 1311, 1318, 1342, or is in violation of any condition or limitation that implements those sections in an NPDES permit, EPA shall issue an order requiring such person to comply with such requirements, conditions, or limitations. Section 309(a)(5) of the CWA, 33 U.S.C. § 1319(a)(5), requires that any such order shall specify a time for compliance that EPA determines to be reasonable taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

III. DEFINITIONS

8. All terms used, but not defined, in this Order have the meanings provided to them in the CWA, 33 U.S.C. § 1251 *et seq.*, and the effective EPA regulations promulgated under the CWA.
9. "Act" or "CWA" means the Clean Water Act, 33 U.S.C. § 1251 *et seq.*
10. "Backups" or "Building/Property Backups" means any release of wastewater onto public or private property that is caused by blockages or other conditions in the Sanitary Sewer System. Such releases can include, but are not limited to, those that occur in basements, toilets, bathtubs and yards and do not include, for the purposes of this Order, backups resulting solely from a private property owner's or operator's private lateral blockage.
11. "Commonfields" means the former Commonfields of Cahokia Public Water District. Commonfields was dissolved on May 6, 2021.
12. "Day" or "days" means a calendar day or calendar days unless expressly stated to be a business day. When computing any period of time under this Order, should the last day fall on a Saturday, Sunday, or federal holiday, the period shall run until the close of business of the next business day.
13. "Discharge of a pollutant," as defined in Section 502(12) of the CWA, means *inter alia*, "any addition of any pollutant to navigable waters from any point source." 33 U.S.C. § 1362(12).
14. "Effective Date" has the definition provided in Section VIII of this Order.
15. "EPA" means the United States Environmental Protection Agency.

16. "Infiltration and inflow" or "1/1" means the total quantity of water from both infiltration and inflow without distinguishing the source.
17. "Infiltration" means the water entering a sewer system and service connections from the ground, through such means as, but not limited to: defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.
18. "Inflow" means the water discharged into a sewer system, including service connections, from such sources as, but not limited to: roof leaders; cellar, yard and area drains; foundation drains; cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm sewers and combined sewers; catch basins; storm waters; surface run-off; street wash waters or drainage. Inflow does not include, and is distinguished from, infiltration.
19. "Navigable waters," as defined in Section 502(7) of the CWA, means "the waters of the United States, including the territorial seas." 33 U.S.C. § 1362(7). In turn, "waters of the United States," as defined in 40 C.F.R. § 120.2 (2020), includes waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, and tributaries to such waters.
20. "Order on Consent" and "Order" means this document, all attachments hereto, and all subsequent modifications thereto, including incorporated submissions from Respondent, as described in Paragraph 61.
21. "Paragraph" means a portion of this Order identified by an Arabic numeral.
22. "Parties" means the EPA and Respondent.
23. "Person," as defined in Section 502(5) of the CWA, means an "individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body." 33 U.S.C. § 1362(5).
24. "Point source," as defined in Section 502(14) of the CWA, means "any discernible, confined and discrete conveyance, including but not limited to any pipe [or] ditch ... from which pollutants are or may be discharged." 33 U.S.C. § 1362(14).
25. "Pollutant," as defined in Section 502(6) of the CWA, means "dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water." 33 U.S.C. § 1362(6).
26. "Respondent" means the City of Cahokia Heights, which resulted from a merger of the Village of Cahokia, City of Centreville, and the Village of Alorton.

27. "Sanitary Sewer System" means all portions of Respondent's sewer system (including all pipes, force mains, gravity sewer segments, overflow structures, regulators, pump stations, lift stations, manholes, and components thereof), designed and constructed to collect and convey only sewage, and not storm water, from residences, commercial buildings, industrial plants, and institutions for treatment at a regional wastewater treatment plant.
28. "Sanitary sewer overflow" or "SSO" means any discharge from the sanitary sewer system prior to reaching the Wastewater Treatment Plant.
29. "State" means the State of Illinois.
30. "Illinois EPA" means the Illinois Environmental Protection Agency and any successor departments, agencies, or instrumentalities of the State.
31. "Wastewater Treatment Plant" means the American Bottoms Regional Wastewater Treatment Plant (NPDES Permit # IL0065 1 45), located at 1 American Bottoms Road, Sauget, IL 62201 and all components of such sewage treatment plant.
32. "Work" means any and all activities Respondent is required to undertake and accomplish to achieve compliance under this Order.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

33. Respondent owns and operates the Sanitary Sewer System that collects sanitary wastewater in the City of Cahokia Heights ("City") and transports it for treatment. The City's wastewater is conveyed either directly to the Wastewater Treatment Plant or conveyed through the City of East Saint Louis sanitary sewer collection system which also conveys sewage to the Wastewater Treatment Plant, which discharges through outfalls to the Mississippi River.
34. Respondent is a municipality chartered under the laws of the State of Illinois, and, as such, is a "municipality" and a "person" as those terms are defined in Section 502(4) and (5) of the CWA, 33 U.S.C. § 1362(4) and (5), and 40 C.F.R. § 122.2.
35. On January 26, 2021, an EPA inspector observed an SSO from a sanitary sewer clean out pipe in front of a residence on N 82nd Street ("N 82nd St. Clean Out Pipe") in the City. The inspector noted toilet paper debris in the ditch receiving the sewage and a strong sewage odor, and observed the sewage discharging into a ditch running along the front of the residence and then west toward the residence's backyard continuing to the twin culverts under N 80th Street. The twin culverts discharge to Canal #1. On the same day, an EPA inspector also observed an SSO from a lift station in the vicinity of Lauralee Drive (known as Lift Station #22 by the former Commonfields). The inspector also observed evidence of poor operations and maintenance practices, including rerouting of sanitary sewage around lift stations with temporary pipes and hoses, missing manhole and lift station covers, and an unsecured lift station. The EPA inspector observed the January 26, 2021 SSOs during dry-

weather conditions. The EPA inspector documented the SSO observations, along with evidence of poor operations and maintenance practices in EPA's February 5, 2021 inspection report provided to Respondent on February 5, 2021.

36. On February 24, 2021, EPA inspectors observed evidence of poor operations and maintenance practices throughout the part of the Sanitary Sewer System operated by Commonfields, including rerouting of sewage flow around lift stations, unsecured lift stations, missing manhole and lift station covers, and the poor condition of numerous lift stations. EPA inspectors again observed an SSO from the N 82nd St. Clean Out Pipe. The inspectors noted toilet paper debris in the ditch receiving the sewage and collected a sample of the SSO from the N 82nd St. Clean Out Pipe. The sample results later confirmed the presence of fecal coliform at a concentration of 19,400 MPN/100 mL. EPA inspectors also followed the flow of sewage into the ditch running along the front of the residence and then west toward the residence's backyard continuing to the twin culverts under N 80th St. to Canal #1. EPA inspectors observed the SSO during dry-weather conditions. EPA inspectors documented the SSO observations, along with evidence of poor operations and maintenance practices, in EPA's March 22, 2021 inspection report provided to Respondent on March 23, 2021.
37. On March 31, 2021, EPA inspectors again observed an SSO from the N 82nd St. Clean Out Pipe. The inspectors noted toilet paper debris in the ditch receiving the sewage and a strong sewage odor. EPA inspectors followed the flow of sewage into the ditch running along the front of the residence and then west toward the residence's backyard. EPA inspectors also observed this SSO discharging on April 1, 2021 and April 2, 2021. EPA inspectors observed the March 31, April 1, and April 2, 2021 SSOs during dry-weather conditions and documented the observations, along with evidence of poor operations and maintenance practices, in EPA's April 27, 2021 inspection report, provided to Respondent on April 28, 2021.
38. On April 1, 2021, EPA inspectors observed an SSO from a lift station in the vicinity of Pocket Road and Missouri Avenue (known as Lift Station #5 by the former City of Centreville). The inspectors observed sewage flowing from the pipe in the lift station and pooling around the lift station and discharging into a wet low-lying area. EPA inspectors also observed poor operations and maintenance practices in portions of the Sanitary Sewer System including inoperable lift stations requiring rerouting of sewage flow and numerous unsecured lift stations. On both April 21, 2021, and April 23, 2021, EPA inspectors observed SSOs from Lift Station #5. EPA inspectors observed the April 1, April 21, and April 23, 2021 SSOs during dry-weather conditions and documented the observations, along with evidence of poor operations and maintenance practices, in EPA's May 6, 2021 inspection report provided to Respondent on May 6, 2021.
39. On February 26, 2021, EPA sent an information request, under Section 308(a) of the CWA, 33 U.S.C. § 1318(a) to Commonfields. The request required Commonfields to submit certain information about its sanitary sewer collection system in the former City of Centreville

including, among other things, copies of SSO and backup-related complaints and work orders since January 1, 2016. Records of SSOs, backup complaints and work orders submitted in response to the information request document 257 SSOs and backups since January 1, 2016, from 139 locations in the portion of the City of Cahokia Heights Sanitary Sewer System formerly operated by Commonfields.

40. EPA inspections and records of SSOs, backup complaints and work orders obtained from Commonfields and Respondent, documented 28 SSOs at the N 82nd St. Clean Out Pipe from January 26, 2021 to July 27, 2021.
41. The N 82nd St. Clean Out Pipe is a "point source," as defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14).
42. Fecal coliform bacteria and sewage are "pollutants," as defined in Section 502(6) of the CWA, 33 U.S.C. § 1362(6).
43. Each discharge described in Paragraphs 35, 36, 37, 39 and 40 are a "discharge of a pollutant," as defined in Section 502(12) of the CWA, 33 U.S.C. § 1362(12).
44. Prairie Du Pont Creek and the Mississippi River are "navigable waters" within the meaning of Section 502 of the CWA, 33 U.S.C. § 1362(7), and "waters of the United States" within the meaning of 40 C.F.R. § 120.2 (1993, 2020).
45. During the time period described in Paragraphs 35, 36, 37, and 40, the N 82nd St. Clean Out Pipe, a point source, "discharged" "pollutants" to a ditch that flows to Canal #1, which flows into Harding Ditch, and from there flows to perennial Prairie Du Pont Creek, a water of the United States, which flows to the Mississippi River, a traditional Navigable Water.
46. During all times relevant to this Order, Respondent did not apply for and was not issued an NPDES Permit under Section 402 of the CWA, 33 U.S.C. § 1342, authorizing the discharge of pollutants from the sewer clean out pipe identified above.
47. Respondent is a person who discharged pollutants from a point source into navigable waters, without a permit authorizing such discharges under Section 402 of the CWA, 33 U.S.C. § 1342. Accordingly, each instance in which Respondent discharged pollutants to navigable waters without a permit authorizing such discharges, is a violation of Section 301 of the CWA, 33 U.S.C. § 1311.

V. ORDER ON CONSENT

48. Based on the foregoing findings and the authority vested in the undersigned Director, Enforcement and Compliance Assurance Division, it is hereby ordered in accordance with Section 309(a) of the CWA, 33 U.S.C. § 1319(a), that Respondent comply with the following actions:

- A. Proper operations and maintenance {"O&M"}:
- a. Capacity, Management, Operation and Maintenance {CMOM} program: Within 180 days of the effective date of this Order, submit to EPA for review and approval an updated comprehensive Capacity, Management, Operation and Maintenance ("CMOM") program for the City of Cahokia Heights sewer collection system, including a completion of the Continuing Sewer Assessment Plan, as defined in the EPA's Guide for Evaluating CMOM Programs at Sanitary Sewer Collection Systems, EPA 305-B-05-002 (January 2005). Respondent shall update its CMOM program one year after the required initial submission date, based on the findings of the investigations and inspections required by Subparagraph 48.A.b, 48.B., and 48.D.
 - b. Interim O&M Actions: Complete the following O&M actions:
 1. Within 90 days of the Effective Date, train all City sewer staff regarding inspection of City lift stations and lift station bypass stations;
 11. Within 120 days of the Effective Date, inspect all City lift stations and temporary lift station bypass stations and submit to EPA a condition status report including date of inspection; name of inspector; operational condition of wet wells, pumps, valve vaults, and controls; and signs of damage;
 111. Within 120 days of the Effective Date, address conditions with the potential to cause accidental injury to workers and residents at City lift stations and temporary lift station bypass stations, including unsecured or uncovered manholes and vaults, and open electrical panels;
 - 1v. Within 120 days of the Effective Date, submit to EPA for review and approval a routine inspection and maintenance plan for lift station and temporary lift station bypass stations, including standard operating procedures for operation, maintenance, and inspection of the lift stations and temporary lift station bypass stations, and example(s) of the written inspection forms/checklists to be used to document each inspection; and
 - v. Within 120 days of the Effective Date, submit to EPA for review and approval an interim plan to manage and track the following:
 1. work orders based on complaints received;
 2. scheduled work orders;
 3. scheduled preventative maintenance;
 4. safety incidents; and
 5. overflows and backups from lift stations, pipes and hoses used to temporarily reroute flow around lift stations or compromised sewers, manholes, cleanouts, and any other location or equipment in the City's Sanitary Sewer System;
 - v1. Within 120 days of the Effective Date, complete an assessment of the appropriate number of sanitary sewer staff needed across all job categories (e.g., foreman, mechanic, laborer, etc.) and across all parts of the City' Sanitary Sewer System and the level of expertise and licensing required for each position; and

- v11. Within 180 days of the Effective Date, provide training to City sewer staff regarding routine inspection and maintenance of City lift stations based on the plan and procedures developed under subparagraph Ab.iv of this Paragraph.
- vu1. Within 180 days of the Effective Date, based on the assessment performed according to subparagraph Ab.vi of this Paragraph, establish and maintain appropriate levels of sanitary sewer staffing across all job categories (e.g., foreman, mechanic, laborer, etc.) and across all geographic areas of the City's system, to properly operate and maintain the City's sewer collection system and associated lift stations.

B. Targeted Dry-Weather SSO Investigation: Within 30 days of the Effective Date, Respondent shall submit a "Targeted Dry-Weather SSO Investigation Plan" to identify and better understand the causes of dry-weather SSOs at the following areas (collectively referred to as the "Targeted Dry-Weather SSO areas"):

- N 82nd St. Clean Out Pipe;
 - Lift station identified as Lift Station #22 by the former Commonfields; and
 - Lift station identified as Lift Station #5 by the former City of Centreville.
- a. The Targeted Dry-Weather SSO Investigation Plan will utilize typical industry standards (including "Existing Sewer Evaluation & Rehabilitation," Water Environment Federation (WEF) Manual of Practice FD-6, ASCE Manual and Report on Engineering Practice No. 62 and "Prevention and Control of Sewer System Overflows," WEC Manual of Practice FD-17) and will also include, at a minimum, the following components:
 - i. Flow monitoring, at a minimum, at key collection system locations within the Targeted Dry-Weather SSO areas;
 - ii. Cleaning and televising publicly-owned sewers in the vicinity of each Targeted Dry-Weather SSO area that may have high infiltration and/or compromised integrity (e.g. collapse, root intrusion, etc.) and developing estimated rates of infiltration and/or flow restrictions for each of these sewer lengths;
 - iii. Visual inspection of pipes and manholes; and
 - iv. Additional investigative tasks, as necessary, such as smoke testing, and dye testing;
 - v. Documenting and maintaining records of each of the activities above; and
 - vi. Detailed schedule, with milestones, to complete the Targeted Dry-Weather SSO Investigation.
 - b. EPA will approve, approve with comments or disapprove the Targeted Dry-Weather SSO Investigation Plan. If EPA, in consultation with Illinois EPA, determines that any part of the Targeted Dry-Weather SSO Investigation Plan is unacceptable, EPA will notify Respondent. Respondent must revise the Targeted Dry-Weather SSO Investigation Plan, incorporating EPA's comments, within 30 days of the date of the notification from EPA.
 - c. Respondent shall complete the Targeted Dry-Weather SSO Investigation within 90 days of EPA's approval of the Targeted Dry-Weather SSO Investigation Plan.

- C. Elimination of known dry-weather SSOs: Within 60 days of completion of the Targeted Dry-Weather SSO Investigation, Respondent shall submit a "Targeted Dry-Weather SSO Corrective Action Plan" to eliminate dry-weather SSOs at the Targeted Dry-Weather SSO areas.
- a. The Plan shall include:
 1. A description of each technically feasible alternative considered to eliminate SSOs from occurring from the Targeted Dry-Weather SSO areas;
 - ii. Identification of the proposed selected alternative for each Targeted Dry-Weather SSO area; and
 - iii. Detailed schedules, milestones and cost estimates for each alternative to eliminate SSOs from occurring from Targeted Dry-Weather SSO areas.
 - b. EPA will approve, approve with comments or disapprove the Targeted Dry-Weather SSO Corrective Action Plan. If EPA, in consultation with Illinois EPA, determines that any part of the Targeted Dry-Weather SSO Corrective Action Plan is unacceptable, EPA will notify Respondent. Respondent must revise the Targeted Dry-Weather SSO Corrective Action Plan, incorporating EPA's comments, within 30 days of the date of the notification from EPA.
 - c. Respondent shall implement the EPA-approved Targeted Dry-Weather SSO Corrective Action Plan alternative in accordance with the approved schedule and milestones.
- D. Wet-Weather SSO Investigation Plan: Within 12 months of the Effective Date, Respondent shall submit a "Wet-Weather SSO Investigation Plan" to identify and better understand the causes of Wet-Weather SSOs, lift station failures, and backups.
- a. The Wet-Weather SSO Investigation Plan will utilize typical industry standards (including "Existing Sewer Evaluation & Rehabilitation," Water Environment Federation (WEF) Manual of Practice FD-6, ASCE Manual and Report on Engineering Practice No. 62 and "Prevention and Control of Sewer System Overflows," WEC Manual of Practice FD-17) and will also include, at a minimum, the following components:
 - i. Flow monitoring, at a minimum, at key collection system locations within SSO areas;
 - ii. Cleaning and televising publicly-owned sewers in the vicinity of each SSO area that may have high infiltration and/or compromised integrity (e.g. collapse, root intrusion, etc.) and developing estimated rates of infiltration and/or flow restrictions for each of these sewer lengths;
 - iii. Visual inspection of pipes and manholes;
 - iv. Additional investigative tasks, as necessary, such as smoke testing, and dye testing;
 - v. Identification of sources of clear water entry into the sewer system, and their estimated levels of contribution of clear water;

- vi. Identification of areas with compromised sewers (*e.g.* collapsed, root intrusion, etc.), and the estimated percentage of flow restriction;
 - vii. Documenting and maintaining records of each of the activities above; and
 - viii. Detailed schedules, milestones and cost estimates to complete the above tasks.
- b. EPA will approve, approve with comments or disapprove the Wet-Weather SSO Investigation Plan. If EPA, in consultation with Illinois EPA, determines that any part of the Wet-Weather SSO Investigation Plan is unacceptable, EPA will notify Respondent. Respondent must revise the Wet-Weather SSO Investigation Plan, incorporating EPA's comments, within 30 days of the date of the notification from EPA.

VI. DOCUMENTATION AND SUBMISSIONS

49. Respondent must submit a status report to EPA within 30 days of the end of each calendar-year quarter (*i.e.*, by January 31, April 30, July 31, and October 31), until Respondent submits the final report and certification of completion pursuant to Paragraph 74 below. The first status report will be due within 30 days of completion of the first full quarter after the effective date of this Order. Each status report must include: (a) a description of the actions that have been taken toward achieving compliance with this Order during the previous quarter including an assessment of the milestones due, whether they were met, and, if not, what actions taken or planned to meet the milestones, the timeline for meeting those milestones, and any impact on future milestones; (b) an assessment of the effectiveness of such actions in preventing SSOs and backups; (c) a summary of all SSOs and backups that occurred during the previous quarter; and (d) an analysis of the cause of each SSO and backup. The summary of SSOs and backups must include: the SSO general location (*e.g.*, nearest cross street, without including references to home or business addresses), number of SSOs from that SSO location in the calendar year, volume of all activations (in gallons), area of the City and the feature(s) receiving the SSO discharge (*e.g.*, absorbed into soil, surface water, ditch, storm sewer, basement back-up, etc.) Respondent must make the public aware of the status reports by issuing a press release of the reports' availability and by making them available on Respondent's web page.
50. All reports, notifications, documentation, submissions, and other correspondence required to be submitted by this Order must be submitted to EPA electronically, to the extent possible. If electronic submittal is not possible, the submissions must be made by certified mail (return receipt requested) with an email notification to all addresses provided below notifying them that a submission is being made by certified mail. Electronic submissions must be sent to the following addresses: r5weca@epa.gov, maraldo.dean@epa.gov, carlson.deboraha@epa.gov, rogers.joan@epa.gov, asque.gillian@epa.gov, Todd.Bennett@Illinois.gov, and Joe.Stitely@Illinois.gov. The subject line of all email correspondence must include the facility name ("Cahokia Heights"), NPDES ID #ILN000019 and the subject of the deliverable. All electronically-submitted materials must be in final and searchable format, such as Portable Document Format (PDF) with Optical Character Recognition (OCR) applied. Any information containing confidential business information must be submitted

and asserted as set forth at 40 C.F.R. Part 2 Subpart Band must be submitted by email to maraldo.dean@epa.gov and carlson.deboraha@epa.gov or by mail (see below) but not to the r5weca@epa.gov, rogers.joan@epa.gov, asque.gillian@epa.gov, Todd.Bennett@Illinois.gov, and Joe.Stitely@Illinois.gov addresses. Mailed submissions must be sent to the following addresses:

Attn: Dean Maraldo, EPA Case Manager
Water Enforcement and Compliance Assurance Branch (ECW-15J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Attn: Deborah Carlson
Office of Regional Counsel (C-14J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

51. Within 10 days of the effective date of this Order, Respondent must designate a Project Coordinator and provide EPA's Case Manager (above) with the Project Coordinator's name, address, phone number, and email address.
52. In the event of a change to the Project Coordinator, Respondent must provide notification in writing, pursuant to Paragraphs 50 and 51 above, within 15 days after the change.
53. EPA may require additional status reports, or fewer status reports, for the purpose of documenting the progress of the Work performed pursuant to this Order. Should EPA require additional status reports, EPA will provide Respondent with at least 15 days from the date of EPA's request to submit the reports.
54. All reports, notifications, documentation, and submissions required by this Order must be signed by a duly authorized representative of Respondent as specified by 40 C.F.R. § 122.22(b) and (d) and must include the following statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

55. Respondent may not withhold information based on a claim that it is confidential. However, pursuant to 40 C.F.R. Part 2, Subpart B, Respondent may assert a claim of business confidentiality regarding any portion of the information submitted in response to this Order. The manner of asserting such claims is specified in 40 C.F.R. § 2.203(b). Certain information related to effluent data (as defined in 40 C.F.R. § 2.302(a)(2)) and NPDES permit applications may not be entitled to confidential treatment. 40 C.F.R. § 122.7. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If Respondent does not assert a claim of business confidentiality when it submits the information, EPA may make the information available to the public without further notice. 40 C.F.R. § 2.203(c).
56. If Respondent finds at any time after submitting information that any portion of that information is false or incorrect, the signatory must notify EPA immediately. Knowingly submitting false information to EPA may subject Respondent to criminal prosecution under Section 309(c) of the CWA, 33 U.S.C. § 1319(c), as well as 18 U.S.C. §§ 1001 and 1341.
57. Submissions required by this Order must be deemed submitted on the date they are sent electronically or on the date postmarked if sent by U.S. mail.
58. After review of the submissions required pursuant to Paragraphs 48, 49, 53, and 74 of this Order, EPA may approve or disapprove the submissions, in whole or in part. EPA shall approve the submissions or any portion so long as the submissions fulfill the requirements under this Order.
59. Notwithstanding the receipt of a notice of disapproval pursuant to Paragraph 58, above, Respondent must proceed to take all actions and provide all submissions required under this Order, including any actions required under any non-deficient portion(s) of its submission, if such action can be undertaken independent of the deficient portion of Respondent's submission.
60. Absent an extension of time granted in writing by EPA, EPA may determine that late submissions fail to meet the requirements of this Order.
61. Upon EPA approval, submissions by Respondent are incorporated and enforceable as part of this Order. In case of inconsistency between any submission by Respondent and this document and its subsequent modifications, this document and its subsequent modifications shall control.
62. EPA may use any information submitted in response to this Order in support of an administrative, civil, or criminal action against Respondent.
63. The information required to be submitted pursuant to this Order is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 *et seq.*

VII. GENERAL PROVISIONS

64. Respondent has had the opportunity to confer with and submit information to EPA concerning the validity and provisions of this Order.
65. The terms of this Order are binding on Respondent and its assignees and successors. Respondent must give notice of this Order to any successors in interest prior to transferring ownership, and must simultaneously verify to EPA, at the address specified in Paragraph 50, that Respondent has given the notice.
66. The undersigned signatory for each party has the authority to bind each respective party to the terms and conditions of this Order.
67. Failure to comply with the requirements of this Order may subject Respondent to penalties up to \$56,460 per day for each violation (or as penalty levels may be later adjusted at 40 C.F.R. Part 19) pursuant to Section 309(d) of the CWA, 33 U.S.C. § 1319(d), and 40 C.F.R. Part 19.
68. This Order does not affect Respondent's responsibility to comply with the CWA and any other local, state, and federal laws, regulations, or permits.
69. This Order does not restrict EPA's authority to enforce the CWA or its implementing regulations.
70. EPA reserves all rights and remedies, legal and equitable, available to address any violation cited in this Order and any other violation of the CWA or of this Order. Neither issuance of this Order by EPA nor compliance with its terms precludes further enforcement action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319, for the violations cited in this Order, for any other violations of the CWA or of this Order committed by Respondent.
71. The parties to this Order understand the CWA includes provisions for administrative penalties, for civil injunctive relief and penalties, and for criminal penalties for violations of the CWA. Specifically, EPA may:
 - A. assess civil administrative penalties under 33 U.S.C. § 1319(g) and 40 C.F.R. Part 19 of up to \$22,584 per day of violation for violations of the CWA for which penalties are assessed on or after December 23, 2020, for up to a total of \$282,293, or other amounts as penalty levels may be later adjusted at 40 C.F.R. Part 19;
 - B. seek civil injunctive relief and penalties for violations of the CWA under 33 U.S.C. § 1319(b) and civil judicial penalties for violations of this Order under 33 U.S.C. § 1319(d). In accordance with 40 C.F.R. Part 19, EPA may seek civil judicial penalties of up to \$56,460 per day of violation for violations for which penalties are assessed on or after December 23, 2020, or as penalty levels may be later adjusted at 40 C.F.R. Part 19; and

- C. seek criminal penalties, including fines and imprisonment, for negligent or knowing violations of the CWA under 33 U.S.C. § 1319(c).

VIII. EFFECTIVE DATE


- 72. This Order shall become effective upon signature by EPA below and will remain in effect until EPA has notified Respondent of termination of the Order pursuant to Paragraphs 73 or 75.

IX. FINAL REPORT AND TERMINATION OF THIS ORDER

- 73. EPA may terminate this Order at any time by written notice to Respondent.
- 74. Absent the notice described in Paragraph 73 and within 30 days after Respondent concludes that it has achieved compliance with all requirements of this Order, Respondent must submit to the EPA Case Manager a written final report and certification of completion describing all actions taken to comply with all requirements of this Order. Respondent must follow the procedures set forth at Section VI of this Order.
- 75. After receipt and review of Respondent's final report and certification of completion submitted pursuant to Paragraph 74, EPA will notify Respondent whether it has satisfied all requirements of this Order under the procedures set forth at Section VI of this Order. If EPA concludes that Respondent has satisfied the requirements of this Order, EPA shall terminate this Order by written notice to Respondent. If EPA concludes that Respondent has failed to satisfy the requirements of this Order, EPA may require further actions as set forth under this Order or it may pursue administrative or civil judicial actions.

IT IS SO AGREED AND ORDERED:

FOR RESPONDENT, CITY OF CAHOKIA HEIGHTS:

 _____
Signature
Date 8-12-21

Curtis L. McCall _____
Name

Mayor _____
Title

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:

**Harris,
Michael**

Digitally signed by
Harris, Michael
Date: 2021.08.16
09:55:45 -05'00'

Michael D. Harris
Director
Enforcement and Compliance Assurance Division
U.S. EPA Region 5