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IN REPLY REFER TO FILE NO.

June 11, 2015

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

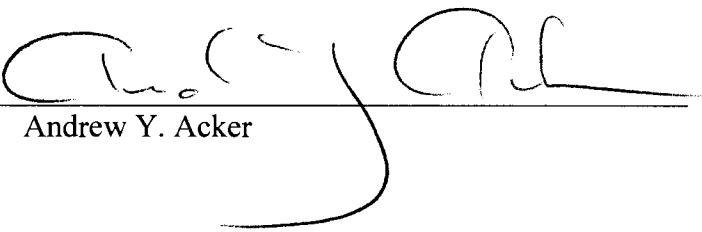
Dear Mr. Karr:

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."

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

STORINO, RAMELLO & DURKIN

Very truly yours,
STORINO RAMELLO AND DURKIN

By: 
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AYA:aa
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Section	Task	Due Date	Date Completed	Action Taken	Notes
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	copy of Consent Order and requirements	
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	copy of Consent Order and schedules	
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 Fun (EPTF).	9/17/2014	9/17/2014	As required by Consent Order, Payment was made on September 17, 2014.	
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			Waiting contract execution. In February 2015, the City obtained a modification of the term of the consent order to reflect a new completion date (original completion date of 9/1/15).
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			Waiting contract execution. In February 2015, the City obtained a modification of the term of the consent order to reflect a new completion date (original completion date of 9/1/15).
III.D.1.C	Install a new 5,900 lineal foot we-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	5/18/2015		Hydro test completed. In February 2015, the City obtained a modification of the term of the consent order to reflect a new completion date (original completion date of 9/1/15).
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			Contract execution to be completed. In February 2015, the City obtained a modification of the term of the consent order to reflect a new completion date (original completion date of 9/1/15).
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 section; 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	Annual program	Assessment continues; identification and repair

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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	Completed	
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	Public Works & Building Committee met on 12/8/14 to discuss the draft SSIP plan prepared by RJN Group. This SSIP was not required to go to the Council at this time.	
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	The City of Elmhurst submitted a proposed SSIP to the State of Illinois on December, 31, 2014.	

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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		The City of Elmhurst received a response from the State of Illinois in April 2015 with an approval subject to minor modifications to Table 6 to include dates for compliance from the Consent Order. The PW&B Committee met on May 26, 2015 to discuss these recommendations from the State and the adoption of same with modifications. PW&B Committee made a recommendation to the City Council to accept the modifications proposed by IEPA to the SSIP. This includes the adoption of the ordinances accompanying the SSIP and the additional work by the committee in the SSIP. This was submitted to the Council on June 1, 2015. The Council considered the recommendations of the PW&B Committee and agreed to accept the recommendations.	
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 is currently in use	GIS portion of the software is complete.
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	Current annual program	The City's FOG program was adopted in 2012, prior to the entry of the Consent Order. The City's FOG program is ongoing and inspections for 2014 were performed by the City.
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)	6/15/2015 (first annual report)		

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III.E.1.i.	Constructions and/or installation of education displays and stormwater 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 stormwater detention, promote indigenous plant growth, and model sustainable practices for the community of Elmhurst.	5/31/2015	5/31/2015		
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	5/31/2015	Construction completed	Phenolic display panels to be delivered by EnviroSign
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	November 30, 2013 - 70 gallons of cooking oil was collected. November 2014 - 80 gallons of cooking oil was collected. In the November 2014 "Front Porch," a recycling reminder was posted that alerted residents about cooking oil. May 6th, 2015: A community workshop was held at City hall to inform residents about rain barrels and rain gardens. The City has recently adoptive new stormwater policies. Please see attached "New Stormwater Policies." We have pavers either installed or designed for install this year at the Saylor Street Lift Station and Park Street Lift Station. Two rain gardens and one rain barrel were incorporated into the Salt Creek Greenway Trails Educational Displays to promote sustainable practice and serve as an example for the residents.	Cooking oil collected is converted to biofuel; program started in November 2013.
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.I 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	SEP Completed: 5/31/15		on schedule