

(and decades before) and are continuing. Recent bypasses from the ditch and structures occurred daily from March 1, 2013 through March 6, 2013; intermittently from March 7, 2013 through March 25, 2013; and daily from March 26, 2013 until at least March 27, 2013.

In addition, the City is aware that residents and businesses on the north side of town have repeatedly suffered sewage back ups of raw sewage into their homes and buildings. In order to mitigate the damage to their homes, the residents remove the cleanout plugs on the sewage pipes near their homes to release backed up sewage into their yards. This sewage washes from yards and streets into the ditch on the north side of town and discharges into Mill Creek. The backups occur at residences throughout the north side of Rochelle, including but not limited to, 1004 Gordon Street, 555 King Avenue, 423 Mills Street, the residences along Jackson Street, and the residences and businesses along Railroad Avenue. The City is aware of these discharges, has failed, and continues to fail to upgrade its sewer system to prevent the frequent infiltration of sewage into residents' homes and yards. In essence, the City has impliedly authorized these discharges, which constitute a bypass of the City's Northwest Sewage Pond. These bypasses and the failure to properly operate and maintain its sewer system is a violation of the City's NPDES permit. NPDES Permit No. GA0024244 at Part II(A)(1) & (A)(8). Bypasses have occurred every three to four months, depending on rain for the past five years (and decades before) and are continuing. The City has again failed to report these bypasses in violation of Part II(A)(8) of its permit. Recent bypasses from these residences and businesses occurred daily from March 1, 2013 through March 6, 2013; intermittently from March 7, 2013 through March 25, 2013; and daily from March 26, 2013 until at least March 27, 2013.

C. Allowance of Adverse Affects on Human Health and the Environment

According to EPA⁴, raw sewage contains microbial pathogens (including bacteria, viruses and parasites) and toxics. Common pathogenic bacteria present in sewage include *Campylobacter*, *Pathogenic E.coli*, *Salmonella*, *S. typhi*, *Shigella*, *Vibrio cholera*, *Vibrio non-cholera*, and *Yersinia*. These bacteria can cause gastroenteritis, salmonellosis, typhoid fever, shigellosis, cholera, and yersinosis, which produce heavy diarrhea and/or vomiting. Common viruses present in sewage include adenovirus, astrovirus, noraviruses, echovirus, enterovirus, reovirus, and rotavirus. These viruses can lead to gastroenteritis, heart anomalies, aseptic meningitis, polio and respiratory infection. Common parasitic protozoa present in sewage include *cryptosporidium*, *entamoeba*, and *giardia* which cause mild to severe diarrhea. Exposure to sewage discharges from land-based sewage spills most commonly results in exposure through dermal contact. The illnesses are similar to those associated with exposure through drinking or swimming in contaminated water but may also include sickness from inhaling microbial pathogens. One such discharge occurring in Ocoee, Florida resulted in 39 documented cases of hepatitis A.

Because of the City's continued allowance of sewage spills and overflows, the residents of Rochelle's northern neighborhoods have been exposed to these dangerous contaminants. In

⁴ See EPA's Report to Congress: Impacts and Control of CSOs and SSOs, pp. 6-3 to 6-4, 6-14 August 2004 available at http://cfpub.epa.gov/npdes/cso/cpolicy_report2004.cfm