



maintained to work properly so that the storm sewer/storm water detention system can effectively prevent flooding in the area it serves. All three components of this storm sewer/storm water detention system are covered by the permits at issue.

3. Open storm sewer joints have resulted in problematic ground subsidence within residential backyards of the development, including the home of Jim and Marlene Kudia, 12721 South Newport Drive, where a storm sewer main constructed under the subject permit conveys stormwater runoff from a subdivision roadway and residential lots and conveys it to the detention basin built and operated under the permit. Ground subsidence is also indicative that soil material is deleteriously entering the sewer system and is being conveyed to the detention basin and causing or increasing the potential for sewer blockage/clogging, loss of required detention basin stormwater storage capacity due to sedimentation, and/or sediment-related waterway pollution.

### **CONCLUSIONS OF LAW**

1. The Village of Orland Park is in violation of the Metropolitan Water Reclamation District of Greater Chicago Sewer Permit Ordinance and Manual of Procedures for the Administration of the Sewer Permit Ordinance in that the Village of Orland Park failed to properly maintain the storm sewer/storm water detention system servicing the property at issue as more fully set forth in Violation Complaint No. 08-048-VC, as required by Permit Nos. 84-0071, 78-0744 and 78-1202.
2. That the Village of Orland Park be allowed to pursue any action at law or in equity against any third party, but not the MWRD to recoup costs for repair and maintenance of this sewage system located within the MWRD boundaries and collect fees and fines incurred in said maintenance.
3. Each party shall bear their own costs of its action.
4. That the MWRD is hereby notified that Palos Township may have statutory maintenance responsibilities in other sections of this development and its storm sewer/storm water detention system.
5. The repairs and maintenance required have been completed by the Village of Orland Park to repair the storm sewer/storm water detention system servicing the property at issue as set forth in Violation Complaint No. 08-048-VC. Hereafter, the Village of Orland Park must repair and maintain the storm sewer/storm water detention system as necessary to keep the entire storm sewer/storm water detention system in good working condition at all times.



6. The Village of Orland Park will give the MWRD notice of any future repair activity at least two business days in advance so that a representative of the MWRD may be present to verify satisfactory completion of such repairs.

**IT IS THEREFORE ORDERED AS FOLLOWS:**

The Village of Orland Park's MOTION TO DISMISS is denied with prejudice.

The MWRD's SHOW CAUSE COMPLAINT is granted as enumerated in this order.

The rationale for this order lies in the manifest weight of the evidence indicating responsibility to maintain the storm sewer/storm water detention system at issue is with the Village of Orland Park. The Village's first argument, that it has never collected fees for said maintenance, does not mean the Village does not have that responsibility. The second argument, that paragraph 5 of the General Conditions of the Permits assigns responsibility only to owners and/or operators and the Village of Orland Park is neither owner nor operator. The greater weight of the evidence found in the Permits and the applicable ordinances, taken in their entirety, indicate that the Village of Orland Park does bear responsibility for said maintenance.

**RECOMMENDED FINE**

The Village of Orland Park has represented to the MWRD and the hearing officer that the repairs and maintenance required by the Metropolitan Water Reclamation District of Greater Chicago Sewer Permit Ordinance and Manual of Procedures for the Administration of the Sewer Permit Ordinance have been completed.

The MWRD has confirmed that said repairs and maintenance have been completed. It is recommended that the Board of Commissioners waive any fines as recognition of the Village of Orland Park's prompt attention to this matter.



Joseph E. Pecko

To: Margaret T. Conway at: [margaret.conway@mwrld.org](mailto:margaret.conway@mwrld.org)

To: Jason Guisinger at: [jaguisinger@ktjlw.com](mailto:jaguisinger@ktjlw.com)