

SPECIAL MEETING
HELD ON OCTOBER 16, 2023, IN THE CITY COUNCIL CHAMBERS
204 PULASKI ROAD, CALUMET CITY, ILLINOIS

CALL TO ORDER The Special Meeting was called to order at 6:15 p.m. by Mayor Jones

PUBLIC COMMENT NONE

Also present were Mayor Jones, City Clerk Nyota Figgs (via zoom), City Treasurer Tarka, Deputy Clerk Jessica Coffee, Police Chief Kolosh

Mayor's Report Mayor Jones stated that he will be strictly enforcing the city's code of regarding Council meeting decorum and conduct.

Discussion
Regarding EPA
Resolution Mayor Jones reported that the Environmental Protection Agency is requiring that the Resolution be passed in the October 16, 2023 meeting. There does need to be an amendment made to the Resolution; currently the resolution states John Doe; this language will be replaced with Environmental Protection Agency before it is signed.

Approval of
Consent Order
(Res.#23-54) Alderman Tillman moved, seconded by Alderman Smith to pass the Resolution and Consent Decree for Environmental Protection Agency. (See attached page 1A)

ROLL CALL

YEAS:	4	ALDERMEN:	Navarrete, Wilson, Tillman, Williams, Gardner Patton, Smith
NAYS:	2	ALDERMEN:	NONE
ABSENT:	1	ALDERMEN:	NONE

MOTION CARRIED

Motion for
Closed Session Alderman Williams, seconded by Alderman Smith to enter into executive session to discuss potential pending or probable litigation regarding Ordinance 17-30 Welcoming Ordinance for the City of Calumet City at 6:23 p.m.

Executive Session The Council met in Executive Session from 6:24 p.m. to 7:01 p.m.

Return to Regular
Order of Business The Council returned to the regular order of business at 7:02 p.m.

**THE CITY OF CALUMET CITY
COOK COUNTY, ILLINOIS**

**RESOLUTION
NO. 23-54**

**A RESOLUTION APPROVING AN ADMINSTRATIVE ORDER OF CONSENT
BETWEEN THE CITY OF CALUMET CITY AND THE ENVIRONMENTAL
PROTECTION AGENCY**

WHEREAS, the City of Calumet City is a home rule municipality under the Illinois Constitution of 1970 and the Illinois Municipal Code;

WHEREAS, the City has been in negotiations with the Environmental Protection Agency regarding various issues related to its water system; and

WHEREAS, the City and the Environmental Protection Agency desire to enter into the Administrative Order of Consent, which is attached hereto as Exhibit A;

WHEREAS, the Mayor and City Council believe that it is in the best interests of the City and its residents to enter into the Administrative Order of Consent.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Calumet City, Cook County, Illinois, in the exercise of its home rule powers as follows:

SECTION 1: The above-stated recitals are incorporated by reference.

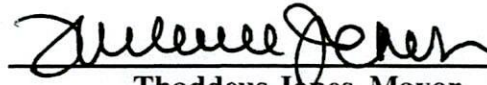
SECTION 2: The Administrative Order of Consent, a copy of which is attached hereto as Exhibit A, is hereby approved.

SECTION 3: The Mayor is directed and authorized to execute the Administrative Order of Consent and any other documents and take any and all other actions necessary to effectuate the intention of the Administrative Order of Consent and this Resolution, and to undertake such actions as may be necessary or convenient to enforce its terms.

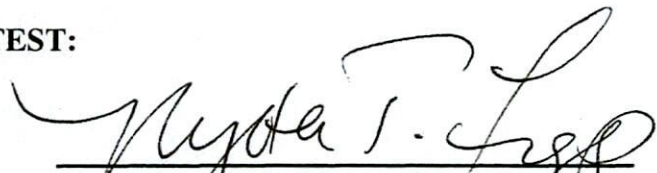
SECTION 4: This Resolution shall be in full force and effective from and after its passage and approval in the manner provided for by law.

PASSED AND APPROVED THIS 16th DAY OF OCTOBER, 2023

Special Meeting
October 16, 2023
Res.#23-54


Thaddeus Jones, Mayor

ATTEST:


Dr. Nyota Figgs, City Clerk

VOTES:

AYES: 7 Navarrete, Wilson, Tillman, Williams,
Gardner, Patton, Smith

NAYS: 0 NONE

ABSENT: 0 NONE

ABSTAIN: 0 NONE

EXHIBIT A
CONSENT DECREE
[to be inserted]

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:

Calumet City

Calumet, PWS Identification Number IL0310390

Calumet, Illinois

)
)
) **Proceeding under Section 1414(g) of the**
) **Safe Drinking Water Act, 42 U.S.C. § 300g-**
) **3(g)**
)
)
)

ADMINISTRATIVE ORDER ON CONSENT

1. The Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency Region 5, is issuing this Administrative Order on Consent ("Order on Consent" or "Order") to Calumet City ("Calumet"), regarding its Public Water System (PWS) Identification Number IL0310390 ("the System"), under Section 1414(g) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300g-3(g).

Statutory and Regulatory Background

2. Section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g), authorizes EPA to order persons subject to SDWA to comply with any applicable requirement under the SDWA. Applicable requirements include, among other things, the National Primary Drinking Water Regulations (NPDWRs) promulgated pursuant to Section 1412 of the SDWA, 42 U.S.C. § 300g-1.
3. On September 28, 1979, pursuant to Section 1413 of the SDWA, 42 U.S.C. § 300g-2, EPA determined that the State of Illinois ("State") met the requirements for primary enforcement authority for public water supplies. The State has primary enforcement responsibility under Section 1413(a) of the SDWA, 42 U.S.C. § 300g-2(a), to ensure that suppliers of water in Illinois comply with the requirements of the SDWA.
4. In Illinois, the Illinois Pollution Control Board (IPCB) is authorized by Section 5(b) and (c) of the Illinois Environmental Protection Act, to adopt environmental control standards applicable in the State of Illinois and standards for submission to the United States under any federal law respecting environmental protection. *See* 415 Illinois Compiled Statutes (ILCS) 5/5(b) and (c). Pursuant to that authority, the IPCB enacted regulations applicable to the State's Public Water Supplies, codified at Title 35, Subtitle F of the Illinois Administrative Code (Ill. Adm. Code), 35 Ill. Adm. Code 601.101 *et seq.*
5. Section 1414(i) of the SDWA, 42 U.S.C. § 300g-3(i) provides that the term "applicable requirement" means:

- 1) a requirement of Sections 1412, 1414-1417, 1433, 1441, or 1445 of the SDWA, 42 U.S.C. §§ 300g-1, 300g-3, 300g-4, 300g-5, 300g-6, 300i-2, 300j, 300j-4;
 - 2) a regulation promulgated pursuant to a section of the SDWA listed above;
 - 3) a schedule or requirement imposed pursuant to a section of the SDWA listed above; and
 - 4) a requirement of, or permit issued under, an applicable State program for which the Administrator has made a determination that the requirements of section 300g-2 of this title have been satisfied, or an applicable State program approved pursuant to Part B of the SDWA.
6. The regulations located at Title 35, Subtitle F of the Ill. Adm. Code are part of an applicable state program approved by EPA pursuant to Part B of the SDWA and are therefore "applicable requirements" as defined by Section 1414(i)(4) of the SDWA, 42 U.S.C. § 300g-3(i)(4).
 7. As regulations promulgated pursuant to Section 1412 of the SDWA, 42 U.S.C. § 300g-1, the NPDWRs set forth at 40 C.F.R. Part 141 are "applicable requirements" as defined by Section 1414(i)(1) of the SDWA, 42 U.S.C. § 300g-3(i)(1).

Findings

8. Calumet is a "municipality" within the meaning of Section 1401(10) of the SDWA, 42 U.S.C. § 300f(10).
9. Calumet owns and operates the System.
10. The System serves approximately 37,000 persons and has 9,832 active service connections.
11. The System meets the definition of a "public water system" in Section 1401(4) of the SDWA, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2 because Calumet City provides water through a piped system or other constructed conveyance to the public for human consumption and such system has at least 15 service connections or regularly serves at least an average of 25 individuals daily at least 60 days out of the year. The System also meets the definition of a community water system (CWS) in 40 C.F.R. § 141.2, which means a PWS that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
12. As the owner of a PWS, Calumet is a "supplier of water" as that term is defined in Section 1401(5) of the SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. As a supplier

of water, the System must comply with the requirements of Part B of the SDWA, 42 U.S.C. § 300g *et seq.*, and the NPDWRs, 40 C.F.R. Part 141.

13. The System has two sources of water: one is chlorinated surface water purchased from the City of Chicago and the other is chloramine-treated surface water purchased from Hammond, Indiana.
14. On March 22, 2021, the Illinois Environmental Protection Agency (IEPA) conducted a sanitary survey of the System. IEPA issued a formal sanitary survey report to the System on May 5, 2021 (May 5, 2021 Sanitary Survey Report).
15. EPA conducted a compliance inspection of the System on February 10, 2022 (February 2022 Inspection). EPA issued the final inspection report on April 12, 2022.
16. The System's assets consist of a 1-million-gallon (MG) underground storage tank for water purchased from Chicago, a 6 MG concrete storage tank for water purchased from Hammond, a 2 MG steel storage tank for water purchased from Hammond, a 1 MG elevated tank, and a 1.25 MG elevated tank. The System has one pump station which contains four high service pumps, a continuous chlorine analyzer, and a chlorine injector.
17. Section 1414(a)(1) of the SDWA, 42 U.S.C. § 300g-3(a)(1), requires EPA to provide notice to the State and PWS whenever EPA finds, during a time period which a State has primary enforcement responsibility for PWSs, that any PWS does not comply with any applicable requirement.
18. On October 19, 2022, which is more than 30 days prior to the effective date of this Order, EPA provided the Notice of Violation (NOV) to the State and the System. EPA provided the State and the System, notice, advice, and technical assistance as appropriate to bring the System into compliance with the SDWA by the earliest feasible time in conformance with Section 1414(a)(1), 42 U.S.C. § 300g-3(a)(1).
19. On November 4, 2022, EPA and the System's technical staff held a conference call to discuss the NOV and confer on the violations.
20. On December 2, 2022, the System provided a written response to the NOV.
21. The State of Illinois has not commenced enforcement action to address the violations listed below, and EPA is issuing this Order in conformance with Section 1414(a)(1) of the SDWA, 42 U.S.C. § 300g-3(a)(1).
22. EPA provided Illinois an opportunity to confer on this Order, in conformance with Section 1414(g)(2), 42 U.S.C. § 300g-3(g)(2).

I. Failure to Develop and Maintain a Flushing Program

- 23. 35 Ill. Adm. Code 604.1425(c) provides that each community water supply must develop and maintain a systematic flushing program.
- 24. During the February 2022 Inspection, the System stated that in the past, the fire department flushed hydrants every spring and fall, but the fire department has not performed routine flushing of the distribution system in recent years.
- 25. Failure to develop and maintain a systematic flushing program is a violation of 35 Ill. Adm. Code 604.1425(c).

II. Failure to Prevent Standing Water Around Water Storage Tank

- 26. 35 Ill. Adm. Code 604.1300(i) provides that the area surrounding a ground level structure must be graded to prevent surface water from standing within 50 feet.
- 27. During the February 2022 Inspection, EPA observed dips in the landscape adjacent to the 6 MG ground level storage tank that contained standing water.
- 28. Failure to grade the area surrounding a ground level structure to prevent surface water from standing within 50 feet is a violation of 35 Ill. Adm. Code 604.1300(i).

III. Failure to Have Repeat Monitoring Locations or Alternative Fixed Locations or Criteria in Revised Total Coliform Rule Sample Siting Plan

- 29. 40 C.F.R. § 141.853(a)(1) provides that systems must develop a written sample siting plan and a sample collection schedule that are representative of water throughout the distribution system not later than March 31, 2016.
- 30. 40 C.F.R. § 141.853(a)(5) provides that systems must identify repeat monitoring locations in the sample siting plan. Unless the provisions of 40 C.F.R. § 141.853(a)(5)(i) or 40 C.F.R. § 141.853(a)(5)(ii) are met, the system must collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken, and at least one repeat sample at a tap within five service connections upstream and at least one repeat sample at a tap within five service connections downstream of the original sampling site. If a total coliform-positive sample is at the end of the distribution system, or one service connection away from the end of the distribution system, the system must still take all required repeat samples. However, the State may allow an alternative sampling location in lieu of the requirement to collect at least one repeat sample upstream or downstream of the original sampling site.
- 31. 40 C.F.R. § 141.853(a)(5)(i) provides that systems may propose repeat monitoring locations to the State that the system believes to be representative of a pathway for

contamination of the distribution system. A system may elect to specify either alternative fixed locations or criteria for selecting repeat sampling sites on a situational basis in a standard operating procedure (SOP) in its sample siting plan. The system must design its SOP to focus the repeat samples at locations that best verify and determine the extent of potential contamination of the distribution system area based on specific situations. The State may modify the SOP or require alternative monitoring locations as needed.

32. During the February 2022 inspection, EPA reviewed the System's revised total coliform rule sample siting plan. The sample siting plan did not identify upstream and downstream repeat sampling locations. The sample siting plan also did not specify either alternative fixed locations or criteria for selecting repeat sampling sites on a situational basis in an SOP for each site for repeat samples.
33. Failure to identify repeat monitoring locations in the sample siting plan is a violation of 40 C.F.R. § 141.853(a)(5).

IV. Failure to Complete a Material Evaluation in Accordance with the Lead and Copper Rule Requirements

34. 40 C.F.R. § 141.80 provides that 40 C.F.R. Part 141, Subpart I (the "Lead and Copper Rule") applies to CWSs.
35. Between December 16, 2021 and October 16, 2024, CWSs must continue to comply with 40 C.F.R. §§ 141.80 through 141.91, as codified on July 1, 2020. *See* 40 C.F.R. § 141.80(a)(4)(i). Beginning October 16, 2024, CWSs must comply with the Lead and Copper Rule Revisions (LCRR),¹ 40 C.F.R. §§ 141.80 through 141.93, as effective on December 16, 2021.
36. The System, a CWS, is subject to the requirements of the Lead and Copper Rule and the LCRR.
37. 40 C.F.R. § 141.86(a)(1) provides that, by the applicable date for commencement of monitoring, each water system shall complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meet the requirements of this section, and which is sufficiently large enough to ensure that the water system can collect the number of lead and copper tap samples required in 40 C.F.R. § 141.86(c).
38. 40 C.F.R. § 141.86(a)(2) provides that a water system must use the information on lead, copper, and galvanized iron or steel that it is required to collect under 40 C.F.R. § 141.42(d) when conducting a materials evaluation.

¹ Unless otherwise noted, citations to 40 C.F.R. §§ 141.80 through 141.91 refer to the regulations as codified on July 1, 2020. Citations to the LCRR are marked accordingly.

39. 40 C.F.R. § 141.42(d) provides that community water supply systems shall identify whether the following construction materials are present in their distribution system and report to the State:
- Lead from piping, solder, caulking, interior lining of distribution mains, alloys and home plumbing.
 - Copper from piping and alloys, service lines, and home plumbing.
 - Galvanized piping, service lines, and home plumbing.
 - Ferrous piping materials such as cast iron and steel.
 - Asbestos cement pipe.
40. 40 C.F.R. § 141.86(a)(3) through (7) set forth a “tiering system” which a water system must follow to ensure that the sampling sites it includes in its sampling pool are adequately representative of the area the system serves and meet the Lead and Copper Rule sampling requirements.
41. During the February 2022 inspection, EPA requested copies of the lead and copper material evaluation. The System provided information pertaining to the most recent round of lead and copper samples taken and a copy of a meter replacement survey that was conducted in 2017 that identified the piping material on the private side of the meter, service line material, and the locations where these materials appeared throughout the distribution system. The System did not have any additional records of lead service line materials or a complete materials evaluation of its distribution system that the System was required to complete under 40 C.F.R. § 141.86(a)(1) and (2).
42. Failure to complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meets the requirements of 40 C.F.R. § 141.86 and which is sufficiently large to ensure that the water system can collect the number of lead and copper tap samples required in 40 C.F.R. § 141.86(c) is a violation of 40 C.F.R. § 141.86(a)(1).

V. Failure to Collect Lead and Copper Rule Sample from Adequate Sites

43. 40 C.F.R. § 141.86(a)(8) provides that any water system whose distribution system contains lead service lines shall draw 50 percent of the samples it collects during each monitoring period from sites that contain lead pipes, or copper pipes with lead solder, and 50 percent of the samples from sites served by a lead service line. A water system that cannot identify a sufficient number of sampling sites served by a lead service line shall collect first-draw samples from all of the sites identified as being served by such lines.
44. 40 C.F.R. § 141.86(c) provides that water systems shall collect at least one sample during each monitoring period specified in 40 C.F.R. § 141.86(d) from a specified number of sites depending on the system’s population and as listed in the first column (“standard monitoring”) of the table in 40 C.F.R. § 141.86(c). According to the table, systems

serving 10,001 to 100,000 people are required to have 60 sites per monitoring period when performing standard monitoring. Under reduced monitoring systems serving 10,001 to 100,000 people are required to have 30 sites per monitoring period when performing standard monitoring.

45. The System is under reduced monitoring requirements and is required to have 30 sites per monitoring period when performing standard monitoring. The most recent lead and copper sample records showed that 30 locations were sampled in the 2021 lead and copper monitoring event. Of those 30 samples, only seven of the locations were confirmed to have lead service lines based on the 2017 meter replacement records. The System stated during the inspection that it did not use the 2017 meter replacement survey to update its existing sample pool.
46. Failure to collect 50 percent of the samples from sites that contain lead pipes, or copper pipes with lead solder, and 50 percent of the samples from sites served by a lead service line is a violation of 40 C.F.R. § 141.86(a)(8).
47. During the February 2022 Inspection, the System was unable to provide documentation demonstrating that it collected lead and copper samples from 30 sites per monitoring period that met the sample site criteria provided by 40 C.F.R. § 141.86(a).
48. Failure to collect lead and copper samples from 30 sites per monitoring period that met the sample site criteria provided by 40 C.F.R. § 141.86(a) is a violation of 40 C.F.R. § 141.86(c).

VI. Failure to Have a Cross Connection Control Program

49. 35 Ill. Adm. Code 604.1505(a) provides that all community water supplies must have a cross connection control program to educate and inform water supply consumers regarding prevention of the entry of contaminants into the distribution system.
50. During the February 2022 Inspection, EPA requested a copy of the cross connection control program, including records of backflow preventor devices in place. To date, the System has not provided a copy of the cross connection control program.
51. Failure to have a cross connection program is a violation of 35 Ill. Adm. Code 604.1505(a).

VII. Roof and Sidewalls of the 6 MG Concrete Storage Tank

52. 35 Ill. Adm. Code 604.1325(a) provides that the roof and sidewalls of all water storage structures must be watertight with no openings except properly constructed vents,

manholes, overflows, risers, drains, pump mountings, control ports, or piping for inflow and outflow.

53. 35 Ill. Adm. Code 604.1325(e) provides that the roof of the storage structure must be well drained. Downspout pipes must not enter or pass through the reservoir. Parapets, or similar construction that would tend to hold water and snow on the roof, must have adequate waterproofing and drainage.
54. 35 Ill. Adm. Code 604.1325(g) provides that reservoirs with pre-cast concrete roof structures must be made watertight with the use of a waterproof membrane or similar product.
55. During the February 2022 Inspection, EPA observed the exterior of the 6 MG concrete storage tank had noticeable cracks and staining on the side. There was effervescence coming from the cracks. There was some separation between the roof and the sidewall of the concrete tanks. EPA also observed discoloration from water accumulating on the pre-cast concrete roof and running down the side of the 6 MG concrete storage tank, demonstrating that the roof did not have adequate waterproofing and drainage.
56. Failure to ensure the roof and sidewalls are watertight with no openings is a violation of 35 Ill. Adm. Code 604.1325(a).
57. Failure to make the roof well drained and have adequate waterproofing and drainage is a violation of 35 Ill. Adm. Code 604.1325(e).
58. Failure to make the pre-cast concrete roof structure watertight with the use of a waterproof membrane or similar product is a violation of 35 Ill. Adm. Code 604.1325(g).

VIII. Condition of the 2 MG Steel Storage Tank

59. 35 Ill. Adm. Code 604.1330(a) provides that metal surfaces must be protected by paints or other protective coatings, by cathodic protective devices, or by both.
60. During the February 2022 Inspection, EPA observed that the metal surface of the 2 MG steel tank had noticeable discoloration and rusting. The rusting and discoloration indicate that the metal surface of the water tower is not being effectively protected from corrosion by paints or other protective coatings, by cathodic protective devices, or by both.
61. Failure to have metal surfaces protected by paints or other protective coatings, by cathodic protective devices, or by both is a violation of 35 Ill. Adm. Code 604.1330(a).

IX. Blending of Free Chlorine and Combined Chlorine Residual

- 62. 35 Ill. Adm. Code 604.725(c) provides that community water supplies must not mix water sources with free chlorine and combined chlorine residual.
- 63. 35 Adm. Code 601.105 defines free chlorine as the residual chlorine existing in water as the sum of hypochlorous acid and hypochlorite ion.
- 64. Chlorine-treated water has free chlorine.
- 65. 35 Ill. Adm. Code 601.105 defines combined chlorine as the reaction product formed when chlorine has reacted with ammonia to form chloramines.
- 66. Chloramine-treated water has combined chlorine residual.
- 67. During the February 2022 Inspection, EPA observed that the System is blending chlorine-treated water (i.e. water with free chlorine) it purchased from Chicago with chloramine-treated water (i.e. water with combined chlorine) it purchased from Hammond.
- 68. Mixing water sources with free chlorine and combined chlorine residual is a violation of 35 Ill. Adm. Code 604.725(c).

X. Failure to Create a Nitrification Action Plan

- 69. 35 Ill. Adm. Code 604.140 provides that any community water supply distributing water without a free chlorine residual must create a Nitrification Action Plan (NAP). The NAP must:
 - a. contain a plan for monitoring total ammonia-N, free ammonia-N, nitrite-N, monochloramine residual, dichloramine residual, and total chlorine residual;
 - b. contain system specific levels of the chemicals in subsection (a) when action must be taken;
 - c. contain specific corrective actions to be taken if the levels in subsection (b) are exceeded; and
 - d. be maintained on site and made available to IEPA, upon request.
- 70. During the February 2022 Inspection, the System told EPA that it purchases water from Hammond. Water provided by Hammond has been treated with chloramines and is without a free chlorine residual.

71. During the February 2022 Inspection, the System told EPA that it has not completed a NAP. The System also stated that it had not commenced the nitrification monitoring because it had not yet completed the NAP.
72. Failure to create a NAP is a violation of 35 Ill. Adm. Code 604.140.

XI. Failure to Correct Significant Deficiencies Identified by IEPA

73. 35 Ill. Adm. Code 611.1023(a) defines a sanitary survey as an onsite review of the water source (identifying sources of contamination by using results of source water assessments where available), facilities, equipment, operation, maintenance, and monitoring compliance of a PWS to evaluate the adequacy of the PWS, its sources and operations, and the distribution of safe drinking water.
74. 35 Ill. Adm. Code 611.1023(b) provides that a significant deficiency includes a defect in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution supplier that EPA or the IEPA determines to be causing, or has the potential for causing, the introduction of contamination into the water delivered to consumers.
75. 35 Ill. Adm. Code 611.1023(c) provides that for sanitary surveys performed by EPA or the IEPA, the supplier must respond in writing to significant deficiencies identified in sanitary survey reports no later than 45 days after receipt of the report, indicating how and on what schedule the supplier will address significant deficiencies noted in the survey.
76. 35 Ill. Adm. Code 611.1023(d) provides that a supplier must correct significant deficiencies identified in sanitary survey reports according to the schedule approved by EPA or the IEPA, or if there is no approved schedule, according to the schedule reported pursuant to subsection 611.1023(c) if such deficiencies are within the control of the supplier.
77. In the May 5, 2021 Sanitary Survey Report, IEPA identified the following items as deficiencies: the System has not created an NAP and the System cannot mix water sources with free chlorine and combined residuals.
78. In the May 5, 2021 Sanitary Survey Report, IEPA asked Calumet City to respond to the findings in writing within 30 days and to describe the steps that have been taken or will be taken to correct the deficiencies.
79. On May 25, 2021, the System provided a written response to the May 5, 2021 Sanitary Survey Report. The System provided a response indicating that it planned to address the NAP deficiency by the fall of 2021. The System did not address the mixing of water sources with free chlorine and combined residuals deficiency in its response.

80. During the February 2022 Inspection, EPA identified that the NAP has not been completed and the monitoring for nitrification has not commenced by the System.
81. During the February 2022 Inspection, EPA identified that the System is continuing to blend chloramine-treated (combined residuals) water from Hammond with chlorine-treated (free chlorine) water from Chicago.
82. The deficiencies identified in the May 5, 2021 Sanitary Survey Report have the potential for causing the introduction of contamination into the water delivered to consumers and are therefore "significant deficiencies" as that term is defined by 35 Ill. Adm. Code 611.1023(b).
83. Based on the observations from the February 2022 Inspection, the System has failed to resolve the significant deficiencies identified in the May 5, 2021 Sanitary Survey Report.
84. Failure to respond in writing to each significant deficiency identified in the May 5, 2021 Sanitary Survey Report, is a violation of 35 Ill. Adm. Code 611.1023(c).
85. Failure to address the significant deficiencies identified in the May 5, 2021 Sanitary Survey Report, as described in the Paragraphs above, is a violation of 35 Ill. Adm. Code 611.1023(d).

Compliance Activities to Date

86. Since EPA issued the NOV on October 19, 2022, Calumet has undertaken the following steps in response to the violations alleged above:
 - a. On December 2, 2022, Calumet provided documentation showing that it developed and implemented a hydrant flushing program following an IEPA inspection that occurred in March of 2021. Calumet also provided documentation dated October 27, 2022 demonstrating that the Calumet City Fire Department performs system-wide hydrant flushing every summer and provided a record of hydrant flushing completed in the previous two years.
 - b. On December 2, 2022, Calumet provided photos showing that the landscape around the 6 MG ground level storage tank has been properly graded and no longer allows for standing water to accumulate within 50 feet of the base of the storage tank.
 - c. On December 2, 2022, Calumet provided a copy of its ordinance for cross connection control. Calumet also provided backflow prevention testing and cross connection data that is generated and maintained by a third-party contractor which is utilized at the System to track and document all cross-connections and provide

backflow testing reminders.

- d. On December 2, 2022, Calumet provided documentation that it has identified the material that comprises the water service lines for approximately 85% of the community and it plans to complete inventory by April 2024. It is using this information to generate a comprehensive lead service line inventory. The System stated that it plans to update its lead and copper sample pool with the meter replacement records, the material inventory, and the comprehensive lead service line inventory.

Compliance Requirements

87. Calumet must:

- a. Within 365 days of the effective date of this Order, develop and submit a standard operating procedure (SOP) for routine and systematic flushing of the water system to EPA for review and approval to the email addresses in Paragraph 91 of this Order. This SOP should describe the methodology, frequency, and timing of the hydrant flushing throughout the System. If EPA disapproves the SOP, in whole or in part, Calumet must revise the SOP in accordance with such disapproval notification until EPA gives written approval. Calumet must implement the approved SOP following EPA's approval.
- b. Within 180 days of the effective date of this Order, develop a written Revised Total Coliform Rule sample siting plan and a sample collection schedule that are representative of water throughout the distribution system and meet the requirements of 40 C.F.R. § 141.853(a). In this sample siting plan, Calumet must either identify repeat monitoring locations pursuant to 40 C.F.R. § 141.853(a)(5) or elect to specify either alternative fixed locations or criteria for selecting repeat sampling sites on a situational basis in a SOP pursuant to 40 C.F.R. § 141.853(a)(5)(i). The Revised Total Coliform Rule sample siting plan must be submitted to IEPA and the EPA addresses in Paragraph 91. This compliance term is not deemed complete until written approval of the sample pool is provided by IEPA.
- c. By October 16, 2024, develop a lead service line inventory to identify the materials of services lines connected to the public water distribution system to meet the requirements in 40 C.F.R. § 141.84 of the LCRR.
- d. By December 31, 2023, Calumet must generate and submit a pool of targeted sampling sites that meets the requirements of 40 C.F.R. § 141.86(a) and which is sufficiently large to ensure that Calumet can collect the number of lead and copper tap samples required in 40 C.F.R. § 141.86(c) to IEPA and the EPA addresses in Paragraph 91. Sampling sites may not include faucets that have

point-of-use or point-of-entry treatment devices designed to remove inorganic contaminants. This compliance term is not deemed complete until written approval of the sample pool is provided by IEPA and Calumet provides a copy of the written approval to EPA.

- e. Beginning with the monitoring period of January 1, 2024 through June 30, 2024, Calumet must conduct standard six-month lead and copper monitoring at customer taps using the approved pool of targeted sampling sites required by Paragraph 87(d) of this Order. All sites from which first draw water samples are to be collected shall be selected from the list of targeted sampling sites approved in Paragraph 87(d). The number of samples to be collected is based on the System's population and identified as standard monitoring in 40 C.F.R. § 141.86(c). Samples must be collected in accordance with the methods outlined in 40 C.F.R. § 141.86(b).
 - i. If the lead and/or copper action level(s) is exceeded during the January 1, 2024 through June 30, 2024 monitoring period, Calumet must comply with the requirements of 40 C.F.R. § 141.80 through 91.
 - ii. If lead and/or copper action level(s) is met during the January 1, 2024 through June 30, 2024 monitoring period, Calumet must conduct a second round of standard lead and copper monitoring at customer taps during the monitoring period of July 1, 2024 through December 31, 2024.
 - iii. By July 10, 2024, submit to EPA and IEPA all required information, as established in 40 C.F.R. § 141.90(a) for the lead and copper tap monitoring performed pursuant to Paragraph 87(e). Information reported must be in accordance with 40 C.F.R. § 141.90.
 - iv. Within 30 days of learning the tap monitoring results from the monitoring required by Paragraph 87(e) of this Order, notify customers of the monitoring results for the lead tap monitoring outlined in Paragraph 87(e). Consumer notice content must be in accordance with 40 C.F.R. § 141.85(d)(3). By October 1, 2024, Calumet must provide a sample copy of the consumer notice of tap results along with a certification that the notification has been distributed in a manner consistent with the requirement of 40 C.F.R. § 141.85(d), in accordance with 40 C.F.R. § 141.90(f)(3).
- f. Beginning with the monitoring period of July 1, 2024 through December 31, 2024, Calumet must conduct standard six-month lead and copper monitoring at customer taps using the approved pool of targeted sampling sites required by Paragraph 87(d) of this Order. All sites from which first draw water samples are

to be collected shall be selected from the list of targeted sampling sites approved in Paragraph 87(d). The number of samples to be collected is based on the System's population and identified as standard monitoring in 40 C.F.R. § 141.90(c) of the LCRR. Samples must be collected in accordance with the methods outlined in 40 C.F.R. § 141.86(b) of the LCRR.

- i. If the lead and/or copper action level(s) is exceeded during the July 1, 2024 through December 31, 2024 monitoring period, Calumet must comply with the requirements of 40 C.F.R. §§ 141.80 through 93. If the exceedance occurs after October 16, 2024, Calumet must comply with 40 C.F.R. §§ 141.80 through 93 of the LCRR.
 - ii. By January 10, 2025, submit to EPA and IEPA all required information, as established in 40 C.F.R. § 141.90 of the LCRR for the lead and copper tap monitoring performed pursuant to Paragraph 87(f). Information reported must be in accordance with 40 C.F.R. § 141.90 of the LCRR.
 - iii. Within 30 days of learning the tap monitoring results from the monitoring required by Paragraph 87(f) of this Order, notify customers of the monitoring results for the lead tap monitoring outlined in Paragraph 87(f). Consumer notice content must be in accordance with 40 C.F.R. § 141.85(d)(3). By April 1, 2025, Calumet must provide a sample copy of the consumer notice of tap results along with a certification that the notification has been distributed in a manner consistent with the requirement of 40 C.F.R. § 141.85(d), in accordance with 40 C.F.R. § 141.90(f)(3).
- g. Within 365 days of the effective date of this Order, develop and submit to EPA for review and approval a cross connection control program that complies with 35 Ill. Adm. Code 604.1505. This plan should include connection control program procedures, with specific descriptions of the combined activities of the System and its third-party contractor. If EPA disapproves the program, in whole or in part, Calumet must revise the program in accordance with such disapproval notification until EPA gives written approval. Calumet must implement the approved cross connection control program following EPA's approval.
- h. Within 180 days of the effective date of this Order, develop and submit to EPA for review and approval a 6 MG Concrete Tank Repair Plan. In response to EPA's October 19, 2022 Notice of Violation, Calumet's contract engineer completed an interior and exterior inspection of the 6 MG concrete ground reservoir and generated a report dated August 8, 2022 that identifies a list of issues that need to be addressed. Calumet must create a 6 MG Concrete Tank Repair Plan that at a minimum addresses the issues identified in the August 8, 2022 tank inspection

report. The plan must include specific actions to be taken, estimated cost of the project, project start date, interim milestone deadlines, and a timeframe for the project to be completed. If EPA disapproves the 6 MG Concrete Tank Repair Plan, in whole or in part, Calumet must revise the plan in accordance with such disapproval notification until EPA gives written approval on the 6 MG Concrete Tank Repair Plan. Calumet must implement the approved 6 MG Concrete Tank Repair Plan following EPA's approval. Within 30 days of all work identified in the 6 MG Concrete Tank Repair Plan being completed, Calumet must submit a report that details the work completed, the cost of all repairs, the date it was completed and photos documenting that the work was completed via email to the addresses in Paragraph 91 of this Order.

- i. Within 180 days of the effective date of this Order, develop and submit to EPA for review and approval a 2 MG Steel Storage Tank Repair Plan. In response to EPA's October 19, 2022 Notice of Violation, Calumet's contract engineer completed an interior and exterior inspection of the 2 MG steel storage tank and generated a report dated August 29, 2022 that identifies a list of issues that need to be addressed. Calumet must create a 2 MG Steel Storage Tank Repair Plan that at a minimum addresses the issues identified in the August 29, 2022 tank inspection report for the 2 MG steel storage tank. The plan must include specific actions to be taken, estimated cost of the project, project start date, interim milestone deadlines, and a timeframe for the project to be completed. If EPA disapproves the 2 MG Steel Storage Tank Repair Plan, in whole or in part, Calumet must revise the plan in accordance with such disapproval notification until EPA gives written approval on the 2 MG Steel Storage Tank Repair Plan. Calumet must implement the approved 2 MG Steel Storage Tank Repair Plan following EPA's approval. Within 30 days of all work identified in the 2 MG Steel Storage Tank Repair Plan being completed, submit a report that details the work completed, the estimated cost of all repairs, the date it was completed and photos documenting that the work was completed via email to the addresses in Paragraph 91 of this Order.
- j. Within 180 days of the effective date of this Order, develop and submit to EPA for review and approval a Source Water Modification Plan. This plan must describe how Calumet will cease blending sources of water that contain a free chlorine and a combined chlorine residual. The plan must include details on the source of water the System will utilize, specific actions to be taken for this source to be used, estimated cost of the project, project start date, interim milestone deadlines, and a timeframe for the project to be completed. If EPA disapproves the Source Water Modification Plan, in whole or in part, Calumet must revise the plan in accordance with such disapproval notification until EPA gives written approval on the Source Water Modification Plan. Calumet must implement the approved Source Water Modification Plan following EPA's approval. Within 30 days of all work identified in the Source Water Modification Plan being

completed, submit a report that details the work completed, the estimated cost of all repairs, the date it was completed and photos documenting that the work was completed via email to the addresses in Paragraph 91 of this Order.

- i. If Calumet chooses to utilize a water source that does not contain a free chlorine residual, Calumet must create an NAP pursuant to 35 Ill. Adm. Code 604.140. The generation and implementation of the NAP must be incorporated into the Source Water Modification Plan for EPA's review and approval.
 - ii. If the System chooses to utilize a water source that does contain a free chlorine residual, the System does not need to generate the NAP described in Paragraph 87(j)(i).
88. Calumet must carry out the public notice and other notice requirements as set forth in 40 C.F.R. Part 141, Subpart Q, for all alleged violations requiring public notice, if not already completed or if violations recur or remain for the time period between the Effective Date and the date of termination of the Order. The public notice must follow all requirements set forth in 40 C.F.R. Part 141, Subpart Q, as applicable, and must be delivered no later than 30 days after knowledge of the alleged violation, or, within 30 days of the Effective Date of this Order for alleged violations that occurred before entry of this Order. The public notice must also meet the public notice obligations of state and local regulations. Example public notices can be found at <https://www.epa.gov/dwreginfo/public-notification-templates-community-and-non-transient-non-community-water-systems> and <https://www2.illinois.gov/epa/topics/forms/water-forms/Pages/violation-templates.aspx>. Calumet must submit certification and associated documentation required pursuant to 40 C.F.R. § 141.31(d)(1) to EPA, within 10 days of completing the public notice requirements for initial and any repeat notices.
89. Calumet must make information available to persons served by the System regarding construction, projects, and repairs it is undertaking pursuant to this Order on a reasonable basis, such as by posting a copy of this Order and pertinent information on construction, repairs, and projects required by this Order on Calumet's website and posting in City Hall and by responding to public inquiries about these activities in a reasonable time and manner.
90. Final Return to Compliance Report: Within 30 days of completing all compliance requirements required by Paragraph 87 of this Order, Calumet must complete and submit the final report attached to this Order ("Final Return to Compliance Report"). The Final Return to Compliance Report must provide the date each compliance requirement was completed, a description of what action was taken to complete the compliance requirement and a demonstration that the compliance term has been met for each compliance requirement of this Order and the estimated cost of compliance.

91. Calumet must submit all reports, notifications, and other documentation required by this Order by electronic mail to the EPA electronically at r5weca@epa.gov, and jerger.taylor.m@epa.gov. The subject line of the submittal must display the case name/entity name and the paragraph(s) of the Order relevant to the submittal. All electronically-submitted materials must be in final and searchable format, such as Portable Document Format (PDF) with Optical Character Recognition (OCR) applied. Do not use the email address r5weca@epa.gov for submission of any information for which you intend to assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B. If the System is unable to send a report or notification to these addresses due to email size restrictions, the confidential nature of the information, or another problem, contact the EPA case manager and send an email to r5weca@epa.gov to make alternative arrangements for the transmission of the report or notifications.
92. All reports, notifications, and other documentation submitted under Paragraph 87 of this Order to EPA shall be accompanied by the following certification:
- 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.
93. EPA has the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by the System to EPA regarding matters relevant to this Order are false or, in any material respect, inaccurate. This right is in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Calumet and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

General Provisions

94. Calumet consents to the transmission of this Order via e-mail at the following e-mail address: mjkasper60@mac.com.
95. Calumet agrees to the terms of this Order. Calumet waives any remedies, claims for relief, and otherwise available rights to judicial or administrative review that it may have

with respect to any issue of fact or law set forth in this Order, including any right of judicial review under Section 1448(a), 42 U.S.C. § 300j-7(a), of the SDWA.

96. This Order does not affect Calumet's responsibility to comply with any applicable law.
97. This Order does not restrict EPA's authority to enforce the SDWA and its implementing regulations, including 40 C.F.R. Part 141, and any other applicable requirements, as defined at Section 1414(i) of the SDWA, 42 U.S.C. § 300g-3(i).
98. Failure to comply with this Order may subject Calumet to a penalty up to \$67,554 per day per violation for each day in which a violation occurs, as assessed by the United States District Court, under Section 1414(g)(3)(A) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(A), (C), or up to \$47,061 per violation, as assessed by the Administrator, under Section 1414(g)(3)(B) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(B).
99. The terms of this Order are binding on Calumet and its successors. Calumet must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the email addresses provided above, that it has given the notice.
100. Calumet may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Calumet fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. As set forth at 40 C.F.R. § 2.304, the existence, absence, or level of contaminants in drinking water is not eligible for confidential treatment.
101. Information collection under this Order is exempt from the Paperwork Reduction Act under 44 U.S.C. § 3518(c)(1)(B).
102. EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.
103. Providing false or misleading information may subject the Calumet and its representatives to civil or criminal enforcement, or both.
104. This Order is effective on the date of signature by the Director of the Enforcement and Compliance Assurance Division and will remain in effect until the EPA has notified Calumet of termination of the Order pursuant to Paragraphs 107 or 108, below.
105. This Order may be modified by written agreement of the parties and with notice to the primary enforcement authority, if applicable.

106. 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 Paragraph 87 is restitution, remediation, or required to come into compliance with the law.
107. EPA may terminate this Order at any time by written notice to Calumet.
108. Absent the notice described in Paragraph 107, and after completing all conditions of this Order and attaining compliance with the applicable requirements of the SDWA, Calumet may request in writing that the EPA terminate this Order. With this request for termination, Calumet must submit the Final Return to Compliance Report set forth at Paragraph 91 and certify that there are no further outstanding measures required under this Order. In response to the request for termination and Final Return to Compliance Report, EPA may require additional information, actions, or evidence from the System to show compliance with this Order and the SDWA; EPA may pursue appropriate administrative or judicial action to achieve compliance; or EPA may accept the request for termination and Final Return to Compliance Report. Upon the EPA's written acceptance of the request for termination or the written review and approval of the compliance report, this Order will terminate.


Calumet PWS Administrative Order Final Return to Compliance Report

[illegible]

Adjournment

Alderman Smith moved to adjourn, seconded by Alderman Williams at 7:02 p.m.

MOTION CARRIED

X 

Dr. Nyota T. Figgs
City Clerk