



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. Charles Powell III, Mayor
City of East St. Louis, Indiana
301 River Park Drive
East St. Louis, IL 62201
mayorsreceptionist@cesl.us

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

Dear Mayor Powell:

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,

NEFERTITI
DICOSMO

Digitally signed by
NEFERTITI DICOSMO
Date: 2023.07.25
08:35:51 -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:)
)
City 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.)
)

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. Separate and apart from this Order, the Respondent previously entered into an Administrative Order on Consent on May 4, 2022, requiring the City to develop plans required by its Combined Sewer Overflow National Pollutant Discharge Elimination System (“NPDES”) Permit.
5. EPA alleges that Respondent failed to comply with NPDES Permit No. IL0033472, in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).
6. 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

7. 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.
8. 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.
9. 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).
10. 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

11. 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.
12. "Act" or "CWA" means the Clean Water Act, 33 U.S.C. § 1251 *et seq.*
13. "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.
14. "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.

15. “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.
16. “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.
17. “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).
18. “Effective Date” has the definition provided in Section VIII of this Order.
19. “I/I” means Inflow and Infiltration.
20. “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).
21. “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.
22. “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.
23. “Paragraph” means a portion of this Order identified by an Arabic numeral.
24. “Parties” means the EPA and Respondent.
25. “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).
26. “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).

27. "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).
28. "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.
29. "Sanitary sewer overflow" or "SSO" means a discharge from the Sanitary Sewer System prior to a wastewater treatment plant.
30. "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.
31. "State" means the State of Illinois.
32. "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.
33. "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

34. 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.

35. 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.
36. The City is in an area with Environmental Justice (EJ) concerns. Among other factors, almost all of the EPA EJ supplemental indices of concern are over the 80th percentile. These indices of concern represent higher exposures than both the state and national averages for these indices.
37. At all times relevant to this Order, Respondent owned and operated the Sanitary Sewer System and Combined Sewer System located in East St. Louis, Illinois.
38. Because Respondent owns and operates the Sanitary Sewer System and Combined Sewer System, Respondent is required to maintain the infrastructure of the systems.
39. On March 31, 2021, and April 1, 2021, EPA inspectors conducted a CSO inspection in the City of East St. Louis. During the inspection, EPA inspectors observed manholes in the trunk line that runs parallel to the former railroad track along the City of East St. Louis’ southern border. This trunk line is downstream of what is now the City of Cahokia Heights. EPA inspectors observed that manholes #15 and #42 were holding water and appeared to not be flowing or were flowing very slowly.
40. On June 11, 2021, Respondent sent a Sanitary Sewer Overflow or Bypass Notification Summary Report to IEPA for an SSO observed on East 89th Street in the City of Belleville, an area in which East St. Louis owns and operates the collection system. The cause of the SSO was reported to be a blockage in the sewers.
41. On April 4, 2022, Respondent sent a Sanitary Sewer Overflow or Bypass Notification Summary Report to IEPA for an SSO observed on April 1, 2022. Approximately 1800 gallons discharged from the trunk line in the easement of the trunk line between 79th and 80th Streets.
42. On June 29, 2022, Respondent sent a Sanitary Sewer Overflow or Bypass Notification Summary Report to IEPA for an SSO at 1100 Quebec Drive, that began on June 15, 2022, and continued to overflow intermittently until June 29, 2022.
43. On November 21, 2022, Respondent sent a Sanitary Sewer Overflow or Bypass Notification Summary Report to IEPA for an SSO at 3718 State Street, which caused a backup in the building at that address. The cause was listed as a broken pipe.
44. On December 5, 2022, Respondent sent a Sanitary Sewer Overflow or Bypass Notification Summary Report to IEPA for an SSO of approximately 5,000 gallons at 3400 Missouri Avenue which was causing ponding on the roadway and unsafe road conditions. The cause of the SSO was listed as a blockage in the sewer.

45. On February 9, 2023, Respondent sent a Sanitary Sewer Overflow or Bypass Notification Summary Report to IEPA for an SSO at 1758 North 42nd Street due to a broken sewer which also caused a basement backup at the resident's home.

V. ORDER ON CONSENT

46. 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. **Vegetation Removal:** Within 30 days of the effective date of this Order, Respondent must remove vegetation and debris along the trunk line that runs parallel to the former railroad track along the City of East St. Louis' southern border from 89th Street to the lift station at 53rd Street. Respondent will also create access through the vegetation to the manholes from the nearest road, to perform the work required under this Order, if needed.
 - B. **Professional Sewer Cleaning:** Within 45 days of the effective date of this Order, Respondent must hire a professional sewer cleaning firm to clean the trunk line so that there are no residual blockages that impede flow that runs parallel to the former railroad track along the City of East St. Louis' southern border from 89th Street to the lift station at 53rd Street.
 - C. **Manhole Assessment:** Within 45 days of the effective date of this Order, Respondent will locate, open, and assess the condition of each manhole to the trunk line that runs parallel to the former railroad track along the City of East St. Louis' southern border from 89th Street to the lift station at 53rd Street. Respondent will document the GPS location; the condition (poor, fair, good, or excellent); the number of inlets; the depth; the type of material the manhole is constructed with; and the location with respect to the nearest street intersection for each manhole. Respondent will also take photographs of each manhole's exterior and interior.
 - D. **Manhole Repair and Replacement:** Within 60 days of the effective date of this Order, Respondent must repair and cover any manhole covers that are observed to be damaged or missing along the trunk line while performing the Manhole Assessment.
 - E. **Sewer Televising:** Within 60 days of the effective date of this Order, and after the professional sewer cleaning required by Paragraph 46.B., Respondent must hire a professional sewer televising firm to televise the trunk line that runs parallel to the former railroad track along the City of East St. Louis' southern border from 89th Street to the lift station at 53rd Street.

- F. **Summary Report:** Within 90 days of the effective date of this Order, Respondent must submit a report to EPA that documents and summarizes the professional sewer cleaning (Paragraph 46 B) ; the manhole assessment (Paragraph 46. C); the repairs and replacements completed to manholes as required by the Manhole Repair and Replacement (Paragraph 46.D); and the findings of the Sewer Televising (Paragraph 46.E.), including photos and videos.
- G. **Trunk Line Repair Plan:** Within 120 days of the effective date of this Order, Respondent must develop a Trunk Line Repair Plan, with an implementation schedule, for review and approval by EPA, for repairs in the trunk line that runs parallel to the former railroad track along the City of East St. Louis' southern border from 89th Street to the lift station at 53rd Street. Areas of trunk line that need repair, relining, or replacement shall be planned anywhere it is observed that the trunk line is collapsed, broken, disjointed, clogged, where I/I is observed, or where there are sloping issues. Once approved by EPA, Respondent must implement the Trunk Line Repair Plan.
- H. **Manhole Risers:** Within 120 days of the effective date of this Order, Respondent must install risers to elevate any manholes that are in low-lying areas along the trunk line that runs parallel to the former railroad track along the City of East St. Louis' southern border from 89th Street to the lift station at 53rd Street to prevent stormwater from entering the sanitary sewers.
- I. **Preventative Maintenance Plan:** Within 150 days of the effective date of this Order, Respondent must develop a Preventative Maintenance Plan for review and approval by EPA that includes:
- a. Identification of areas of the City where there are known basement backups, SSOs, CSOs, or frequent sewer clogs. These problem areas are to be identified on a map and each given a distinct name.
 - b. A schedule for preventative jetting of the sewers in the problem areas. The frequency of the jetting should be such that the jetting prevents backups, SSOs, CSOs, and clogs from occurring.
 - c. Weekly jetting of the trunk line that runs parallel to the former railroad track along the City of East St. Louis' southern border from 89th Street to the lift station at 53rd Street.
 - d. Monthly vegetation maintenance (during the growing season) of the vegetation along the trunk line that runs parallel to the former railroad track along the City of East St. Louis' southern border from 89th Street to the lift station at 53rd Street.
 - e. A standardized inspection form for inspection of the sewers and manholes, which includes places to document the date, time, number of the manhole, location of the manhole, name of the inspector, observed problems, and resolution of observed problems.

- f. A schedule to inspect the sewers and manholes in the trunk line and in the problem areas. The inspections shall be documented on the standardized inspection form.
- g. A schedule for review of the citizen complaint logs and City work orders every 6 months to determine if any additional areas need to be added to the Preventative Maintenance Plan as problem areas. If any new areas are added to the Preventative Maintenance Plan, a map will be created and that area will be given a distinct name.

VI. DOCUMENTATION AND SUBMISSIONS

47. 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 list of any sewer jetting and televising that occurred during the quarter, including the dates and locations;
 - b. a list of any sewer or manhole repairs, replacement, or lining during the previous quarter;
 - c. the dates that vegetation was removed and maintained along the trunk line;
 - d. scans of the completed standardized inspection forms as required by the Preventative Maintenance Plan;
 - e. scans of all citizen complaints during the quarter; and
 - f. a list of any new areas added to the Preventative Maintenance Plan, including the reason for the addition and maps of the areas.
48. 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, rogers.joan@epa.gov, and 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

49. 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.
50. In the event of a change to the Project Coordinator, Respondent must provide notification in writing, pursuant to paragraphs 48 and 49 above, within 30 days after the change.
51. 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.
52. 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.”
53. 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).
54. 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 1519.

55. Submissions required by this Order shall be deemed submitted on the date they are sent electronically or on the date postmarked if sent by U.S. mail.
56. After review of the submissions required pursuant to paragraphs 46, 47, 51, 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.
57. 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.
58. 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.
59. Notwithstanding the receipt of a notice of disapproval pursuant to paragraph 57, 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. Information collection under this Order is exempt from the Paperwork Reduction Act under 44 U.S.C. § 3518(c)(1)(B).

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 48, 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 this Order may subject Respondent to penalties up to \$64,618 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, its Permit(s), and any other local, state, and federal laws, regulations, or permits.
69. This Order does not restrict EPA's authority to enforce the Permit or any section of 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, or for any other violations of the CWA or of this Order committed by Respondent.
71. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2), performance of Section V is remediation or required to come into compliance with the law.

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.

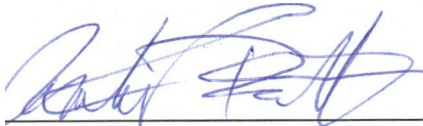
IX. FINAL REPORT AND TERMINATION OF THIS ORDER

73. EPA may terminate this Order at any time by written notice to Respondent.

74. Unless terminated by EPA pursuant to paragraph 73, 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 failed to satisfy the requirements of this Order, EPA may require further actions as set forth under this Order or pursue further legal actions.

IT IS SO AGREED AND ORDERED:

FOR RESPONDENT, CITY OF EAST ST. LOUIS:



Signature

7/6/23
Date

Robert Betts
Name

City Manager
Title

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:

**MICHAEL
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2023.07.27
08:28:43 -05'00'

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

Date