

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

UNITED STATES OF AMERICA and the	)	
STATE OF INDIANA,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Cause No. 2:17-cv-048-PPS
	)	
THE SANITARY DISTRICT OF	)	
HAMMOND,	)	
	)	
Defendant.	)	
_____	)	

**DECLARATION OF DAVID VAN GILDER**

I, David Van Gilder, Senior Policy and Legal Director of Hoosier Environmental Council (“HEC”), swear that the information in this declaration is based on personal knowledge and is truthful to the best of my knowledge and understanding:

1. I am the Senior Policy and Legal Director of Hoosier Environmental Council and have authority to speak on behalf of HEC on this matter. I am over the age of eighteen.

2. HEC is an Indiana Domestic Nonprofit Corporation organized exclusively for charitable, educational, and scientific purposes within the meaning of section 501(c)(3) of the Internal Revenue Code.

3. HEC is a public interest environmental advocacy organization focused on protecting the environment and public health in Indiana.

4. HEC has members who live near the Little Calumet River in Lake County, Indiana. HEC has members who use and enjoy and intend to continue using and enjoying natural resources in and around the Little Calumet River, including that portion adjacent to and downriver from Outfalls 006, 007, and 008.

5. There are members of HEC who walk and bicycle along the levees adjacent to the Little Calumet River. They have previously fished and boated in the River, but refrain from doing so today because of the pollution in the Little Calumet River, particularly after a rainstorm.

6. The continued discharge of untreated sewage into the Little Calumet River by the Sanitary District of Hammond (“HSD”) has harmed and continues to harm such HEC members’ use and enjoyment of these natural resources.

7. HEC and its members are “citizens” as that term is used in Fed. R. Civ. P. Rule 24 and who are entitled to intervene as of right under Section 505(b)(1)(B) of the Clean Water Act, 33 U.S.C. § 1365(b)(1)(B).

8. In compliance with Fed. R. Civ. P. Rule 24(c), HEC hereby adopts the Complaint filed in this case on February 3, 2017. [DE 1] HEC does not seek to assert any new claims or modify the terms of the existing Consent Decree, entered on May 8, 2017. [DE 10]

9. To the extent that HEC cannot rely on the Clean Water Act violations asserted by Plaintiffs over nine years ago, HEC alleges the following facts to support the identical claims raised by the United States in its First and Second Claims for Relief:

a. On at least 2,724 occasions between February 4, 2017 and December 31, 2025, Defendant discharged pollutants, including but not limited to untreated sewage, from some or all of the ten designated CSO outfalls specified in Defendant’s 2017 NPDES Permit and 2022 NPDES Permit. Defendant violated the terms and conditions of its 2017 NPDES Permit and 2022 NPDES Permit, including the General Effluent Limitations portion set forth in Part I.B of Attachment A of the 2017 NPDES Permit and Part II.A of Appendix A of the 2022 NPDES Permit, because these discharges caused

receiving waters to contain substances, materials, floating debris, or other pollutants that are in amounts sufficient to be unsightly or deleterious.

b. Each discharge occurring at each designated CSO outfall that violated the terms and conditions of Part I.B of Attachment A of the 2017 NPDES Permit, or Part II.A of Attachment A of the 2022 NPDES Permit, constitutes a separate violation of the CWA. 33 U.S.C. § 1311(a).

c. Defendant is required to comply with the requirements of its 2017 NPDES Permit and its 2022 NPDES Permit. Defendant violated several of those requirements, including:

- i. on at least two occasions, in May 2020 and in April 2022, as it reported on its daily monitoring reports (“DMRs”), Defendant has discharged chlorine from Outfall 001 in amounts that exceeded the effluent limitations for monthly average concentration, monthly loading, daily maximum concentration, and/or daily maximum loading for total residual chlorine that were contained in Part I.A.1 of its 2017 NPDES Permit;
- ii. on at least one occasion, in November 2025, as it reported on its DMRs, Defendant has discharged TSS from Outfall 001 in amounts that exceeded the winter season weekly average concentration and/or the weekly average loading effluent limitation for TSS contained in Part I.A.1 of its 2022 NPDES Permit;
- iii. on at least two occasions, in April and May 2025, as it reported on its DMRs, Defendant has discharged ammonia (as nitrogen) from Outfall 001 in amounts that exceeded the daily maximum concentration and/or the

monthly average concentration effluent limitations for ammonia contained in Part I.A.1 of its 2022 NPDES Permit; and

- iv. on at least eight occasion, in September 2021, July and October 2022, September 2023, and May through August 2025, as it reported on its DMRs, Defendant discharged E. coli from Outfall 001 in amounts that exceeded the monthly average concentration and/or the daily maximum effluent limitations for E. coli contained in Part I.A.1 of its 2017 NPDES Permit and Part I.A.1 of its 2022 NPDES Permit.

d. For each instance where Defendant's discharge from Outfall 001 exceeded the effluent limitations for: (a) total residual chlorine contained in Part I.A.1 of its 2017 NPDES Permit; (b) TSS contained in Part I.A.1 of its 2022 NPDES Permit; (c) ammonia (as nitrogen) contained in Part I.A.1 of its 2022 NPDES Permit; and (d) E. coli contained in Part I.A.1 of its 2017 NPDES Permit and Part I.A.1 of its 2022 NPDES Permit, Defendant is in violation of the CWA, 33 U.S.C. § 1311(a). Each day of the averaging period for each instance of exceedance constitutes a separate violation.

10. HEC seeks to intervene solely and exclusively for the purpose of monitoring and ensuring HSD's timely compliance with the terms of the Consent Decree. For over 40 years, HEC has advocated for environmental protection throughout Indiana. It is capable of and willing to monitor and advocate for HSD's timely and complete compliance with the terms of the Consent Decree until its termination.

11. HEC's participation in this action as intervenor is consistent with its purpose and mission.

**I declare under the penalty of perjury that the foregoing is true and correct.**

Executed on April 13, 2026.



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DAVID VAN GILDER  
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