

RESOLUTION NO. 090721R1

**RESOLUTION OF THE CITY OF OGLESBY, LASALLE COUNTY, ILLINOIS
AUTHORIZING THE MAYOR TO EXECUTE A REVISED
ADMINISTRATIVE ORDER ON CONSENT
WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

WHEREAS, the City of Oglesby has been negotiating with the United States Environmental Protection Agency, Region 5, to reach an agreement as to how the City will be allowed to maintain compliance with the Clean Water Act for the discharge from its sewage treatment plant; and

WHEREAS, the City and the United States Environmental Protection Agency reached an agreement which was reduced to an Administrative Order on Consent, which the Mayor of the City of Oglesby was authorized to execute on behalf of the City by prior Oglesby Resolution #080221; and

WHEREAS, following receipt of that initial Agreed Order on Consent the United States Environmental Protection Agency requested minor changes to the language contained in said Administrative Order: and

WHEREAS, the City and the United States Environmental Protection Agency have reached an agreement on the changes to said initial Administrative Order which has been reduced to a revised Administrative Order on Consent (a copy of which is attached hereto and made a part hereof); and

WHEREAS, the corporate authorities of the City of Oglesby deem it to be in the best interest of the public health, safety and welfare of the residents of the City of Oglesby to authorize the Mayor of the City of Oglesby to execute said revised Order on behalf of the City,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE CITY OF OGLESBY, AS FOLLOWS:

1. The recitals contained in the preamble to this Resolution are incorporated by reference as if set out in full herein.

2. The Mayor of the City of Oglesby is hereby authorized to execute said revised Administrative Order on Consent with the United States Environmental Protection Agency (a copy of which is attached hereto and made a part hereof).

3. This Resolution will be in full force and effect after its passage and approval as provided by law.

PRESENTED, PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oglesby, LaSalle County, Illinois, by an aye and nay roll call vote this 7th day of September, 2021.

CARRIE LIJEWSKI	_____ AYE; _____ NAY; _____ ABSENT; _____ PASS
JASON CURRAN	_____ AYE; _____ NAY; _____ ABSENT; _____ PASS
JAMES CULLINAN	_____ AYE; _____ NAY; _____ ABSENT; _____ PASS
THOMAS ARGUBRIGHT	_____ AYE; _____ NAY; _____ ABSENT; _____ PASS
DOMINIC RIVARA	_____ AYE; _____ NAY; _____ ABSENT; _____ PASS

APPROVED:

DOMINIC RIVARA, Mayor

AMY EITUTIS, City Clerk

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)
)
City of Oglesby) **Administrative Order on Consent**
) **Under Section 309(a) of the Clean Water**
For the City of Oglesby Sewage Treatment) **Act, 33 U.S.C. § 1319(a)**
Plant, NPDES Permit No. IL0024996)
)
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 Oglesby (“Respondent” or “the 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. At all times relevant to this Order, Respondent has owned and operated the City of Oglesby Sewage Treatment Plant, located at 215 Field Avenue, Oglesby, Illinois (the “Facility”).
4. EPA alleges that Respondent failed to comply with National Pollutant Discharge Elimination System (“NPDES”) Permit No. IL0024996 at the City of Oglesby Sewage Treatment Plant, 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) 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; 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.
6. For the purposes of this Order only, Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Order on Consent, including, but not limited to, any right of judicial review 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 ("Illinois EPA") has issued Illinois EPA 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*, Section 301, 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. "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.
14. "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).

15. "Effective Date" has the definition provided in Section VIII of this Order.
16. "EPA" means the United States Environmental Protection Agency.
17. "Facility" means the City of Oglesby Sewage Treatment Plant located at 215 Field Avenue, Oglesby, Illinois.
18. "MGD" means millions of gallons per day.
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).
20. "NPDES Permit" and "Permit" mean the permit issued in accordance with the National Pollutant Discharge Elimination System (NPDES) pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. In this Order, these terms mean NPDES Permit No. IL0024996, issued by the State of Illinois to Respondent for the City of Oglesby Sewage Treatment Plant with the effective date of September 1, 2015, and the expiration date of August 31, 2020. 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 City of Oglesby Sewage Treatment Plant, until such time as this Order is terminated.
21. "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.
22. "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 facility. "Outfall" followed by an Arabic numeral means that Outfall assigned that number in Respondent's NPDES permit.
23. "Paragraph" means a portion of this Order identified by an Arabic numeral.
24. "Parties" means the EPA and Respondent/City of Oglesby Sewage Treatment Plant.
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. 40 C.F.R. § 403.3.
29. “Respondent” means the City of Oglesby, the owner of City of Oglesby Sewage Treatment Plant.
30. “State” means the State of Illinois.
31. “Illinois EPA” means the Illinois Environmental Protection Agency and any successor departments, agencies, or instrumentalities of the State.
32. “Wastewater Treatment Plant” or “WWTP” means the Wastewater Treatment Plant identified in the NPDES permit issued to the City of Oglesby Sewage Treatment Plant and located at 215 Field Avenue, Oglesby, Illinois.
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. The City of Oglesby 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. At all times relevant to this Order, Respondent owned the Facility, the City of Oglesby Sewage Treatment Plant, located at 215 Field Avenue in Oglesby, Illinois.
36. The Facility is a publicly owned treatment works (“POTW”) as that term is defined in 40 C.F.R. § 403.3.
37. At all times relevant to this Order, Outfall No. 001 at the Facility was a “point source,” as defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

38. At all times relevant to this Order, Outfall No. 001 at the Facility discharged “pollutants,” as defined in Section 502(6) of the CWA, 33 U.S.C. § 1362(6), and 40 C.F.R. § 122.2, into the Vermillion River. The Vermillion River flows north into the Illinois River emptying just north of the City.
39. The Vermillion River and the Illinois River are both “navigable waters” within the meaning of Section 502 of the CWA, 33 U.S.C. § 1362, and “waters of the United States” within the meaning of 40 C.F.R. § 122.2. Outfall No. 001 at the City of Oglesby Sewage Treatment Plant is a “point source.”
40. At all times relevant to this Order, Outfall No. 001 at the Facility was a “point source” for the “discharge” of “pollutants” with its final wastewater discharge to the Vermillion River, a “navigable water.”
41. Because Respondent owned and operated a facility with an outfall that acted as a point source for the discharge of pollutants to navigable waters, Respondent and the Facility have been subject to the CWA at all times relevant to this Order.
42. Respondent applied for and was issued an NPDES Permit No. IL0024996 (“the Permit”) under Section 402 of the CWA, 33 U.S.C. § 1342, which became effective on September 1, 2015.
43. At all times relevant to this Order, Respondent was authorized to discharge pollutants from the Facility to the Vermillion River from Outfall No. 001 only in compliance with the specific terms and conditions of the Permit.
44. The Permit includes “Effluent Limitations, Monitoring and Reporting” requirements that require Respondent to sample and test its effluent and monitor its compliance with Permit conditions and applicable regulations, according to specific procedures.

Failure to Meet Fecal Effluent Discharge Limitations

45. The Effluent Limitations, Monitoring, and Reporting Section, Special Condition 6, and Section 11 (d) of Attachment H (Standard Conditions) of the Facility’s Permit require Respondent to monitor discharges and report results by filing with Illinois EPA certified DMRs of the results of monitoring and Noncompliance Reports, as appropriate.
46. The Effluent Limitations, Monitoring, and Reporting Section of the Facility’s Permit requires that the Facility shall comply with certain limitations on the quality and quantity of effluent discharged by the Facility.
47. The daily maximum effluent discharge limitation for fecal coliform applicable to the Facility from May 1st through October 31st each year is 400 units per 100 milliliters (“mL”). *See* Attachment A, which is incorporated herein by reference.

48. On eight occasions from October 2018 through July 2020 set forth in Attachment B to this Order, discharges of pollutants from Outfall No. 001 at the Facility exceeded the permitted effluent limitations established in the Permit for fecal coliform, as established in certified DMRs filed by Respondent with Illinois EPA for the following monthly monitoring periods:

- a. October 2018;
- b. May 2019;
- c. July 2019;
- d. August 2019;
- e. September 2019;
- f. October 2019;
- g. May 2020; and
- h. July 2020.

49. Fecal coliform is a “pollutant,” as defined in Section 502(6) of the CWA, 33 U.S.C. § 1362(6) and 40 C.F.R. § 122.2.

50. The discharges of fecal coliform from Outfall No. 001 at the Facility set forth in paragraph 49 and Appendix B were a “discharge of a pollutant” from a “point source” into “navigable waters,” as defined in Section 502(12) of the CWA, 33 U.S.C. § 1362(12).

51. Respondent is a person who discharged a pollutant from a point source into navigable waters, in violation of its Permit. Accordingly, each instance in which Respondent discharged a pollutant to navigable waters in amounts exceeding the effluent limitations contained in the Permit is a violation of the Permit (issued under Section 402 of the CWA), and Section 301 of the CWA, 33 U.S.C. § 1311.

V. ORDER ON CONSENT

52. 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. In accordance with Special Condition 16.G.1.b. of the Permit, Respondent shall submit a Long Term Control Plan to EPA by January 1, 2022. The Plan shall evaluate the City of Oglesby’s remaining combined sewer system to determine measures to reduce inflow and infiltration into the sanitary sewer system and thus eliminate excess flows which result in fecal coliform violations in the Facility’s effluent discharge. By no later than September 13, 2021, the Respondent shall submit a written report to EPA detailing its progress on developing the Long Term Control Plan which must include a certification statement that it is still on schedule to complete and submit the Long Term Control Plan to EPA by January 1, 2022.

- B. The submitted Long Term Control Plan will include at a minimum: 1) the aforementioned measures to reduce inflow and infiltration with a proposed schedule for completion; 2) a deadline for the completion of property acquisition for a new wastewater treatment plant by June 9, 2022; 3) a deadline for the commencement of project design and permitting for a new wastewater treatment plant by June 10, 2022; 4) a deadline for the completion of the project design and permitting for a new wastewater treatment plant by June 10, 2024; 5) a deadline for the completion of funding acquisition for a new wastewater treatment plant by June 20, 2026; 7) a deadline for commencement of construction of a new wastewater treatment plant by September 10, 2026; and 8) a deadline for construction completion of a new wastewater treatment plant and compliance with the effluent limitations by December 31, 2028.
- C. Respondent shall comply with all deadlines set forth in Paragraph 52(A) and (B) and in the Long Term Control Plan.

VI. DOCUMENTATION AND SUBMISSIONS

53. 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 this Order is terminated. 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 effluent violations; (c) a summary of all effluent violations that occurred during the previous quarter; and (d) an analysis of the cause of each such effluent violation.
54. All reports, notifications, documentation, submissions, and other correspondence required to be submitted by this Order (except for the annual electronic biosolids report) 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, berger.jake@epa.gov, and matson.john@epa.gov. The subject line of all email correspondence must include the facility name, IL0024996, 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: Jake Berger, 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: John Matson
Office of Regional Counsel (C-14J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

55. 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.
56. In the event of a change to either the EPA Case Manager or the Project Coordinator, the party making the change must provide notification in writing, pursuant to paragraphs 55 and 56 above, within 30 days after the change.
57. 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.
58. 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.”
59. 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).

60. If Respondent finds at any time after submitting information that any portion of that information is false or incorrect, Respondent 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.
61. 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.
62. After review of the submissions required pursuant to paragraphs 53, 54, 58 and 81 and any corrected submission pursuant to paragraph 64 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.
63. 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.
64. 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.
65. Notwithstanding the receipt of a notice of disapproval pursuant to paragraph 64, 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.
66. Absent an extension of time granted in writing by EPA, EPA may determine that late submissions fail to meet the requirements of this Order.
67. 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.

68. EPA may use any information submitted in response to this Order in support of an administrative, civil, or criminal action against Respondent.
69. 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

70. Respondent has had the opportunity to confer with and submit information to EPA concerning the validity and provisions of this Order.
71. 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 addresses specified in paragraph 55, that Respondent has given the notice.
72. The undersigned signatory for each party has the authority to bind each respective party to the terms and conditions of this Order.
73. Failure to comply with this Order may subject Respondent to penalties up to \$55,800 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.
74. 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.
75. This Order does not restrict EPA's authority to enforce the Permit or any section of the CWA or its implementing regulations.
76. 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.
77. 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 \$22,320 per day of violation up to a total of \$278,995, for violations of the CWA that occurred after November 2, 2015 and for which penalties are assessed on or after January 13, 2020, 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 \$55,800 per day of violation for violations that occurred after November 2, 2015 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

78. 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 80 or 82.

IX. FINAL REPORT AND TERMINATION OF THIS ORDER

79. EPA may terminate this Order at any time by written notice to Respondent.
80. Absent the notice described in paragraph 81 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.
81. After receipt and review of Respondent's final report and certification of completion submitted pursuant to paragraph 81, 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 it may pursue administrative or civil judicial actions.

IT IS SO AGREED AND ORDERED:

FOR RESPONDENT, CITY OF OGLESBY SEWAGE TREATMENT PLANT:

Amy Eitulis
Signature

09-07-2021
Date

Amy Eitulis
Name

City Clerk
Title

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:

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

Date

ATTACHMENT A

NPDES Permit No. IL0024996, page 2: Effluent Limitations, Monitoring, and Reporting

Parameter	Load Limits	Sample Frequency	Sample Type
Fecal Coliform *	Daily Maximum shall not exceed 400 per 100 mL (May through October)	1 Day/Week	Grab

*As per Special Condition 15 of the Permit, Fecal Coliform limits for Discharge Number 001 are effective May thru October. Sampling of Fecal Coliform is only required during this time period.

ATTACHMENT B

Effluent Limit Exceedances Report

IL0024996: CITY OF OGLESBY SEWAGE TREATMENT PLANT, OGLESBY, IL

Monitoring Period Date Range: October 1, 2018 to August 1, 2020

Exceedance Details

Monitoring Period End Date	DMR Value Received Date	Discharge Name and Location	Parameter	Limit Type	Limit Unit	Limit Value	Reported Value
10/31/2018	11/25/2018	001 - STP Outfall	Coliform, fecal general	Daily Maximum	Number per 100 Milliliters	400	T
05/31/2019	6/25/2019	001 - STP Outfall	Coliform, fecal general	Daily Maximum	Number per 100 Milliliters	400	1340
07/31/2019	8/25/2019	001 - STP Outfall	Coliform, fecal general	Daily Maximum	Number per 100 Milliliters	400	T
08/31/2019	9/24/2019	001 - STP Outfall	Coliform, fecal general	Daily Maximum	Number per 100 Milliliters	400	T
09/30/2019	10/25/2019	001 - STP Outfall	Coliform, fecal general	Daily Maximum	Number per 100 Milliliters	400	T
10/31/2019	11/25/2019	001 - STP Outfall	Coliform, fecal general	Daily Maximum	Number per 100 Milliliters	400	T
05/31/2020	6/25/2020	001 - STP Outfall	Coliform, fecal general	Daily Maximum	Number per 100 Milliliters	400	460
07/31/2020	8/25/2020	001 - STP Outfall	Coliform, fecal general	Daily Maximum	Number per 100 Milliliters	400	T

T = Too numerous to count