

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**City of Cahokia Heights  
103 Main Street  
Cahokia, IL 62206**

**Sent Via Electronic and Certified Mail  
ATTENTION:**

**Mayor Curtis McCall, Sr.  
City of Cahokia Heights  
rwilliams@centownil.com**

**Request to Provide Information Pursuant to the Clean Water Act**

The U.S. Environmental Protection Agency (“EPA”) is requiring the City of Cahokia Heights<sup>1</sup> (City or you) to submit certain information about the City’s sanitary sewer collection system. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. Unless indicated otherwise, you must send this information to us within 30 calendar days after you receive this request. Please confirm receipt of this request within seven calendar days after you receive this request. If you are unable to respond in a timely fashion because of impacts related to the COVID-19 pandemic, please submit a written extension request via email to maraldo.dean@epa.gov, explaining the specific impacts on your ability to respond.

We are issuing this information request under Section 308(a) of the Clean Water Act (CWA or Act), 33 U.S.C. § 1318(a). Section 308(a) authorizes the Administrator of EPA to

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<sup>1</sup> including and not limited to any operator of the sanitary sewer collection systems formerly owned and operated by the Village of Cahokia, City of Centreville, Commonfields of Cahokia Public Water District, and the Village of Alorton, Illinois.

require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement and Compliance Assurance Division, Region 5.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides, among other things, that whenever required to carry out an objective of the Act, the Administrator of EPA shall require the owner or operator of any point source to: establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and provide such other information as the Administrator may reasonably require.

The City owns and operates a point source, the City's sanitary sewer collection system in Cahokia Heights, Illinois. We are requesting this information to determine whether this source is complying with the CWA.

The City must send all required information, including confirmation of receipt of this request within seven days of receipt of this request, to 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, unless the information is subject to Appendix C (Confidential Business Information). If, for some reason, materials cannot be transmitted electronically or materials are subject to Appendix C, submissions can be sent to:

Water Enforcement and Compliance Assurance Branch  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 5  
Attn: Dean Maraldo, ECW-15J  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

The City must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a).

As explained more fully in Appendix C, the City may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information submitted to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If the City does not assert a business confidentiality claim when submitting the information, EPA may make this information available to the public without further notice. The City should be aware, however, that pursuant to Section 308(b) of the CWA, 33 U.S.C. § 1318(b), and 40 C.F.R. § 2.302(e), effluent data, standards, and limitations are not eligible for confidential treatment.

This information collection is exempt from the Paperwork Reduction Act under 44 U.S.C. § 3518(c)(1)(B).

We may use any information submitted in response to this request in an administrative, civil, or criminal action. Failure to comply fully with this information request may subject the City to an enforcement action under Section 309 of the CWA, 33 U.S.C. § 1319, and 18 U.S.C. §§ 1001 and 1341.

EPA is aware that the Village of Cahokia, City of Centreville, Commonfields of Cahokia Public Water District, and the Village of Alorton, Illinois merged into Cahokia Heights on May 6, 2021.

You should direct any questions about this information request to Dean Maraldo at (312) 353-2098, or [maraldo.dean@epa.gov](mailto:maraldo.dean@epa.gov).

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Michael D. Harris  
Director  
Enforcement and Compliance Assurance Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information is not known or not available to you as of the date of submission and later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 5, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide a table of contents for the electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.*
4. Documents claimed as confidential business information (CBI) must be submitted in separate file folders apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the information claimed as CBI. Please follow the instructions in Appendix C for designating information as CBI.
5. Certify that all electronic submittals including attached files have been scanned for viruses and indicate what program was used.

### **Definitions**

All terms used in this Information Request have their ordinary meaning unless such terms are defined in the CWA, 33 U.S.C. § 1251 *et seq.*, or 40 C.F.R. Part 122.

1. “Act” or “CWA” means the Clean Water Act, 33 U.S.C. § 1251 *et seq.*
2. “Bypass” as that term is defined in 40 C.F.R. § 122.41(m) means the intentional diversion of waste streams from any portion of a treatment facility.
3. "Collection System" shall mean all portions of the City sewer system which collect and convey sanitary and or combined sewage for treatment to the regional wastewater treatment plant. The collection system, for purposes of this information request, does not refer to the separate storm sewer system.
4. “Day” or “days” means a calendar day unless expressly stated to be a working day. In computing any period of time under this Information Request, where the last day would fall on a Saturday, Sunday, or federal or state holiday, the period shall run until the close of business on the next working day.
5. “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).
6. “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).
7. “Point source,” as defined in Section 502(14) of the CWA, means “any discernible, confined and discrete conveyance . . . from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).
8. “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).

9. "Pump Station" shall mean facilities comprised of pumps or other equipment which lift wastewater to a higher hydraulic elevation, including all related electrical, mechanical, and structural systems necessary to the operation of that pumping station.
10. "Record" or "records" means any recording of information in tangible or intangible form. It includes, but is not limited to: documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer printouts, and computer databases.
11. "Sanitary Sewer" shall mean a conduit intended to carry liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally (40 CFR 35.2005 [37]).
12. "Sanitary Sewer Overflow" or "SSO" shall mean an overflow, spill, diversion, or release of wastewater from or caused by the City's Sanitary Sewer System. This term shall include: (i) discharges to waters of the State or United States from the Sanitary Sewer System; and (ii) any release of wastewater from the Sanitary Sewer System to public or private property that does not reach waters of the United States or the State, including building/property backups.
13. "Sanitary Sewer System" shall mean all portions of the City'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.
14. "Wastewater" shall mean any water/liquid and all material conveyed with that water/liquid that contains process wastewater, discarded material, noncontact cooling and/or heating water, or domestic wastewater.
15. "Wastewater Treatment Plant" shall mean the regional wastewater treatment plant operated by the American Bottoms Regional Wastewater Treatment Plant (NPDES Permit # IL0065145), and located at 1 American Bottoms Road, Sauget, IL 62201 and all components of such sewage treatment plant.
16. "You" or "Your" for purposes of this Information Request refers to the City and to any managers, officers, agents, employees, contractors, or other entities that perform work or act in any way on behalf of, or at the direction of the City.

## **Appendix B**

### **Information You Are Required to Submit to U.S. EPA**

The City of Cahokia Heights (City or you) must submit the following information pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a):

1. Provide the name of the primary contact person responsible for sanitary sewer system maintenance. Also include telephone and email contact information.
2. Describe the organizational structure of the City, including names, titles, telephone, and email contact information of managers and directors. Please provide the number of staff currently working on sanitary sewer operations and maintenance (“O&M”), the position title of each staff member working on sanitary sewer O&M (e.g., foreman, mechanic, laborer, etc.), and the number of hours per week each staff member works on sanitary sewer O&M. Identify any vacant sanitary sewer-related positions, including position titles and anticipated number of hours per week the position will be dedicated to sanitary sewer O&M.
3. Provide a list of all known dry-weather (more than 72 hours after a rain or snow melt event) SSOs in the City (including the former sewer jurisdictions of the Village of Cahokia, City of Centreville, Commonfields of Cahokia, and the Village of Alorton) occurring since January 1, 2016.
4. For all dry-weather SSO locations identified in request item 3, above, and for all future dry-weather SSO locations in the City, conduct and record weekly observations and submit weekly reports on the last day of every month. Observations shall include whether SSOs are occurring at each location, presence of sewage odors and other indicators (e.g., toilet paper), whether ponding of sewage is occurring, hours/days since last precipitation event, and the feature(s) receiving the SSO discharge (e.g., absorbed into soil, surface water, ditch, storm sewer, basement back-up, etc.).
5. Upon receipt of this request and until further notice, for every rain or snow melt event, the City staff shall observe every known SSO location, including those identified in the list provided in request item 3, above, all lift stations, pump stations, constructed relief points, constructed overflow points, and any cleanouts or manholes, that have had releases of sanitary sewage in the past five years and record observations, including evidence of SSOs and the feature(s) receiving any SSO discharge (e.g., absorbed into soil, surface water, ditch, storm sewer, basement back-up, etc.).
6. Upon receipt of this request and until further notice, within 24 hours of the occurrence of an SSO or bypass, notify EPA and Illinois EPA by email and/or telephone.
7. Upon receipt of this request and until further notice, within 5 days of each occurrence of an SSO, complete, sign, and submit a Sanitary Sewer Overflow or Bypass Notification Summary Report to EPA and Illinois EPA. For all reported basement backups, include the final disposition of waste water pumped out of basements on the report form. The report template is provided in Appendix D or online at:



<https://www2.illinois.gov/epa/Documents/epa.state.il.us/water/compliance/waste-water/forms/ss-overflow.pdf>).

8. Within 30 days of the end of each calendar-year quarter (i.e., by April 30, July 31, October 31, and January 31) and until further notice, submit records of all sanitary sewer-related work orders, complaints (including basement backups), complaint summaries, and complaint call records. On each work order, indicate whether the identified problem was city responsibility or private owner responsibility.
9. Provide copies of all written agreements or contracts regarding the conveyance of the City's sewage or treatment of the City's sewage to other entities such as the City of East Saint Louis, Village of Sauget, Metro East Sanitary District, and any wastewater treatment plants.
10. Provide copies of all written agreements or contracts regarding the conveyance of sewage into the City's sanitary sewer system from other entities, if applicable.
11. Provide a copy of the City's rate structure for sanitary waste collection, conveyance and treatment.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

To make a confidentiality claim, submit the requested information through first class mail and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 308(a) of the CWA and 40 C.F.R. Part 2. Please clearly identify portions of otherwise non-confidential documents that you are claiming as confidential. EPA will construe the failure to furnish a confidentiality claim with your response to the information request may result in the information being made available to the public without further notice to you.

#### **Determining Whether the Information Is Entitled to Confidential Treatment**

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential by page, paragraph, and sentence. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who

is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?

4. Is the information contained in any publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
7. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination.

EPA may also find that the information you claim as confidential is clearly not entitled to confidential treatment and will provide you a determination letter stating the same. Examples of information clearly not entitled to confidential treatment include effluent data, as defined in 40 C.F.R. § 2.302(A)(2), and information in National Pollution Discharge Elimination System permit applications are not entitled to confidential treatment. See 40 C.F.R. § 122.7.

### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

**Appendix D**

**Sanitary Sewer Overflow or Bypass Notification Summary Report Form**  
(<https://www2.illinois.gov/epa/Documents/epa.state.il.us/water/compliance/waste-water/forms/ss-overflow.pdf>)