

INFORMAL COMPLAINT

Request for Informal Investigation by the Illinois Environmental Protection Agency (IEPA)

1. Your Contact Information

Name: On behalf of Centreville Citizens for Change:
Equity Legal Services, Metropolitan St. Louis
Equal Housing and Opportunity Council, and
Earthjustice
Point of Contact:
Anna Sewell, asewell@earthjustice.org

Street Address: 1001 G Street NW, Suite 1000

County: _____

State: Washington, DC 20001

Phone Number: (202) 797-5233

2. Place where you can be contacted during normal business hours (if different from above)

Name: _____

Street Address: _____

County: _____

State: _____

Phone Number: () - _____

3. Name and address of alleged polluter

Name: Commonfields of Cahokia Public Water District

Street Address: 2525 Mousette Ln, Cahokia, IL 62206

County: St. Clair

State: Illinois

Phone Number: (618) 332-6620

Name: City of Centreville

Street Address: 5800 Bond Ave., Centreville, IL 62207

County: St. Clair

State: Illinois

Phone Number: (618) 332-1021

Name:	<u>Township of Centreville</u>
Street Address:	<u>N/A</u>
County:	<u>St. Clair</u>
State:	<u>Illinois</u>
Phone Number:	<u>N/A</u>

4. Type of pollution (check one or more):

<input type="checkbox"/>	Air (including odors)	<input type="checkbox"/>	Hazardous waste
<input checked="" type="checkbox"/>	Water	<input type="checkbox"/>	Drinking water
<input type="checkbox"/>	Garbage	<input checked="" type="checkbox"/>	Sewer back-ups
<input type="checkbox"/>	Other (please describe)		

5. Describe in detail the source and location of pollution:

For decades, the residents of Centreville, Illinois have lived with raw sewage that often bubbles out of manholes, spews out of pipes, or backs up into bathtubs and toilets. The sewage pools in roadside ditches, as well as in residents' yards. Recent sampling of standing water in Centreville neighborhoods confirms the water contains extremely high levels of bacteria, specifically total and fecal coliform. Due to the recurring sewage pollution and its overwhelming odor, families have been forced to stay indoors, unable to use their yards for recreation. Parents and grandparents warn children not to play outside, and gardeners have stopped growing food in the contaminated soils. The standing water has attracted large numbers of mosquitos, which may spread diseases. Many of these areas also severely flood during typical rain events, spreading and exacerbating the contamination. During severe flooding, some residents have been forced to wade through the sewage-contaminated floodwaters in order to escape their homes.

The frequent sewage discharges in Centreville are a result of years of neglect and mismanagement of Centreville's sanitary sewer system. The system is operated by two primary entities: the City of Centreville ("Centreville") and the Commonfields of Cahokia Public Water District ("Commonfields"). By allowing these ongoing discharges, Commonfields and Centreville are violating the Illinois Environmental Protection Act's prohibitions against discharges of pollution to land or water that could create a water pollution hazard. See 415 ILCS 5/12(a) (prohibiting any person from allowing "the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois"); *id.* § 5/12(d) (prohibiting the deposit of "any contaminants upon the land in such place and manner so as to create a water pollution hazard"); *id.* § 5/12(f) (prohibiting discharges of any contaminant into a water of the state without a permit); see *also* 35 Ill. Adm. Code 306.304 ("Overflows from sanitary sewers are expressly prohibited"); 35 Ill. Adm. Code 306.303 ("Excess infiltration into

sewers shall be eliminated, and the maximum practicable flow shall be conveyed to treatment facilities”); *Allaert Rendering, Inc. v. Illinois Pollution Control Bd.*, 91 Ill. App. 3d 153, 156 (1980) (affirming the Board’s finding of a threat of pollution to surface water because “the combination of highly contaminated water sitting in a lagoon which has in fact flooded twice in six years demonstrates a definite danger of pollution”). Sewage is a “contaminant,” as it is broadly defined in the Act to mean “any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.” 415 ILCS 5/3.165. As further explained below, Commonfields and Centreville are allowing this contaminant to cause water pollution or create a water pollution hazard because their sewage systems have repeatedly discharged sewage to land and to water-filled ditches from manholes, cleanout pipes, and failing lift stations. These discharges threaten groundwater as well as nearby surface waters. For example, small fish have been reported in some of the sewage-filled ditches in Centreville, indicating a connection to surface waters. The Illinois Environmental Protection Agency (“IEPA”) has a duty to investigate these violations of the Act and ensure compliance with the law, including eliminating the human health hazard posed by these sewage discharges.

a. Source of Pollution

The sewage pollution in Centreville is being discharged from systems operated by Commonfields and Centreville, neither of which operates under a National Pollution Discharge Elimination System (“NPDES”) permit under the Clean Water Act.¹ Centreville operates a municipal sanitary sewer system² made up of mostly 8-inch and 10-inch PVC main lines, with severe inflow and infiltration problems.³ Of eight lift stations owned by Centreville, four are not operational.⁴

Commonfields operates a municipal sanitary sewer system (as well as a community water system for drinking water) in portions of the following municipalities: the City of Centreville, the Village of Alorton, Centreville Township, and the Village of Cahokia.⁵ In its 2014 Capacity, Management, Operations and Maintenance (“CMOM”) program, Commonfields describes the system as serving approximately 8,100 residents in a roughly 5 square-mile service area.⁶ The CMOM also includes the following description of the system:

- Average annual precipitation of 42”

¹ Entities that control or allow pollution within the meaning of 415 ILCS 5/12(a) or that discharge without a permit are liable under Illinois law. See *Meadowlark Farms, Inc. v. Illinois Pollution Control Bd.*, 17 Ill. App. 3d 851, 860-61 (1974).

² Intergovernmental Agreement By and Between the City of Centreville, Illinois and Commonfields of Cahokia Public Water District, St. Clair County, Illinois (July 9, 2003), p. 1 (attached as Ex. 1).

³ Email from Joe Stitely, Agricultural Engineer, Illinois Environmental Protection Agency, to Jim Miles, Illinois Environmental Protection Agency (Jan. 28, 2020) (hereinafter “IEPA Email”) (attached as Ex. 2).

⁴ *Id.*

⁵ Commonfields of Cahokia Public Water District “Final Official Statement” prepared by Bernardi Securities, Inc., at “District Information” (Nov. 15, 1992) (attached as Ex. 3).

⁶ Commonfields of Cahokia Public Water District Capacity, Management, Operations and Maintenance Program at 3 (Aug. 2014) (attached as Ex. 4).

- More than 40 miles of gravity sewers ranging from in size from 8” to 18” in diameter
- More than 3,000 feet of force mains
- More than 900 manholes
- 27 pump stations
- No piped overflow points within the system
- No combined sewers within the District limits⁷

According to IEPA, the sanitary sewer system operates with severe inflow and infiltration problems.⁸ IEPA has also noted that Commonfields recently described almost half of its lift stations as desperately in need of renovation.⁹ Some of the lift stations have only one functioning pump, while others have two non-functioning pumps and are using temporary submersible pumps.¹⁰ The Commonfields system discharges into the East St. Louis system at seven locations.¹¹ When the East St. Louis system becomes “charged” during rain events, Commonfields will shut down its lift stations at these locations, leading to backups and overflows.¹² In its own work orders, Commonfields has documented various instances of sewage overflows related to failing lift stations, including strong odors due to bypass pumping¹³ or from clogged lift stations;¹⁴ sewage running down streets;¹⁵ and customer complaints about backups.¹⁶

The pollution and human health hazards caused by ongoing sewage discharges in Centreville are compounded by frequent stormwater flooding. Under the NPDES Municipal Separate Storm Sewer Systems Phase II requirements of the Clean Water Act, St. Clair County and several communities including Centreville Township—known as “Co-Permittee Groups”—have committed to work together for purposes of complying with stormwater management requirements.¹⁷

b. Location of Pollution

Centreville is a city of approximately 5,000 residents adjacent to East St. Louis. The population is 96.6% African American, and approximately 48% of the residents live below the poverty line.¹⁸ Centreville can be identified as an environmental justice

⁷ *Id.* at 3-4.

⁸ IEPA Email, *supra* note 3.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Work order at 82nd and Belleview lift station on August 1, 2017 (attached as Ex. 5).

¹⁴ Work order at the 53rd and Market lift station on August 29, 2016 (attached as Ex. 6).

¹⁵ Work order at 54th and Market lift station on November 25, 2013 (attached as Ex. 7).

¹⁶ Work order at the Mary Ryans lift station on May 15, 2013 (attached as Ex. 8).

¹⁷ Illinois Environmental Protection Agency, Division of Water Pollution Control, Annual Facility Inspection Report for NPDES Permit for Storm Water Discharges from Separate Storm Sewer Systems (MS4) for Centreville Township (attached as Ex. 9).

¹⁸ U.S. Census Bureau, American FactFinder, 2010 Demographic Profile Data for Centreville City, Illinois; U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates for Centreville City, Illinois.

community.¹⁹ The sewage overflows and backups occur in various locations throughout Centreville, including but not limited to the specific areas known as “Ping Pong” and “Parkside.”

IEPA has previously found sanitary sewer overflow violations by Commonfields at the following locations throughout its system: Illinois Route 157 and Calvin Blvd., Lakewood Place, 221 Elm Street, 45 Dora Drive, Judith and Amelia Streets, Lauralee and Violet Drive, 6320 Church Road, and 219 N. 82nd Street.²⁰ Commonfields itself has reported to IEPA many instances of large discharges, including two discharges within a single week when approximately 65,000 gallons of effluent was discharged due to a broken circuit breaker in the 82nd and Belleville pump station (located in Ping Pong) and 2,000 gallons was discharged due to an inoperative pump at the lift station on 75th and Clinton.²¹

IEPA has also previously documented sewage discharges in areas under Centreville’s jurisdiction. Specifically, IEPA has identified overflows due to failing lift stations at South 34th Street and 37th and Market Streets, sewage discharges at homes near the Grand Marais Golf Club, and leaking manholes at 201 and 303 Park Drive and other unidentified residences.²²

The East Side Health District has also reported manhole discharges and related problems to IEPA at multiple locations in Centreville. In 2018, East Side Health District informed IEPA that there were “several manholes” near 80th and 82nd Streets “with visible seeping water,” and one manhole on 82nd Street “shooting water with surfactant-like foam surfacing” because “underground pressure [was] causing [the] manhole to rise with water shooting action.”²³ In the same notice, East Side Health District reported that residents in that area and in the North 73rd Street area could not flush their toilets for days on end, and that a manhole on North 73rd was “filled to [the] top with water/liquid.”²⁴

During recent severe flooding on June 30, 2020, Centreville residents reported and photographed rushing water in various neighborhoods that overwhelmed both the streets and sewer system. The below photograph shows the conditions that day near the intersections of 80th and 82nd Streets, and Belleview Avenue.

¹⁹ EJ Screen report, showing 1, 3, and 5 mile radii of EJ Environmental, and Demographic Indexes (attached as Ex. 10).

²⁰ IEPA Violation Notice No. W-2013-50145 (July 29, 2013) (attached as Ex. 11).

²¹ Sanitary Sewer Overflow or Bypass Notification Summary Reports reported by Dennis Traiteur on behalf of Commonfields to Wayne Caughman, from the IEPA Collinsville regional office on April 29, 2015 (attached as Ex. 12), April 27th, 2015 (attached as Ex. 13) and April 23, 2015 (attached as Ex. 14).

²² Letter from Bud Bridgewater to Mayor Marius Jackson, July 14, 2015 (attached as Ex. 15) (South 34th Street); Letter from James Miles to Thomas Hill, Jan. 4, 2018 (attached as Ex. 16) (37th and Market Streets); Letter from Bud Bridgewater to Mayor Marius Jackson, Sept. 15, 2015 (attached as Ex. 17) (homes near the Grand Marais Golf Club); Letter from Jim L. Miles to Mayor Marius Jackson, undated (attached as Ex. 18) (manholes at 201 and 303 Park Drive); Letter from Jim L. Miles to Mayor Marius Jackson, undated (attached as Ex. 19) (manholes near unidentified residences).

²³ Email from Myla Oliver-Blandford, East Side Health District, to Wayne Caughman, IEPA (May 23, 2018) (attached as Ex. 20).

²⁴ *Id.*



The below photograph depicts water spewing out of a manhole near 73rd Street on the same date.



As the frequent complaints and reports reveal, the overflows and discharges in Centreville routinely occur in multiple neighborhoods and are not limited to one or two locations.

6. Describe the duration of pollution, including when you first noticed the pollution, how frequently it occurs, and what season or time of day it occurs:

The sewage overflows and discharges in Centreville have been occurring for many years, as IEPA's own records demonstrate. Formal complaint records range from 2003 through 2019,²⁵ and residents continue to report overflows this year.

IEPA has previously acknowledged some of these earlier discharges in formal violation notices to Commonfields. For example, in 2013 IEPA issued a violation notice to

²⁵ Complaint Listing (attached as Ex. 21); IEPA Water Pollution Control Local Complaints (attached as Ex. 22).

Commonfields for sanitary sewer overflows at several locations.²⁶ In the violation request form, IEPA noted that the overflows, bypasses, and complaints had been occurring “with regularity” in 2012 and 2013.²⁷ In 2015, Commonfields submitted an update to IEPA regarding the status of each of the sewage overflow locations that were the subject of the 2013 violation, and reported that there were remaining tasks to complete at all of the locations, including some where the nature of the problem had not even been identified.²⁸ Although Commonfields work orders and invoices indicate some limited repairs have seemingly been completed at two of the 2013 violation locations, the current status of repairs at most of these particular locations is unknown.²⁹ Complainants are aware of the status of the overflow from the N. 82nd Street “cleanout” pipe identified in the 2013 violation notice. This discharge has been ongoing since at least 2007 or 2008 and continues today, as noted by IEPA staff as recently as 2019.³⁰ IEPA has known about this alarming and hazardous fountain of sewage since at least 2010, when the agency collected a water sample from the discharge.³¹ A decade later, IEPA and Commonfields have both failed to take action to halt this stream of raw sewage, depicted in the below photograph taken by Complainants in 2019.

²⁶ 2013 IEPA Violation Notice, *supra* note 20 (identifying overflows at Illinois Route 157 and Calvin Blvd., Lakewood Place, 221 Elm Street, 45 Dora Drive, Judith and Amelia Streets, Lauralee and Violet Drive, 6320 Church Road, and 219 N. 82nd Street).

²⁷ IEPA VN Request Form (attached as Ex. 23).

²⁸ Letter from Dennis Traiteur to Bud Bridgewater re: Violation N. W-2013-50145 (Aug. 13, 2015) (attached as Ex. 24).

²⁹ Work orders and invoices at the Lauralee and Violet lift station in 2015, 2016, and 2018 (noting some limited spending for parts and pump repair, but not indicating whether the lift station repairs are complete) (attached as Ex. 25); Work orders and invoices at I.C. Track pump station at Rt.157 and Church and near 6320 Church Road (noting some limited spending for parts, but not indicating whether the lift station repairs are complete) (attached as Ex. 26).

³⁰ Sanitary Sewer Overflow or Bypass Notification Summary Report (May 8, 2013) (attached as Ex. 27) (noting an “ongoing overflow” at 82nd St. because the East St. Louis system was full and not accepting Commonfields wastewater); IEPA Water Pollution Control Local Complaints (July 26, 2010) (attached as Ex. 28) (2010 complaint noting that sewage had been spewing periodically to a ditch at 82nd Street and had been over the last two or three years); Email from T. James Blessman to Joe Stitely and Gregg Sanders (Aug. 23, 2019) (attached as Ex. 29) (noting the ongoing nature of the 82nd Street discharge).

³¹ IEPA Water Pollution Control Local Complaints (July 26, 2010), *supra* note 30.



Similarly, IEPA has been corresponding with Centreville about sewage backup complaints within Centreville's jurisdiction since at least 2014.³² IEPA has specifically documented sewage overflows to ditches due to failing lift stations and leaking manholes from 2015 through 2018.³³ Residents report that these discharges have been occurring for far longer, and continue periodically today.

Residents throughout Centreville continue to experience sewage overflows every year, with the most numerous discharges typically occurring during rainy spring months.

7. Provide any additional information that might help IEPA in any investigation:

In addition to the previously cited complaints, letters, email communications, and other documents, Complainants submit a collection of Commonfields work orders from 2010 to

³² See, e.g., Letter from Mayor Marius Jackson to Bud Bridgewater (Oct. 21, 2014) (attached as Ex. 30).

³³ See, e.g., Letter from Bud Bridgewater to Mayor Marius Jackson (July 14, 2015), *supra* note 22; Letter from Bud Bridgewater to Mayor Marius Jackson (Sept. 15, 2015), *supra* note 22; Letter from Jim L. Miles to Mayor Marius Jackson (undated), *supra* note 22; Letter from Jim L. Miles to Mayor Marius Jackson (undated), *supra* note 22; Letter from James Miles to Thomas Hill (Jan. 4, 2018), *supra* note 22.

2019,³⁴ as well as many IEPA sanitary sewer overflow reports from Commonfields ranging from 2011 to 2015.³⁵ Complainants also submit three letters from individual residents to Governor Pritzker³⁶ and a letter from Centreville Citizens for Change to the mayor of Centreville.³⁷

Complainants request that IEPA take immediate action to investigate this pollution, issue formal violation notices to Centreville and Commonfields, and require Commonfields and Centreville to take all necessary corrective action to halt all overflows and discharges of wastewater, including discharges from manholes, cleanout pipes, and failing lift stations. IEPA should arrange for an independent, credentialed party to conduct a complete diagnostic review of the system that identifies the causes of all discharges, as well as the acknowledged infiltration and inflow problems, and recommends solutions. IEPA should further require and oversee the completion of all repairs recommended in the independent review. Finally, as an immediate emergency action, IEPA should require replacement of all non-functioning or temporary pumps at Commonfields and Centreville lift stations within thirty days of receipt of this complaint.

Note: The Board will forward this request to IEPA with a copy to the person requesting the informal investigation. IEPA must send the Board an acknowledgment that it received this request. The Board will take no further action on your request. See 35 Ill. Adm. Code 103.208. **IEPA does not have an active noise control program.**

³⁴ Commonfields Service Orders and Work Orders (attached as Exs. 31-39).

³⁵ IEPA Sanitary Sewer Overflow and Bypass Summary Reports from Commonfields of Cahokia Public Water District from 2011 through 2015 (attached as Exs. 40-52).

³⁶ Letters from residents Olivia Dunn, Barbara Eiland, and Valerie Marion to Gov. Pritzker (2020) (attached as Exs. 53-55).

³⁷ Letter from Centreville Citizens for Change to Mayor Marius Jackson (Feb. 10, 2020) (attached as Ex. 56).