



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

**REPLY TO ATTENTION OF**  
**ECW-15J**

**VIA ELECTRONIC MAIL**

Mr. Robert Eastern III, Mayor  
City of East St. Louis, Indiana  
301 River Park Drive  
East St. Louis, IL 62201  
reastern@cesl.us

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

Dear Mayor Eastern:

Enclosed please find the fully executed Administrative Order on Consent (AOC) regarding alleged Clean Water Act (CWA) violations at the City of East St. Louis, Illinois located at 301 River Park Drive, East St. Louis, Illinois 62201 (Facility). The effective date of the AOC is the date the AOC was signed by EPA. The City remains responsible for implementing the measures identified in the Order on Consent section of the AOC and as stated in the AOC, neither issuance of the AOC nor compliance with its terms precludes further enforcement action by EPA, including an action for penalties, under the CWA.

Thank you for your efforts to bring your Facility into compliance with the CWA. If you have any questions or concerns, please contact Joan Rogers of my staff at (312) 886-2785 or rogers.joan@epa.gov or your legal counsel may contact Deborah Carlson, at (312) 353-6121 or carlson.deborahA@epa.gov.

Sincerely,

**DiCosmo,** Digitally signed by  
DiCosmo, Nefertiti  
**Nefertiti** Date: 2022.05.04  
18:56:32 -05'00'

Nefertiti DiCosmo  
Branch Manager  
Water Enforcement and Compliance Assurance Branch

Enclosure: Final Administrative Order on Consent

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

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

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**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 East St. Louis (“Respondent” or “City”) 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. The Respondent owns and operates the Combined Sewer System and the Sanitary Sewer System, located in East St. Louis, Illinois.
4. EPA alleges that Respondent failed to comply with National Pollutant Discharge Elimination System (“NPDES”) Permit No. IL0033472, in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).
5. By entering into this Order, Respondent: (1) consents to EPA’s authority to issue this Order; (2) admits the factual allegations as set forth in this Order; (3) agrees to undertake all actions required by the terms and conditions of this Order; and (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 402 of the CWA, 33 U.S.C. § 1342, authorizes states to request approval from EPA

to administer their own permit programs for discharges into navigable waters within their jurisdictions.

8. Pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, the State of Illinois requested approval from EPA to administer its own permit program for discharges into navigable waters within Illinois, and such approval was granted by EPA on October 23, 1977, 42 Fed. Reg. 58,566 (Nov. 10. 1977). Therefore, pursuant to the State's permit program, the Illinois Environmental Protection Agency ("IEPA") has issued IEPA NPDES permits. Violation of an NPDES permit is a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).
9. 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 or 402 of the CWA, 33 U.S.C. § 1311, 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**

10. 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.
11. "Act" or "CWA" means the Clean Water Act, 33 U.S.C. § 1251 *et seq.*
12. "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.
13. "Combined Sewer Overflow" or "CSO", means a discharge from a Combined Sewer System at a point prior to a wastewater treatment plant. 40 C.F.R. § 122.2.
14. "Combined Sewer System" is a wastewater collection system, owned by a state or municipality, which conveys sanitary wastewater (domestic, commercial and industrial wastewaters) and stormwater through a single pipe system to a Publicly Owned Treatment Works. 40 C.F.R. § 122.2. In this AOC, Combined Sewer System means the East St. Louis Combined Sewer System.
15. "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.

16. “Effective Date” has the definition provided in Section VIII of this Order.
17. “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).
18. “NPDES Permit” and “Permit” mean NPDES Permit No. IL0033472, issued by the State of Illinois to Respondent for the East St. Louis Combined Sewer System with the effective date of September 11, 2019, and the expiration date of August 31, 2024. For purposes of Sections IV through IX of this Order, “Permit” also means any subsequent NPDES permit issued by the State of Illinois to Respondent for the East St. Louis Combined Sewer System, until such time as this Order is terminated.
19. “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 68.
20. “Outfall” means a type of “point source,” as that term is defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14), that serves as a discharge point from the Combined Sewer System. “Outfall” followed by an Arabic numeral means that Outfall assigned that number in Respondent’s NPDES permit.
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 any pipe, ditch, channel, [or] tunnel. . . 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. “Publicly Owned Treatment Works” or “POTW” means a treatment works, as defined in Section 212 of the CWA, 33 U.S.C. § 1292(2), that is owned by a State, Tribe, or a municipality (as defined in Section 502(4) of the CWA, 33 U.S.C. § 1362(4)). Pursuant to 40

C.F.R. § 403.3(q), the definition of POTWs includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in Section 502(4) of the CWA, 33 U.S.C. § 1362(4), that has jurisdiction over indirect and direct discharges to such a treatment works.

27. “Respondent” means the City of East St. Louis.
28. “Sanitary sewer overflow” or “SSO” means a discharge from the Sanitary Sewer System prior to a wastewater treatment plant.
29. “Sanitary Sewer System” means the 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 wastewater treatment plant.
30. “State” means the State of Illinois.
31. "Wastewater Treatment Plant" means the American Bottoms Regional Wastewater Treatment Plant (NPDES Permit # IL0065145), located at 1 American Bottoms Road, Sauget, IL 62201 and all components of such Wastewater 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 a sewer collection system that collects sanitary wastewater and stormwater in the City of East St. Louis and transports it for treatment. Approximately one half of the City’s sewer collection system is a separate sanitary sewer system (Sanitary Sewer System). Approximately one half of the City’s sewer collection system is a combined storm and sanitary sewer collection system (Combined Sewer System). The City’s wastewater is conveyed to the Wastewater Treatment Plant, which discharges through outfalls to the Mississippi River.
34. The City of East St. Louis 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 Sections 502(4) and (5) of the CWA, 33 U.S.C. § 1362(4) and (5), and 40 C.F.R. § 122.2.
35. The City is in an area with Environmental Justice (EJ) concerns. Among other factors, all of the EPA EJ indices of concern are over the 80<sup>th</sup> percentile. These represent higher exposures than both the state and national averages for these indices.

36. EPA conducted an inspection of the City's Combined Sewer System on March 31 – April 1, 2021.
37. The City's Permit identifies three CSO outfalls, numbers 001, 002 and 003, which discharge into the Mississippi River (outfalls 001 and 002) and Frank Holten State Park Lake (outfall 003).
38. Outfalls No. 001, 002 and 003 in the City's Combined Sewer System are "point sources," as defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14).
39. Respondent's discharges from its Outfalls Nos. 001, 002, and 003 contain sewage which includes fecal coliform bacteria and other "Pollutants," as defined in Section 502(6) of the CWA, 33 U.S.C. § 1362(6).
40. The discharge described in Paragraph 39 is a "discharge of a pollutant," as defined in Section 502(12) of the CWA, 33 U.S.C. § 1362(12).
41. The Mississippi River is a river and "navigable waters" within the meaning of Section 502 of the CWA, 33 U.S.C. § 1362, and "waters of the United States."
42. Frank Holten State Park Lake is a lake and "navigable waters" within the meaning of Section 502 of the CWA, 33 U.S.C. § 1362, and "waters of the United States."
43. At all times relevant to this Order, the Outfall Nos. 001, 002, and 003 in the City's combined sewer collection system acted as point sources of "discharges" of "pollutants" with discharges to the Mississippi River and Frank Holten State Park Lake.
44. Because Respondent owned or operated a Combined Sewer System with outfalls that acted as point sources for the discharge of Pollutants to navigable waters, Respondent has been subject to the CWA at all times relevant to this Order. Thus, any such discharge has been and is subject to the specific terms and conditions prescribed in the NPDES Permit.
45. At all times relevant to this Order, Respondent was authorized to discharge Pollutants from the Combined Sewer System to navigable waters only in compliance with the specific terms and conditions of the NPDES Permit.
46. Special Condition 8.A.1 of the NPDES Permit includes CSO monitoring and reporting requirements that require the City to monitor its CSOs. Special Conditions 4 and 8.A.1 of the NPDES Permit also require the City to file certified Discharge Monitoring Reports ("DMRs") of the results of monitoring and Noncompliance Reports with IEPA as appropriate. At the time of EPA's inspection and for at least five years prior, the City admitted to inspectors that it had not monitored its CSOs and had not filed DMRs as required by Special Conditions 4 and 8.A.1 of the NPDES Permit.

47. The NPDES Permit requires the City to develop and submit a CSO long term control plan to IEPA within 24 months of the effective date of the Permit. The Permit was effective September 11, 2019. The City failed to develop and submit a CSO long term control plan by September 11, 2021, in violation of Permit Special Condition 8.G.1.b.
48. The NPDES Permit requires the City to develop a CSO Pollution Prevention Plan, present it to the public for comments and submit it to IEPA within 12 months of the Effective Date of the Permit, as part of the CSO Nine Minimum Controls required in the NPDES Permit. At the time of EPA's inspection, the City failed to develop a CSO Pollution Prevention Plan in violation of NPDES Permit Special Condition 8.C.1.a.
49. The NPDES Permit requires the City to develop and implement a CSO Operation and Maintenance ("O&M") Plan. The NPDES Permit also requires the City to maintain a current CSO O&M Plan. At the time of EPA's inspection, the City failed to have a CSO O&M Plan in violation of NPDES Permit Special Conditions 8. E.1 and 2.
50. The NPDES Permit requires the City to submit a plan and schedule to eliminate or relocate Outfall 003 due to Frank Holten State Park Lake's status as a sensitive area, within three months of the effective date of the NPDES Permit or December 11, 2019. At the time of EPA's inspection, the City could not provide a plan and schedule to eliminate or relocate Outfall 003, in violation of NPDES Permit Special Condition 8.D.1.
51. The NPDES Permit requires the City to develop a CSO Public Notification Program, including posting and maintaining signs in waters likely to be impacted by CSOs at the point of discharge and at points where these waters are used for primary contact recreation. At the time of EPA's inspection, the City had not developed a Public Notification Plan and failed to have signs posted at Outfall 003 at Frank Holten State Park Lake in violation of NPDES Permit Special Condition 8.G.2.
52. Each violation of the conditions of the Permit described in Paragraphs 46-51 above is a violation of Section 301 of the CWA, 33 U.S.C. § 1311.

## **V. ORDER ON CONSENT**

53. Based on the foregoing findings and the authority vested in the undersigned Director, Enforcement and Compliance Assurance Division, it is hereby ordered and agreed to in accordance with Section 309(a) of the CWA, 33 U.S.C. § 1319(a), that Respondent comply with the following actions:
  - a. Within 30 days of the effective date of this Order, Respondent must submit a schedule to EPA for review and approval describing the timeframes and specific actions it will take to correct the violations specified in Paragraphs 46 - 51 of this Order. The schedule must include timeframes for each of the items below that specifies when each will be developed and submitted to EPA:

- i. CSO Long Term Control Plan, as described in the Permit,
  - ii. CSO Pollution Prevention Plan, as described in the Permit,
  - iii. CSO O&M Plan, as described in the Permit,
  - iv. Plan and schedule to eliminate or relocate Outfall 003, as described in the Permit, or, alternatively, documentation demonstrating that Outfall 003 has already been eliminated or relocated, and
  - v. CSO Public Notification Program, as described in the Permit.
- b. Once the schedule required in subparagraph a is approved in accordance with Paragraphs 66 - 68, Respondent shall take the actions identified in the schedule in accordance with the approved schedule.
- c. Respondent shall monitor all CSOs and complete a DMR for each CSO.
- d. Within 180 days of the effective date of this Order, Respondent must create and implement a system that will send automated emails within two hours of learning of a CSO to anyone that requests to be on its distribution list for CSO email notifications. If the CSO occurs outside of regular business hours (8:00 am to 5:00 pm), including after 3:00 pm, Respondent shall send its automated email by 10:00 am the next Day. Respondent shall send an additional CSO notification email using its distribution list by 10:00 am the next Day if a discharge from one of its CSOs is still occurring. Respondent shall maintain a link on its website instructing people on how to sign up for its CSO email notification.

54. Within 30 days of the effective date of this Order, Respondent must:

- a. Develop a fact sheet for EPA approval that:
  - i. summarizes the items and timeframes for each item in Paragraph 53.a.; and
  - ii. includes the name, phone number, and email of a contact person in the City for residents to contact if they have questions about the AOC;
- b. Update the fact sheet to reflect any changes to any of the agreed upon timeframes, or to announce that an item has been completed;
- c. Post the fact sheet as updated, on the City's website in the "News and Announcements" section and keep it posted there until the AOC is terminated;
- d. Post the fact sheet and any updates on the City's Facebook page; and
- e. Publish a link to the AOC on the City's website.

55. Upon the effective date of this Order and until termination of this Order pursuant to Paragraphs 82 or 84, Respondent must notify EPA and Illinois EPA within 24 hours of the



occurrence of an SSO by email and/or telephone. Termination of this Order does not affect Respondent's duty to comply with SSO reporting requirements under Illinois regulations.

56. Upon the effective date of this Order and until termination of this Order pursuant to Paragraphs 82 or 84, Respondent must submit a "Sanitary Sewer Overflow or Bypass Notification Summary Report" to EPA and Illinois EPA within 5 days of each occurrence of an SSO. For all reported Backups, include the final disposition of wastewater pumped out of basements on the report form. The Sanitary Sewer Overflow or Bypass Notification Summary Report template is provided in Appendix D or online at: <https://www2.illinois.gov/epa/Documents/epa.state.il.us/water/compliance/wastewater/forms/ss-overflow.pdf>. Termination of this Order does not affect Respondent's duty to comply with SSO reporting requirements under Illinois regulations.

## **VI. DOCUMENTATION AND SUBMISSIONS**

57. Respondent must submit a status report to EPA for review 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 83 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: (1) Respondent's DMR's for the previous quarter; and (2) 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; (3) a summary of all SSOs and Backups that occurred during the previous quarter; and (4) 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 streets, without including references to home or business addresses), number of SSOs from that SSO location in the calendar year, estimated volume of all SSOs or Backups (in gallons) and the feature(s) receiving the SSO discharge (e.g., absorbed into soil, surface water, ditch, storm sewer, basement back-up, etc.).
58. 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). Electronic submissions must be sent to the following addresses: [r5weca@epa.gov](mailto:r5weca@epa.gov), [rogers.joan@epa.gov](mailto:rogers.joan@epa.gov), and [carlson.deboraha@epa.gov](mailto:carlson.deboraha@epa.gov). The subject line of all email correspondence must include the facility name, NPDES ID # (IL0033472), 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. Mailed submissions must be sent to the following addresses:

Attn: Joan Rogers, EPA Case Manager  
Water Enforcement & 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

59. 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.
60. In the event of a change to the Project Coordinator, Respondent must provide notification in writing, pursuant to Paragraphs 58 and 59 above, within 30 days after the change.
61. 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 or compliance with the Permit requirements. 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.
62. 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.”
63. 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).

64. 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.
65. 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.
66. After review of the submissions required pursuant to Paragraphs 53, 54, 57 and 83 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.
67. If EPA disapproves the submission(s), EPA will notify Respondent in writing, which may include notice by email, and EPA may require Respondent to supplement or modify its submission(s). Within 30 days following receipt of written notice of EPA's disapproval, Respondent must submit a corrected submission to EPA for approval. In the event that Respondent's modified submission is disapproved in whole or in part by EPA, EPA may require Respondent to correct the deficiencies or EPA may determine that the submission fails to meet the requirements of this Order.
68. Respondent may object in writing to the notice of disapproval within 10 days of receiving the notice, and the parties will have 30 days from EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, EPA will give Respondent a written decision on the objection, which may require Respondent to correct, modify, or supplement its submission(s). If Respondent fails to undertake these corrections as required by EPA, EPA may determine that the submissions fail to meet the requirements of this Order.
69. Notwithstanding the receipt of a notice of disapproval pursuant to Paragraph 67, 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.
70. Absent an extension of time granted in writing by EPA, EPA may determine that late submissions fail to meet the requirements of this Order.
71. 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.

72. EPA may use any information submitted in response to this Order in support of an administrative, civil, or criminal action against Respondent.
73. Information collection under this Order is exempt from the Paperwork Reduction Act under 44 U.S.C. § 3518(c)(1)(B).

## **VII. GENERAL PROVISIONS**

74. Respondent has had the opportunity to confer with and submit information to EPA concerning the validity and provisions of this Order.
75. 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 58, that Respondent has given the notice.
76. The undersigned signatory for each party has the authority to bind each respective party to the terms and conditions of this Order.
77. Failure to comply with this Order may subject Respondent to penalties up to \$59,973 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.
78. This Order does not affect Respondent's responsibility to comply with the CWA, its Permit, and any other local, state, and federal laws, regulations, or permits.
79. This Order does not restrict EPA's authority to enforce the Permit or any section of the CWA or its implementing regulations.
80. 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.

## **VIII. EFFECTIVE DATE**

81. 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 82 or 84.

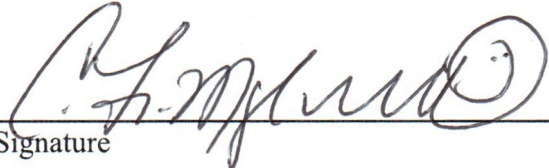
**IX. FINAL REPORT AND TERMINATION OF THIS ORDER**

82. EPA may terminate this Order at any time by written notice to Respondent.
83. Unless terminated by EPA pursuant to Paragraph 82 and within 30 days after Respondent concludes that it has achieved compliance with Paragraphs 04, 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.
84. After receipt and review of Respondent's final report and certification of completion submitted pursuant to Paragraph 83, 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 failed to satisfy the requirements of this Order, EPA may require further actions as set forth under this Order or pursue further legal actions.

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IT IS SO AGREED AND ORDERED:

**FOR RESPONDENT, City of East St. Louis:**

  
Signature

4-14-2022  
Date

Name  
CARLOS MAYFIELD

CITY H/IV JAG E.e...  
Title

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**FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:**

**MICHAEL  
HARRIS**

Digitally signed by  
MICHAEL HARRIS  
Date: 2022.05.05  
10:37:01 -05'00'

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

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Date