August 18, 2020

Governor J.B. Pritzker
Office of the Governor
207 State House
Springfield, IL 62706

Director John J. Kim
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62796-9276

Dear Governor Pritzker and Director Kim,

As residents of an environmental justice community in Centreville, Illinois,[1] we continue to be devastated by chronic flooding and raw sewage issues. Centreville Citizens for Change—a Black-led community group—and our partners at Equity Legal Services, Metropolitan St. Louis Equal Housing and Opportunity Council, Earthjustice, and Natural Resources Defense Council seek the State of Illinois' immediate assistance to require repairs to the failing wastewater and stormwater systems that have caused contaminated waters to invade our homes and yards. First, our ongoing, dire situation has only gotten more urgent as a result of the additional potential public health threats posed by COVID-19. Accordingly, we urge you to dedicate COVID-related relief to our community to help eliminate the combined crises we face. Second, we request immediate action, and have detailed specific action steps below, by the Illinois Environmental Protection Agency ("IEPA") to address this emergency by enforcing our environmental laws; we expect that IEPA will fulfill its responsibilities in a way that is consistent with its obligations and commitments to uphold civil rights and to protect environmental justice communities.

Resident Experiences of Sewage Problems

Even though our pleas for help from the City of Centreville ("Centreville") and Commonfields of Cahokia Public Water System ("Commonfields") have been unsuccessful to date and raw sewage continues to flow into our homes and yards, we are determined to stay in our homes. Our nation's history of housing segregation and disinvestment in Black communities has made it difficult for us to accumulate wealth; we have invested greatly in our homes and deserve the opportunity to benefit from these investments, including the ability to enjoy our property free of sewage. Our environmental laws apply to *all* communities, and the State of Illinois should act accordingly to protect us.

[1] 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. Centreville has been identified as an environmental justice community. See EJ Screen Report (Attachment 1).

No one should have to live for even a day in such conditions, but our Black community has been burdened with them for years. We have attached letters of three residents who explain their horrible living conditions.[2] Ms. Barbara Eiland explains in her letter that the poor drainage and standing water has damaged the foundation of her home, led her floors to buckle, and created foul sewer smells in her home. Another impacted resident, Ms. Olivia Dunn, writes that in the past, the ditches in front of her home would fill with sewer water, and when it would rain the water used to come to her porch. Ms. Dunn explained that when the city has cleaned out the ditches, the situation improved, but that sewer water now still comes half way up her yard. Ms. Valerie Marion describes sewage and water flowing into her basement and causing damage that has forced her to replace her furnace, hot water tank, and washer and dryer. She also speaks about her inability to host guests because of the strong foul odor. The standing water in ditches have attracted a significant number of mosquitos, as well. She is very concerned about her health and the possible connection of her health concerns to these unsafe conditions. The maintenance of ditches, the pumps, and the sewer systems are all fixable problems, yet Centreville, Commonfields, and other contributors to the problem have not addressed these issues adequately; instead, as these problems persist, Commonfields continues to charge us, and raise its rates, for services that it is not providing.

Request for COVID-19 Relief Funds

The COVID-19 pandemic increases the urgency of our request. We live across from St. Louis, a regional COVID-19 hotspot, and within St. Clair County, which has a notably high number of cases per capita,[3] with a relatively high COVID-19 death rate among known cases.[4] As a low-income, Black community, we are more likely to suffer poor health outcomes from COVID-19.[5] We are facing floodwaters and raw sewage invading our homes and yards, at the same time we are being told to "shelter in place" to avoid contracting or spreading COVID-19. Yet staying at home is not safe for us because it increases our exposure to sewage and flooding.

Any available COVID-related funds and COVID-related enforcement authority should be used to deploy all relevant and available help to remedy these problems in the near-term and moving forward, in addition to any more standard resources available to you. Such measures could include: (1) use of enhanced Community Development Block Grant funds to replace dysfunctional or failing parts of the water systems; (2) use of your emergency powers to deploy emergency pumps in response to resident complaints, in areas known to have non-operational pumps and where local government is non-responsive; and (3) creation of new workforce programs to deploy emergency pumps and clean out storm drains and ditches, with protections from COVID-related liability for workers. As the State considers the use of potentially available

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[2] Letters from residents Barbara Eiland, Olivia Dunn, and Valerie Marion to Gov. Pritzker (2020) (Attachment 2).
[3] "Coronavirus in the U.S.: Latest Map and Case Count," New York Times, https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html#states
[4] *Id.*; Illinois Department of Public Health, "COVID-19 Statistics, Illinois," https://www.dph.illinois.gov/covid19/covid19-statistics
[5] Centers for Disease Control and Prevention, "Health Equity Considerations & Racial & Ethnic Minority Groups," https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html

COVID-relief funds, it should only direct these funds to Centreville or Commonfields if these entities commit to making these repairs and doing so in a timely way, and to maintaining the system moving forward. We are especially concerned about the utilities' current ability to provide services to impacted Centreville residents, given that a Commonfields representative recently indicated to press that not only had "most of the staff been laid off" but that "she had no way of calling [the water district's superintendent]."[6]

Request for IEPA Action

We understand that, in early 2020, the IEPA raised these sewage concerns with Centreville and Commonfields—the entities responsible for operating Centreville's sanitary sewage system.[7] We appreciate these overdue efforts, but these communications have not yet led to change on the ground. We strongly urge IEPA to pursue the appropriate repairs and relief for impacted residents through enforcement actions and other methods—especially given its duty to ensure that *all* Illinois residents enjoy a healthy environment and given the heightened risks faced by our community. We also welcome IEPA's continued collaboration with Senator Duckworth's office and the U.S. Environmental Protection Agency towards resolving these issues as soon as possible. Such partnership is especially critical because a real and full solution will likely require action by a number of utilities and cities/towns in our region.

Illinois' environmental laws must be enforced to protect our community, and in a manner consistent with IEPA's obligations and commitments to uphold civil rights and to protect environmental justice communities. We are particularly concerned that IEPA may not be enforcing environmental protections in an equitable way. We understand that IEPA has brought enforcement actions against utilities in neighboring communities with greater numbers of white residents, including other communities within the Commonfields of Cahokia Public Water System. Although IEPA issued a violation notice to Commonfields related to Centreville problems, which led to an agreement to make repairs, we have no information to suggest that IEPA has followed through to secure these agreed-upon repairs. Further, as far as we know, IEPA has not issued a violation notice to Commonfields since 2013 despite the ongoing sewage issues. Despite our complaints and the many work orders documenting the sewer backups in Centreville, IEPA has yet to bring an enforcement action against Centreville for its sewage

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[6] Michele Munz, "Sewer problems plaguing Centreville homes lead to lawsuit seeking relief," St. Louis Post-Dispatch (June 19, 2020), https://www.stltoday.com/news/local/metro/sewer-problems-plaguing-centreville-homes-lead-to-lawsuit-seeking-relief/article_27c8bca0-c24b-5de8-96d0-434086bf98a7.html

[7] Letter from Sanjay Sofat, Bureau Chief, Bureau of Water, IEPA, to Mr. La Mar Gentry, Village of Centreville (January 24, 2020) (informing Centreville that its Municipal Separate Storm Sewer Systems (MS4) Permit was incomplete) (Attachment 3); Email, Mr. Wayne Caughman to Mr. Jim Miles (January 23, 2020) (referencing health and flooding concerns) (Attachment 4); Email, Joe Stitley to Jim Miles (January 28, 2020) (providing a summary of a January 27, 2020 meeting with Commonfields and Centreville and noting that Dennis Traiteur of Commonfields indicated that "the system has at least 12 lift stations that are desperately in need of renovation" and that only 4 of 8 lift stations owned by Centreville are operational) (Attachment 5).

failures. We are seeking your commitment to fully investigate and enforce environmental and public health protections in a way that promotes environmental justice.

On our behalf, Earthjustice, Equity Legal Services, and Metropolitan St. Louis Equal Housing and Opportunity Council recently filed the attached informal complaint with the Illinois Pollution Control Board, providing documentation demonstrating the pattern of sewage discharges in our community that has resulted from years of neglect and mismanagement of the sanitary sewage system and related systems that service our community.[8] By creating or allowing these discharges, Centreville, Commonfields, the Township of Centreville and potentially other responsible parties are violating the Illinois Environmental Protection Act's prohibitions against discharges of pollution to land or water that could create a water pollution hazard.[9] We request that IEPA fulfill its duty to investigate these violations and ensure compliance with the law to stop the sewage discharges that threaten our health and impair our ability to enjoy our property.

Requested Relief

We request that IEPA investigate the violations alleged in our attached informal complaint, determine whether there are any additional, related claims that can and should be brought against these and other responsible parties, and enforce all applicable environmental laws. We request that, at a minimum, IEPA take the following actions immediately:

- Require immediate emergency action to replace all non-functioning or temporary pumps at Commonfields and Centreville lift stations and add back-up pumps that can activate automatically in case of primary pump failure.
- Investigate the sewage pollution, issue appropriate formal notices of violation to Centreville and Commonfields, and require Commonfields and Centreville to take all necessary corrective action to halt all overflows and discharges of water.[10]
- Arrange for an independent, credentialed party to conduct a complete diagnostic review of the sewer system identifying the causes of all discharges, as well as the acknowledged infiltration and inflow programs and recommend solutions.[11] Require all repairs recommended in the independent review.
- Require the City of Centreville to obtain a permit, which is required by law, for its separate sanitary sewer system.[12]
- Hold the City of East St. Louis accountable for its failure to report monthly CSOs and its failing pipe system, and ensure that it undertakes and completes

[8] Centreville Citizens for Change Informal Complaint to Illinois Pollution Control Board (Attachment 6).
[9] *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").
[10] Centreville Citizens for Change Informal Complaint to Illinois Pollution Control Board, 10 (Attachment 6).
[11] *Id.*
[12] *See* Letter from Sanjay Sofat, *supra* note 7, Attachment 3.

necessary replacement of clay sewer mains with PVC and the separation of combined sewers.[13]

- Evaluate the capacity of the American Bottoms Regional Wastewater Treatment Facility to handle the area's wastewater and stormwater and address any capacity and/or other shortcomings in permitting for this facility.[14]

Conclusion

The ongoing sewage pollution continues to threaten our homes and yards and our health. We urge you to act immediately to ensure that the sewer systems that serve Centreville are repaired and we can remain safely in our homes. We look forward to hearing from you no later than September 4, 2020. Please respond to Nicole Nelson at Equity Legal Services (nnelson@equitylegalservices.org) and Debbie Chizewer at Earthjustice (dchizewer@earthjustice.org).

Sincerely,

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cc:

Senator Tammy Duckworth
Senator Richard Durbin
Director John J. Kim, IEPA
Regional Administrator Kurt Thiede, Region 5 USEPA
Alan Walts, Director, Tribal and Multi-media Programs, USEPA
Sanjay Sofat, Chief, Bureau of Water, IEPA

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[13] *See* Email, Joe Stitely to Jim Miles (January 30, 2020) (detailing a meeting with East St. Louis regarding the collection system problems) (Attachment 7).

[14] *Id.* (noting the need to work with the permittee and tributary communities on capacity issues). Note that it is also unclear whether American Bottoms Wastewater Treatment Facility has a current permit. *Id.*