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June 1, 2017

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IN REPLY REFER TO FILE NO.

ELMH-85

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RE: *People of the State of Illinois ex rel. Madigan v. City of Elmhurst,*
18th Judicial Circuit Court, No. 2011 CH 3357

Dear Mr. Karr:

Pursuant to Section III D 5 of the Consent Order entered by the 18th Judicial Circuit Court on September 17, 2014, in the above-captioned matter, please find enclosed the City of Elmhurst's "Annual Report."

STORINO, RAMELLO & DURKIN

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Please contact me at my office if you have any questions or wish to further discuss this matter.

Very truly yours,
STORINO RAMELLO AND DURKIN

By: _____

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				2017 Action Taken
II	The defendant shall notify each contractor to be retained to perform work required in this Consent order of each of the requirements of this Consent Order relevant to the activities to be performed by that contractor, including all relevant works schedule's and reporting deadlines, and shall provide a copy of this consent order to each contractor already retained no later than thirty (30) days after the date of entry of this Consent Order.	10/17/2014	9/24/2014	N/A, no new contractors
II	The defendant shall provide copies of all schedules for implementation of the provisions of this Consent Order to the prime vendor(s) supplying the control technology systems and other equipment required by this Consent Order.	10/17/2015	9/24/2014	N/A, no new contractors
III.A	The defendant shall pay a civil penalty of Twenty-Five Thousand Dollars (\$25,000.00). Payment shall be tendered at time of entry of the Consent Order. (Certified Check made payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund (EPTF).	9/17/2014	9/17/2014	N/A
III.D.1.A	Replacement pumps and equipment at the Jackson Lift Station to increase the operating capacity of the station. The Jackson Lift Station Improvements will include two (2) dry weather pumps, three (3) wet weather pumps, and the upsizing and deepening of the wet well at the Jackson Lift Station.	2/29/2016	7/28/2017	Substantial completion was completed on July 28th, 2016. Project reached final completion on November 11th, 2016
III.D.1.B	Upsize the main gravity sewer at the Jackson Street Lift Station from 18 inches to 24 inches. The City shall ensure that the new sewer is deeper and has a greater slope in order to increase the flow velocities and reduce solids settling in the pipes.	2/29/2016	7/28/2017	Substantial completion was completed on July 28th, 2016. Project reached final completion on November 3rd, 2016
III.D.1.C	Install a new 5,900 lineal foot wet-weather force main between the Jackson Street Lift Station and Elmhurst WRP in order to decrease flows to the existing force main	2/29/2016	7/28/2017	Substantial completion was completed on July 28th, 2016. Project reached final completion on November 3rd, 2016
III.D.1.D	Construction a new 2-million gallon storage tank at the WRF that will provide storage for wastewater discharge from the City's new wet-weather force main during periods of heavy rain.	2/29/2016	7/28/2017	Substantial completion was completed on July 28th, 2016. Project reached final completion on December 9th, 2016
III.D.2.A	Through the focused study, the City shall assess, among other things: i) the types and categories of sources of I/I into the City's Sanitary System within Basins 24 & 26, including sources of I/I from the private sector; ii) Recommendations on options for removing or otherwise addressing those sources; and iii) Funding options for addressing each source type.	9/22/2014	9/22/2014	2015 I & I summary for Basin 24 and 26 has been received by City and Staff will continue to prioritize needs within future budgets.
III.D.2.B	Elmhurst shall have RJN prepare a report documenting its findings ("Focused Study Report") and deliver the Focused Study Report to the City Public Works Committee no later than September 22, 2014. Elmhurst shall deliver a copy of the Focused Study Report to the State for review within five days of the receipt by the City Public Works Committee. The City Public Works Committee shall review and consider the findings presented in the Focused Study Report and shall assess the following: 1) Feasibility, need and cost benefit of further dye testing and smoke testing in other areas of the City and prioritization, if further dye testing and/or smoke testing is recommended; 2) Whether ordinance amendments are needed to adequately enforce the disconnections of the suspect or "non-compliant" sumps and drains, and if so, include model language; 3) Feasibility, need and cost structure of a tiered reimbursement program for the voluntary removal of area drains, combination sumps and foundation drains; 4) Feasibility, need and cost benefit of modifying the Overhead Sewer Reimbursement Program and Check Valve Grant Program; and 5) Feasibility, need and cost benefit of piloting a voluntary Rear yard Rain Garden Grant Program.	9/22/2014	9/15/2014	N/A
III.D.2.C	By December 31, 2014, the City Public Works Committee shall create a plan that identifies specific actions to be taken by the City to reduce I/I in the Sanitary System and a schedule for implementation ("Sanitary Sewer Improvement Plan").	12/31/2015	12/8/2014	N/A
III.D.2.D	The City shall provide the Sanitary Sewer Improvement Plan to the State for review and approval no later than January 15, 2015. In the event that the Sanitary Sewer Improvement Plan includes a proposed City ordinance or an amendment to an ordinance, the proposed ordinance or amendment shall be included with the Sanitary Sewer Improvement Plan which delivered to the State.	1/15/2015	12/31/2014	N/A
III.D.2.E	Upon approval by the State, the Sanitary Sewer Improvement Plan shall then be submitted to the City Council for consideration and approval. Plaintiff recognizes that the City of Elmhurst is a home rule municipality controlled by an Independent Council of elected officials. If any modifications are made by the Elmhurst City Council to the Sanitary Sewer Improvement Plan, those modifications must be submitted to the State for approval. Once a plan has been approved by the State and adopted by the Elmhurst City Council, Defendant shall implement the Sanitary Sewer Improvement Plan in accordance with the schedule contained therein. The Plan shall contain the following implementation dates: 1) Inspection and evaluation of private sector I/I sources shall be completed no later than December 31st, 2017; and 2) Elimination or rehabilitation of private section I/I sources, as identified by the Sanitary Sewer improvement Plan, shall be completed no later than December 31, 2021.	12/31/2021		1) Inspection and evaluation of private sector I/I sources shall be completed no later than December 31st, 2017; This report will be in June 2018 report but is scheduled to be completed by December 31st, 2017 2) Elimination or rehabilitation of private section I/I sources, as identified by the Sanitary Sewer improvement Plan, shall be completed no later than December 31, 2021. - On going until December 2021
III.D.3	By no later than December 31, 2014, the City will have a fully operational GIS centric Computerized maintenance Management System ("CMMS") on line. A CMMS is a vital component of an overall enhanced Sanitary System. CMMS serves as a central repository for customer service requests, work orders, tracking of maintenance issues and accomplishments, and tracking of performance measures. Any CMMS should be GIS centric so there is seamless interfacing for the City departments with respect to key information. The City currently has a full time GIS specialist on staff.	1/30/2015	1/30/2015 LUCITY On line	The City has a fully operational GIS centric Computerized maintenance Management System ("CMMS") on line (LUCITY). Lucity serves as a central repository for customer service requests, work orders, tracking of maintenance issues and accomplishments. Staff is working on tracking of performance measures within Lucity at this time. CMMS is GIS centric so there is seamless interfacing for the City departments with respect to key information.
III.D.4	Elmhurst shall maintain a Fats, Oils, Grease (FOG) enforcement program that includes inspections of all food service establishments and auto repair and fuel dispensing facilities located in the City "FOG Facilities". Elmhurst shall perform inspections of all FOG Facilities to determine compliance with Chapter 7 of the Municipal Code. For all FOG Facilities with violations of the Elmhurst Municipal Code, the City shall utilize the enforcement mechanism available in Divisions 13 and 14 of Article II.Ch7 to ensure that suchto compliance.	1/1/2012	ongoing	Staff has completed entering and supporting 2015 to current CMMS program task related to City FOG program. inspections are being scheduled through Lucity going forward. Enforcement has started where needed and will continue. This item is closed as of June 15th, 2017 as process is in place and being used going forward. See attached CMMS Documents for back up and FOG inspections.
III.D.5	The Defendant shall provide annual progress reports to the state on the status of all work required to be performed under this Consent Order beginning the first calendar year after the trial court's entry of this Consent Order. Defendant shall submit Progress Reports Annually on the 15th of June. Defendant shall continue to submit Progress reports until the parties agree otherwise in writing, until the Illinois EPA provides the Defendant written confirmation that its obligations under this Consent Order are completed, or until further order of the Court.	June 15th (every year until notified otherwise)	6/1/2017	This form will be sent to IEPA by June 15th, 2017 thus completing this task for current year. Item remains open as annual reporting until all parties agree otherwise.
III.E.1.i	Constructions and/or installation of education displays and storm water management techniques along the Salt Creek Greenway Trail, as outlined in Attachment A to this Consent Order. The purpose of this SEP is to provide public education as well as functional reduction of impairments. The project will manage sedimentation/siltation, aid in mineral and nutrient mitigation (chloride and total phosphorus), aid in storm water detention, promote indigenous plant growth, and model sustainable practices for the community of Elmhurst.	5/31/2015	6/15/2016	N/A
III.E.1.ii	The SEP includes educational displays at each of the four lift stations that educate the public on each technique being used, rain garden, green roof, native prairie and porous paving. Elmhurst maintain the installations and education displays for a minimum of 5 years.	5/31/2015	6/15/2016	N/A
III.E.1.iii	Elmhurst shall promote sustainable practices by including information about this project on its website and other appropriate measures, including, but not limited to, the City's informational meetings with the public, the City's quarterly "Front Porch" newsletter, and the City Public Works' annual FOG reception for the public held annually on the Friday following Thanksgiving.		ongoing	From May 2016 to April 2017 the following promotions were completed: 1) 53 rain barrels were sold, 2) Pumpkin collection received 2.67 tons with over 100 cars dropping off pumpkins, and 3) Elmhurst promoted and participated in local joint community grease collection event for which Elmhurst collected 56 gallons of cooking grease of the 276 gallons collected in total. Front Porch and website were used to promote these events.
III.E.2	The defendant shall complete the construction of the SEP no later than May 31, 2015, and within 30 days thereafter, shall submit a project completion report, including a summary of all expenditures, to the contact person identified in Section III.J for review and confirmation that the SEP was performed pursuant to this Order. The City is allowed one (1) growing season following the completion of the construction of the SEP to confirm that all vegetative plantings have taken root. The project completion report call include the following certification by a responsible corporate official of the defendant.	SEP: 5/31/2015; Project Completion Report: 6/30/15; Vegetation Update: 5/31/16	6/15/2016	N/A