

Attachment A

Declaration of John Moore

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,)	
)	
and the STATE OF GEORGIA,)	
)	
Plaintiffs,)	
)	Civ. No. 1:10-cv- 04039-SDG
v.)	
)	
DEKALB COUNTY, GEORGIA)	
)	
Defendant.)	
_____)	

DECLARATION OF JOHN MOORE

I, **John Moore**, declare pursuant to 28 U.S.C. § 1746:

1. I am over 18 years of age, and competent to testify regarding the matters discussed herein.
2. I am a **Paralegal Specialist** employed by the **Environmental Enforcement Section of the Environment and Natural Resources Division of the United States Department of Justice (“DOJ”)**. This declaration is based on my personal knowledge and expertise.
3. The attached documents are true and correct copies of the documents I searched for and found among the records maintained by DOJ in the above-captioned matter.

4. Exhibit 1 is a letter from Michael L. Thurmond, Chief Executive Officer, DeKalb County Government, to Jeaneanne Gettle, Acting Regional Administrator, Environmental Protection Agency (“EPA”) Region 4, and Jeffrey W. Cown, Director, Georgia Environmental Protection Division (“EPD”), dated December 31, 2024.
5. Exhibit 2 is the DeKalb County Capital Improvement Plan, dated February 23, 2021.
6. Exhibit 3 is a partial transcript of meeting of the Public Works and Infrastructure (“PWI”) Committee Meeting of the DeKalb County Board of Commissioners, dated April 18, 2023.
7. Exhibit 4 is a DeKalb County Technical Memorandum entitled, “Update on Fifteen (15) Priority Fix Locations Associated with the Snapfinger Basin,” dated June 16, 2023.
8. Exhibit 5 is the slides presented at the meeting of the PWI Committee Meeting of the DeKalb County Board of Commissioners, dated April 18, 2023.
9. Exhibit 6 is a letter from Zachary Williams, COO and Executive Director, DeKalb County, to Chief, EPA Clean Water Branch, dated June 16, 2023.
10. Exhibit 7 is a letter from Jairo Castillo, Chief, Wastewater Enforcement Section, EPA Region 4, and Johanna DeCotis Smith, EPD, to David Hayes, DeKalb County Department of Watershed Management, dated February 26, 2024.

11. Exhibit 8 is a letter from Zachary Williams, COO and Executive Director, DeKalb County, to Jairo Castillo, Chief, Wastewater Enforcement Section, EPA Region 4, and Johanna DeCotis Smith, EPD, dated June 24, 2024.

12. Exhibit 9 is a demand letter from Denisse D. Diaz, EPA, to William Rhinehart, Acting Director, DeKalb County Department of Watershed Management, dated March 7, 2013.

13. Exhibit 10 is a demand letter from Denisse D. Diaz, EPA, to Dr. James M. Chansler, P.E., Director, DeKalb County Department of Watershed Management, dated March 27, 2014.

14. Exhibit 11 is a penalty demand letter from Denisse D. Diaz, EPA, to Dr. James M. Chansler, P.E., Director, DeKalb County Department of Watershed Management,” dated March 17, 2015.

15. Exhibit 12 is a demand letter from Denisse D. Diaz, EPA, and Richard E. Dunn, Georgia EPD, to Michael L. Thurmond, Chief Executive Officer, DeKalb County Government, dated June 20, 2017.

16. Exhibit 13 is a demand letter from Gracy Danois, EPA, and Richard E. Dunn, Georgia EPD, to Michael L. Thurmond, Chief Executive Officer, DeKalb County Government, dated October 22, 2018.

17. Exhibit 14 is a demand letter from Jeanne M. Gettle, EPA, and Richard E. Dunn, Georgia EPD, to Michael L. Thurmond, Chief Executive Officer, DeKalb County Government, dated April 15, 2019.

18. Exhibit 15 is a demand letter from Carol L. Kemker, EPA, and Richard E. Dunn, Georgia EPD, to Michael L. Thurmond, Chief Executive Officer, DeKalb County Government, June 25, 2020.

19. Exhibit 16 is a demand letter from Carol L. Kemker, EPA, and Richard E. Dunn, Georgia EPD, to Michael L. Thurmond, Chief Executive Officer, DeKalb County Government, dated July 13, 2022.

20. Exhibit 17 is a demand letter from Mary Jo Bragan, EPA, and Jeffrey W. Cown, Georgia EPD, to Michael L. Thurmond, Chief Executive Officer, DeKalb County Government, dated October 6, 2023.

21. Exhibit 18 is a demand letter from Mary Jo Bragan, EPA, and Jeffrey W. Cown, Georgia EPD, to Michael L. Thurmond, Chief Executive Officer, DeKalb County Government, dated October 8, 2024.

Executed on January 10, 2025



John Moore

Exhibit 1

**Thurmond Letter dated
December 31, 2024**



Chief Executive Officer

Michael L. Thurmond

December 31, 2024

Gettle.Jeannee@epa.gov

Jeannee Gettle, Acting Regional Administrator, Region 4
Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Jeff.Cown@dnr.ga.gov

Jeffrey W. Cown, Director
Georgia Environmental Protection Division
2 Martin Luther King, Jr. Dr., SE, Suite 1456 East
Atlanta, Georgia 30334

RE: Modified Consent Decree - End of Term Status Report

As my term ends, I write to provide a report on the progress made toward meeting the various requirements of the Modified Consent Decree (“MCD”) during my tenure. On January 1, 2017, I took office as DeKalb County’s Chief Executive Officer. Since 2017, the County has worked tirelessly with the federal and state regulators to “fix” the public portion of the County’s sanitary sewer system.

These accomplishments could not have occurred without the support and funding from the DeKalb County Board of Commissioners and the efforts of County employees - especially the men and women in the watershed department - who come to work every day and do their jobs.

As you know, almost four years after I took office, the federal district court entered the Modified Consent Decree (MCD) between DeKalb County (the County) and the United States of America and the State of Georgia on September 22, 2021. As explained in more detail below, with the cooperation and collaboration of the U.S. Environmental Protection Agency and the Georgia Environmental Protection Division (EPA/EPD), the County has made significant progress: sewer lines have been cleaned, rehabilitated, or replaced; sanitary sewer overflows (SSOs) have been reduced; minimum linear footage (MLF) requirements have been met; less stormwater enters the system; progress has been made towards adequately fixing all Priority Fix List (PFL) sites; and measures have been implemented that increase capacity in the system.

This report highlights the County’s key achievements since the entry of the MCD just over three years ago:

- The County has adequately fixed 176 PFL sites, years ahead of schedule. This includes 71% of the 103 Original PFL sites, and 75% of the 134 Additional PFL sites identified under the MCD.

Board of Commissioners

District 1
Robert Patrick

District 2
Michelle Long Spears

District 3
Nicole Massiah

District 4
Steve Bradshaw

District 5
Mereda Davis Johnson

District 6
Edward “Ted” Terry

District 7
Dr. LaDena Bolton

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- The County has exceeded the annual MLF commitments every year so far, completing a total of 916,757 linear feet of rehabilitation work and 343,056 linear feet of design.
- The County's expanded and accelerated work countywide has resulted in the prevention of 28 million gallons per day of stormwater flow from entering the County's sewer system,
- The County has cleaned more than 3,300 miles of sanitary sewer.
- By adequately fixing PFL sites alone, the County has removed an estimated 3.2 million gallons of SSO volume annually.

The County has made significant investments in the MCD program while also fulfilling its fiduciary duty to invest in wastewater and drinking water infrastructure to deliver critical services to the County's citizens. The County has invested: \$572.7 million in MCD projects, \$456.2 million or 78% of which was spent since 2017; \$309.4 million in non-MCD wastewater projects, such as the expansion of the Snapfinger Advanced Wastewater Treatment Facility; and more than \$500 million in drinking water projects since 2017.

Until 2017, work on the original consent decree and the public portion of the DeKalb County sanitary sewer system was, in large part, neglected—especially in South DeKalb. The County, with the guidance and oversight of EPA/EPD and the federal district Court, has shown its intent to spend the time and the money to ensure that DeKalb's critical wastewater infrastructure is rehabilitated going forward.

The MCD was the result of years of negotiations, and the County continues to appreciate the EPA, EPD and the Court's acknowledgement of what went wrong in the past, as well as the opportunity to continue to address those issues that hadn't progressed as smoothly since the entry of the original consent decree. County residents, visitors, and businesses deserve to have resilient drinking water infrastructure and a wastewater system that operates within the requirements of federal and state law. Despite the progress made since I took office in 2017 and the work completed on the MCD since 2021, it is apparent to me that the County will need additional time to complete rehabilitation of the public part of the sanitary sewer system as required by the MCD as well as sufficient time to accumulate funding for these critical projects.

Discussion of the County's Achievements and Challenges Under the MCD

The progress reflected in this letter shows that the MCD is working. I know that the County understands the benefits it receives from the oversight, guidance, and expertise from the EPA/EPD as it works to comply with and exceed the requirements of the MCD. I hope that the County will continue to welcome that oversight, guidance and expertise moving forward. Continued close monitoring by the Court will provide the County with guardrails to ensure that the public part of the system is "fixed" in compliance with the MCD and any subsequent modifications.

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The remainder of this report is separated into three sections to illustrate the complexity of the rehabilitation of the public part of the sewer system and the plan to move forward.

- The first section details the work that has been accomplished by the County, including the MCD timelines met or exceeded.
- The second section addresses the challenges faced by the County since 2021. It identifies the additional work revealed by the County's use of the dynamic model. This report then describes the dramatic increase in costs faced by the County in the aftermath of the world-wide COVID-19 Pandemic and finally, this report identifies the environmental justice issues that arose in the Snapfinger Basin.
- The third section recognizes that much work remains to fully address the increased scope and environmental justice issues arising in the Snapfinger Basin in South DeKalb County. Subject to negotiations with EPA/EPD, it is my hope that the final solution avoids in-basin tanks and utilizes existing tank storage solutions owned by the County in the Snapfinger Basin, minimizes environmental justice concerns in historically underserved neighborhoods in South DeKalb County, and costs less in the long run than the solutions originally considered by the County and presented to EPA/EPD.

I believe the extraordinary work reflected in this correspondence shows that the County has and continues to put forth best efforts to comply with the requirements of the MCD and "fix" the public part of the system. However, the County simply needs more time and more money to fix the public part of the sanitary sewer system.

The County has made substantial progress in compliance with the MCD.

While the MCD extended the timeframe to complete work in the Priority Areas to December 20, 2027, it also included new guardrails, such as increased reporting to EPA/EPD, filings with the Court, increased stipulated penalties for SSOs, and new stipulated penalties for missed deadlines. The MCD also expanded the County's scope of mandated work to include the novel Priority Fix List program as well as interim milestones, which consist of a specific project list and annual minimum linear footage requirements for four categories of work. Broadly, the MCD requires:

- Completion of the Priority Fix List (PFL), which requires fixing repeat and/or significant Sanitary Sewer Overflow (SSO) sites throughout the County;
- Simple and complex design and rehabilitation/repair of annual minimum linear footage (MLF) of public sewer lines;
- Completion of the Priority Area Sewer Assessment and Rehabilitation Program (PASARP); and
- General system-wide maintenance and upgrades.

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With appreciation for the impacts of the additional MCD requirements, discussed below, three years into the MCD, the County has exceeded requirements associated with fixing the PFL sites and repairing the required amount of public sewer lines (MLF commitments). Also, the County has made steady progress to assess and rehabilitate the public portions of the sewer system.

The County has heavily invested in repairing its public sewer system and maintaining the water system.

The County has invested significantly in the MCD program:

- \$572.7 million has been spent on work required by the consent decree and the MCD, \$456.2 million or 78% of which has been spent since 2017.
- Understanding that resilient public infrastructure requires investment in more than just the projects required to be completed by the MCD, the County has continued to invest in other areas of the wastewater and water system.
 - Since 2017, the County has invested an additional \$309.4 million on necessary wastewater projects, though not required by the Modified Consent Decree, including the expansion of the Snapfinger Advanced Wastewater Treatment Facility.
 - Additionally, while funding MCD projects, the County has not neglected critical work required by the water system, investing more than \$500 million in water projects since 2017.

The County has met or exceeded many requirements of the MCD.

Priority Fix List

The County has made significant progress in addressing the Original and Additional PFL Sites:

- The MCD included 103 PFL sites (Original PFL Sites) and requires the County to “adequately fix” 50% of these by September of 2023 and the remaining 50% by September of 2025.
 - PFL sites are areas that were, or are, plagued by repeat and/or significant SSOs.
- The MCD also requires the County to continue to add sites that experience two or more SSOs within a twelve-month period to the PFL (Additional PFL Sites) and to fix Additional PFL Sites within two years from the date they are added to the PFL.
- If the County believes it cannot complete the PFL work within the allowed time frame, under certain limited circumstances, the County may request a schedule extension.

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Work Associated with the Original 103 PFL Sites

- During the first quarter of 2022, the County adequately fixed 52 of the 103 Original PFL sites; thus, completing approximately 50% of the Original PFL work 1.5 years ahead of the September 2023 deadline.
- As of August of 2024, the County has adequately fixed 73 or 71% of the Original PFL Sites.
- The County reasonably anticipates adequately fixing 90 or 87% of the Original PFL Sites by September 2025.
- The remaining Original PFL Sites¹ are associated with prior schedule extension requests as provided for in the MCD. Currently, the County has completed 90% of the design of trunk sewer projects to adequately fix those sites, and a portion of the construction work is in procurement now.

Work associated with the Additional 134 PFL Sites

- Since the entry of the MCD, the County has added approximately 134 Additional PFL Sites for which work must be completed in the time frame described above.
- As of September of 2024, the County has adequately fixed 100 or 75% of the Additional PFL Sites.
- The County reasonably anticipates that 132 or 99% of these Additional PFL Sites will be adequately fixed within two years of being added to the PFL.
- Two of the Additional PFL Sites are associated with the trunk sewer projects described above and subject to prior schedule extension requests.
- The chart below shows the County's achievements and anticipated progress for PFL requirements.

MCD Anniversary Date	Original 103 PFL Sites			Additional 134 PFL sites as of 3Q2024		
	MCD Required Completion 9/22/23	MCD Required Completion 9/22/25	Request for Extension	MCD Required Completion 9/22/25	MCD Required Completion within 2 years of addition to PFL	Request for Extension
9/22/2022	52	5	0	46	N/A	0
9/22/2023	Complete	7	4	20	N/A	0
9/22/2024	Complete	4	1	19	15	0
9/22/2025	Complete	14	0	10	0	0
9/22/2026	Complete	1	0	Complete	22	0
9/22/2027	Complete	Complete	15	Complete	N/A	2

¹ An additional PFL Site (Number 12, Childerlee Lane) is under legal and technical review due to access concerns.

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Work Associated with review and repair of specified linear feet of public sewer pipe (Minimum Linear Footage)

The MCD requires the County to review and rehabilitate a specified MLF of the public sewer within a certain time period in order to rehabilitate the public system within the Priority Areas defined in the MCD.

- Since the entry of the MCD, the County exceeded the annual MLF commitments every year so far.
- For example, the MCD required 855,000 linear feet of Simple Pipe Review by 2024. The County completed this requirement in 2021, the first year of the MCD, and three years ahead of schedule.
- The MCD also required 270,000 linear feet of Complex Design by 2026. The County completed this requirement in 2023, three years ahead of schedule.
- The chart below shows the County’s achievements and anticipated progress for MLF requirements.²

MCD Date Required	Percent of Required Footage Completed (%)			
	Simple Review (LF)	Simple Rehab. (LF)	Complex Design (LF)	Complex Rehab. (LF)
12/31/2021	113.2%	135.4%	118.2%	115.1%
12/31/2022	Complete	109.4%	108.5%	103.1%
12/31/2023	Complete	103.5%	170.7%	106.9%
12/31/2024	Complete	On track to exceed	Complete	On track to exceed
12/31/2025	Complete	On track to exceed	Complete	On track to exceed
12/31/2026	Complete	On track to exceed	Complete	On track to exceed
12/31/2027	Complete	On track to exceed	Complete	On track to exceed

Accelerated and Expanded Work in Priority Areas – Removal of Infiltration/Inflow (I/I)

Since 2017, the County has made significant performance improvements within the Priority Areas. Through a hydraulic modeling evaluation of a rehabilitation pilot study area, the County learned that approximately 50% of the infiltration and inflow (I/I), which is mostly stormwater, within the public sewer system, originated from the area’s connected private infrastructure. This I/I reduces the storage capacity/volume the County has in its public sewer to move sewage through the public sewer system to the County’s wastewater treatment plant. While the County cannot unilaterally fix privately owned systems and lines to accelerate removal of I/I, the County has taken the following steps to accelerate and expand work on the public sewer system to increase capacity.

² These projections include work in the OSARP tied to or necessary to complete specific PFL projects.

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Overall, the improvements described below have resulted in the County preventing an estimated 28 million gallons per day of storm water flow from entering the County's sewer system, thereby increasing capacity and storage volume.

- The County has replaced over 78,000 linear feet of undersized public sewer pipes, significantly increasing the capacity in these areas while also gaining over 236,000 gallons in storage capacity/volume through the installation of larger pipe.
- Over 61% of these storage capacity/volume improvements in the Priority Areas of the County were completed since 2021.
- The County has also rehabilitated more than 719,500 linear feet of gravity sewer within the Priority Areas and over one million feet system-wide, addressing areas of severely deteriorated pipe as well as removing I/I from the public sewer.
- Other activities have also reduced I/I in the public sewer such as the rehabilitation of defective manholes, the replacement of 279 vented manhole lids with solid lids, and the repair and/or replacement of 3,341 defective service cleanout caps.

The acceleration of this work was accomplished in the following ways:

- The acceleration and expansion of the County's rehabilitation efforts was made possible, in part, through the County's efforts to streamline schedules and exceed the commitments required by the MCD.

As one example, the County leveraged previous competitive bidding by other Georgia wastewater utilities to secure cooperative purchasing agreements with rehabilitation contractors, significantly reducing procurement timelines.

- Additionally, the County has expanded the scope of its rehabilitation efforts by requiring large, impactful developments to participate in funding the rehabilitation necessary to gain capacity credits for approval of their connections under the Capacity Assurance Program. This additional funding has helped the County to further expand its rehabilitation efforts beyond only Priority Areas.

Work Associated with Assessment, Cleaning and Routine Activities

In addition to projects to rehabilitate and increase the capacity of the public sewer system, the County has also improved the system's hydraulic performance through implementation of eleven Capacity, Management, Operations, and Maintenance (CMOM) programs. In addition to continuing assessment and rehabilitation programs, these programs, which are listed below, are designed to effectively improve the public sewer system's hydraulic performance.

- Since 2017, the County has cleaned more than 3,300 miles of sewer, removing grease, roots, and debris.

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- Between 2017 and 2018, the County completed a full assessment of Priority Areas, to include:
 - 6,352 manhole condition assessments
 - 129 miles of acoustic testing
 - 187 miles of CCTV testing
 - 48 miles of TISCIT (sonar and CCTV) testing
- Since 2017, the County has and continues to assess the system outside of Priority Areas, to include:
 - 24,426 manhole condition assessments
 - 1,023 miles of acoustic testing
 - 1,372 miles of smoke testing
 - 696 miles of CCTV testing
 - 233 miles of TISCIT (sonar and CCTV) testing
- Under the Maintenance Management System (MMS) Program, since 2017:
 - The County procured a chemical root control contract and sewer easement clearing contract to reduce the potential for SSOs caused by root intrusion. Since 2017, County contractors have applied chemical root control along 1,837 miles of pipe and cleared 1,424 acres of sewer easements.
 - The County ensured the integrity of the sewer lines by conducting 14,170 sanitary sewer creek crossing inspections.
- Under the System-Wide Flow and Rainfall Monitoring Program, the County maintains a monthly average of 305 flow meters, which identify SSOs that may otherwise go unnoticed or undetected, and thus unreported.
- Under the Fats, Oils, and Grease (FOG) program, since 2017, grease haulers contracted by the County have removed more than 49 million gallons of FOG from the system.

Challenges Faced by the County That Require More Time and More Money to Fix the Public Sewer System

When the MCD timeline was negotiated, it was based on best-case scenario time and cost projections. However, the County must complete the MCD under real-world conditions, including factors such as changing data, engineering best practices, and circumstances beyond the County's control. The County is currently facing several challenges that I understand will prevent completion of all required projects within the MCD schedule. Specifically, as described below, the scope of the trunk sewer work grew twice upon further analysis through the dynamic hydraulic model and assessment of the existing trunk sewers, and significant environmental justice issues that arose with regards to in-basin storage tank siting. This change in scope, in addition to hyperinflation, as well as supply and contractor availability, significantly increased construction costs and project timelines,

1. Expanded Scope of the Anticipated Trunk Sewer Work

a. The dynamic hydraulic model identified a 47% increase in required trunk sewer work.

- As the MCD was being negotiated, the dynamic hydraulic model (dynamic model) was not yet completed.
- As a result, the County relied upon the best available information, including previous peak flow, steady-state modeling and an evaluation of the draft capacity-related initial PFL sites, to form the basis of the annual MLF commitments and the overall MCD timeline.
- The County estimated 100,000 linear feet of Complex Rehab associated with its trunk sewers and capacity-limited PFL sites, the work which formed the basis of the 7.5-year MCD schedule.
- The dynamic model was used to preliminarily evaluate capacity-limited areas and potential solutions between January and June 2021, and was approved by the Agencies on September 23, 2021, one day after entry of the MCD.
- However, the dynamic model results indicated that the true extent of Complex Rehab associated with the trunk sewers had expanded from 100,000 linear feet to an estimated 147,200 linear feet—a 47% increase.

b. Optimization Studies – In-basin Storage -Rehabilitation – Initial Options

- Understanding the expanded scope of work identified by the dynamic model, the County conducted optimization studies to identify the most efficient and effective balance of capacity improvement solutions. As a part of this process, the County ran hundreds of modeling scenarios in portions of the County where trunk sewers were undersized, testing several project alternatives.
- The County initially determined that the most time and cost-efficient solution to address sewer capacity and remedy SSOs in the Snapfinger Basin would utilize a balanced approach of comprehensive rehabilitation of sewer pipe, trunk sewer upsizing via parallel relief sewers, and in-basin storage facilities.
- Specifically, the County identified two in-basin storage facilities: a 15-million-gallon facility on the western side of the Snapfinger Basin (West Tank) and a 6-million-gallon facility on the eastern side of the Snapfinger Basin (East Tank). However, as discussed below, the County's initial approach encountered major setbacks.

c. Field verification found the parallel relief sewer project unfeasible given the conditions of the existing trunk sewers.

- The County proposed installing parallel relief sewers rather than replacing existing trunk

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lines with larger pipe within the Snapfinger Basin.

- This approach was chosen because parallel relief sewers are smaller in size, and therefore cheaper and quicker to construct within the MCD schedule. Additionally, it was anticipated that the existing trunk sewer could remain in service while the parallel sewer was being constructed, eliminating the need for bypass pumping or construction sequencing. However, as field verification of this approach began, issues emerged.
- In the second quarter of 2023, the County's design consultants found that many of the existing trunk sewers could not be used in conjunction with parallel relief sewers. Most of the trunk sewers are more than 50 years old and internal inspections found significant structural defects and signs of general degradation.
- Additionally, portions of gravity sewers were found to be aligned on flat or reverse grades. Other portions of the trunk sewers have been found to run through wetland areas or are aligned under or adjacent to buildings and structures, creating accessibility and maintenance issues. Still other portions are constructed above creeks and streams as aerial crossings, creating the potential to undermine their pipe supports as well as presenting accessibility issues.
- Given that construction of new trunk sewers is far more complex and expensive than laying parallel relief lines—requiring realignment, acquisition of wider easements, and careful job sequencing to avoid new SSOs—cost escalations and extended construction timelines resulting from the need to install new trunks has resulted in the trunk sewer projects extending beyond the MCD schedule.

More Work and hyperinflation in the aftermath of COVID-19 means the cost has more than doubled from \$200 million to \$452 million for construction alone without considering other costs.

- The County has seen large cost escalations due to the increased scope discussed above as well as hyperinflation and other pandemic-spurred headwinds. The inflationary pressures and post-COVID-19 environment present additional challenges to timely MCD completion.
- As discussed above, the County originally estimated that 100,000 linear feet of Complex Rehab was necessary to address trunk sewer capacity issues within Priority Areas and associated with the capacity-related PFL Sites, with a projected cost of \$100 million.
- After the dynamic model expanded the scope of Complex Rehab to approximately 147,200 linear feet, the estimated cost of the trunk sewer projects immediately increased to \$200 million.
- Since 2021, construction costs have increased significantly due to hyperinflation as well as supply chain and workforce issues brought on by the COVID-19 pandemic. While hyperinflation began in 2021, and was initially considered transitory, ultimately, relevant prices

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continued to rise through 2022 and have remained elevated, with inflation rates only appearing to decline recently.

- Given the extraordinary inflation of the last several years and the necessary change in project approach outlined above, the costs of the trunk sewer projects have continued to rise.
- Currently, the designs for the trunk sewer projects are nearing completion and contractor estimates have risen to \$452 million for **construction alone**. This estimated cost does not include planning, program management, design, construction management or engineering services during construction.

In-basin storage site selection revealed environmental justice concerns.

- As site selection for the County's anticipated in basin storage progressed, the County saw significant environmental justice concerns. As is more fully explained below, the sites identified by the siting studies were all in areas of South DeKalb that have been historically underserved and underdeveloped, creating a real conflict between the proposed siting of in-basin storage and the principles of environmental justice.
- In early 2021, the County's Consent Decree Program Management Team (CDPMT) and the engineering consulting firm, Brown and Caldwell, made presentations to me that highlighted the need for capacity improvements, discussed the overall I/I issues, discussed storage options, and described some of the work the technical team completed to evaluate all tank sites in the Snapfinger Basin.
- These presentations were delivered during regular Consent Decree roundtable meetings I held, during which I sought and received feedback from County staff and engineers on complex issues.
- Initially, the technical team evaluated 30 sites in the Snapfinger Basin for tank storage and all 30 locations were within a mile of residential dwelling units. Eighteen of these sites were associated with the West Tank while the remaining 12 sites were associated with the East Tank.
- Following the evaluation of the East Tank sites, the technical team recommended a tank location near the Hidden Hills neighborhood to me as the solution to partially resolving the capacity issue on the eastern side of the Snapfinger Basin. After the technical team's presentation, and as a result of these roundtable meetings, I initially rejected the storage tank at the Hidden Hills location, because of the various environmental justice issues associated with that specific location.
- I then instructed staff to identify, analyze, and score the feasibility of other potential storage tank locations. This process involved approximately nine months of detailed research and analysis of all potential storage tank locations on the eastern side of the Snapfinger Basin. This process identified two other hydraulically appropriate alternative locations to the

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Hidden Hills location but still within the South DeKalb community.

- Once all three locations within the South DeKalb community were fully identified, evaluated, reviewed and discussed with Commissioners at a Public Works and Infrastructure Committee meeting in the spring of 2023, the two alternative storage tank locations were deemed unsuitable due to environmental justice and other issues. As with the East Tank storage locations, the County concluded that the West Tank sites presented similar environmental justice issues and thus focused on expanding the investigation of alternatives on the west side of the basin.

Potential Resolution of Snapfinger Basin Issues

As the County and its technical team continue to work on the best path forward regarding wet weather management solutions for the Snapfinger Basin, I expect that the ultimate resolution will be taken up by the incoming CEO, Board of Commissioners, and be subject to negotiations with EPA/EPD. However, it is my hope that the solution involves (1) leveraging the expansion of the Snapfinger Advanced Wastewater Treatment Facility (Snapfinger Plant), including the re-use of an existing 20-million-gallon storage tank at the Snapfinger Plant, as an alternative to the West Tank, and (2) comprehensive rehab as an alternative to the East Tank. By utilizing existing infrastructure, which mitigates environmental justice issues associated with in-community new tank construction, and investing in additional up-sized trunk sewer, this will result in a more resilient public sewer system.

Conclusion

Based on currently available information, none of the solutions being contemplated for the Snapfinger Basin can be completed within the timeline contemplated by the MCD. However, at this juncture, the previously identified in-basin storage tank locations would not be completed within the MCD timeline either. In order to use the previously identified tank locations in neighborhoods, real property would need to be purchased or condemned, and property owners or communities would most likely file lawsuits to stop the construction of storage tanks near their homes and businesses. These neighborhood storage tanks would also not address environmental justice concerns and would cost more than reusing storage at the Snapfinger Plant, when you consider real property, purchase, condemnation, and litigation costs.

As of December 2024, the County has completed 73% of the original and new priority fix list work required by the MCD. Additionally, as of December 2024, the County has completed 91% of the simple rehab minimum linear footage work required by the MCD. Finally, the County has completed 68% of the 238,000 minimum linear feet of complex rehab work required by the MCD in 2021. As a result of the development of the dynamic hydraulic model and additional assessments, it must be noted that the complex rehab minimum linear feet required to be fixed under the MCD has increased to 361,000, which is a 52% increase in complex rehab minimum linear footage work to be completed under the MCD.

It is my hope that the County will continue to work with EPA/EPD to reach an agreement on the best path forward for the County and its residents, recognizing the remarkable progress

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made since 2017, especially since the entry of the MCD in 2021, while addressing those remaining issues in a manner and time frame that will address the financial burdens on our ratepayers associated with completion of the MCD and respects the principles of environmental justice.

Sincerely,



Michael L. Thurmond
Chief Executive Officer
DeKalb County, Georgia

cc: Lorraine Cochran-Johnson, CEO-Elect
Commissioner Robert Patrick, District 1
Commissioner Michelle Long Spears, District 2
Commissioner Nicole Massiah, District 3
Commissioner Steve Bradshaw, District 4
Commissioner Mereda Davis Johnson, District 5
Commissioner Edward "Ted" Terry, Super District 6
Commissioner LaDena Bolton, Super District 7
Commissioner-Elect Chakira Johnson, District 4
Zachary Williams, Chief Operating Officer
Patricia Hurst, Department of Justice
Paul Schwartz, EPA Region 4
Christopher Held, Department of Law, State of Georgia
Anna Truszczynski, Georgia Environmental Protection Division
Brooke Frankel Dickerson, Georgia Environmental Protection Division
Marzieh Shahbazaz, Georgia Environmental Protection Division
Johanna Smith, Georgia Environmental Protection Division
Jairo Castillo, EPA Region 4
Peggy Eckrote, Georgia Environmental Protection Division
Viviane H. Ernstes, County Attorney

Exhibit 2

DeKalb County Capital Improvement Plan, Executive Summary dated February 2021

CIP 2021 - DEFINITION & FUNDING REPORT

EXECUTIVE SUMMARY

PART A: CAPITAL IMPROVEMENT PLAN (CIP) DEFINITION

DeKalb County, Georgia
Department of Watershed Management
February 2022



CIP 2021 - DEFINITION & FUNDING REPORT

EXECUTIVE SUMMARY

PART A: CAPITAL
IMPROVEMENT PLAN (CIP)
DEFINITION

DeKalb County, Georgia



February 2022

OVERVIEW

Based on CEO Thurmond’s recommendation, on February 23, 2021, the DeKalb County Board of Commissioners approved a new CIP program for 2021-2030 (CIP 2021). This visionary 10-year, \$2.4 billion (in 2021 dollars) program will invest in and maintain the water and wastewater infrastructure vital to all County residents and businesses. CIP 2021 represents a new day for DeKalb County and has been developed using best-practice approaches and state-of-the-art hydraulic modeling, master planning, and project prioritization techniques.

The County developed CIP 2021 through a thorough and transparent process involving frequent reports and presentations to the Board of Commissioners. This Executive Summary highlights key information and decisions from these touchpoints. A full archive of public materials can be accessed using this [link](#).

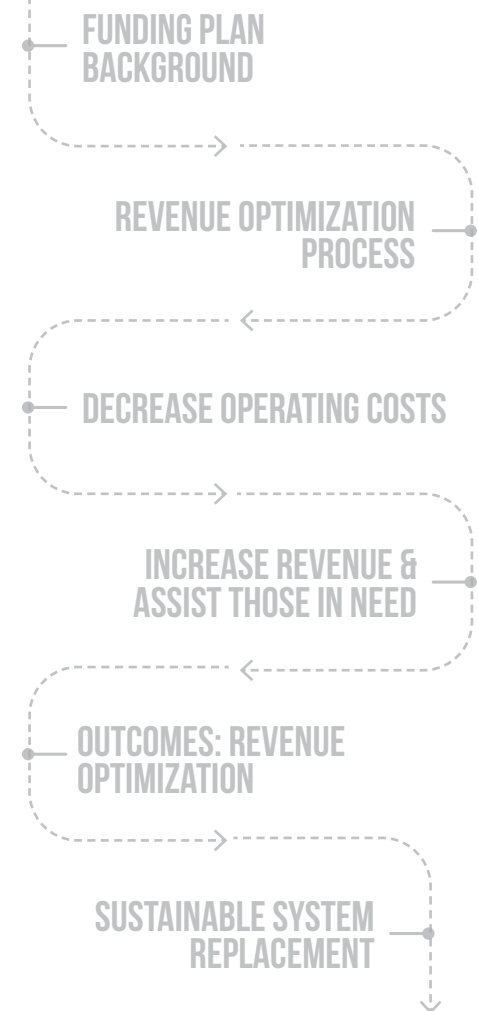
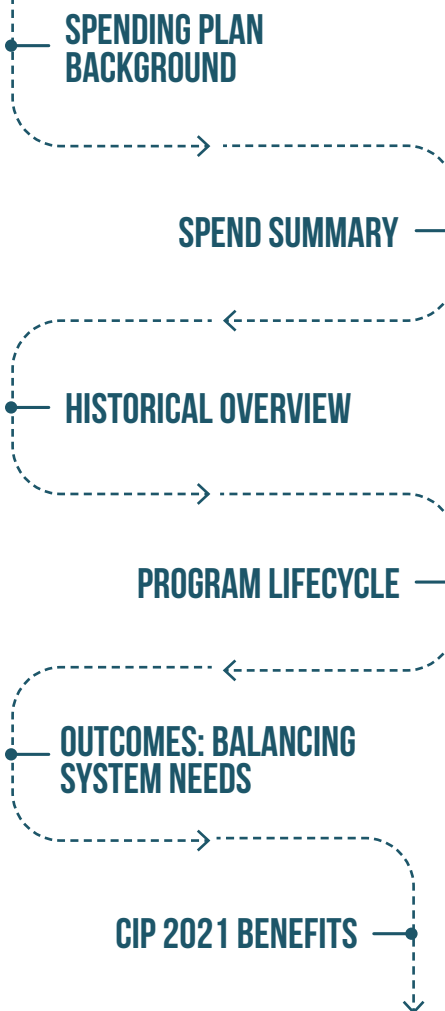
This two-part Executive Summary defines the spending and funding plans for the program.

PART A: CIP DEFINITION

Summarizes the spending plan for CIP 2021 and describes the steps in the program definition and delivery lifecycle, which include identifying, prioritizing, approving, and delivering CIP projects.

PART B: CIP APPROVAL AND FUNDING

Summarizes the funding plan for CIP 2021 and describes actions to maximize revenues, minimize expenses, support customers in need, and reduce the cost of borrowing.



CIP DEFINITION BACKGROUND

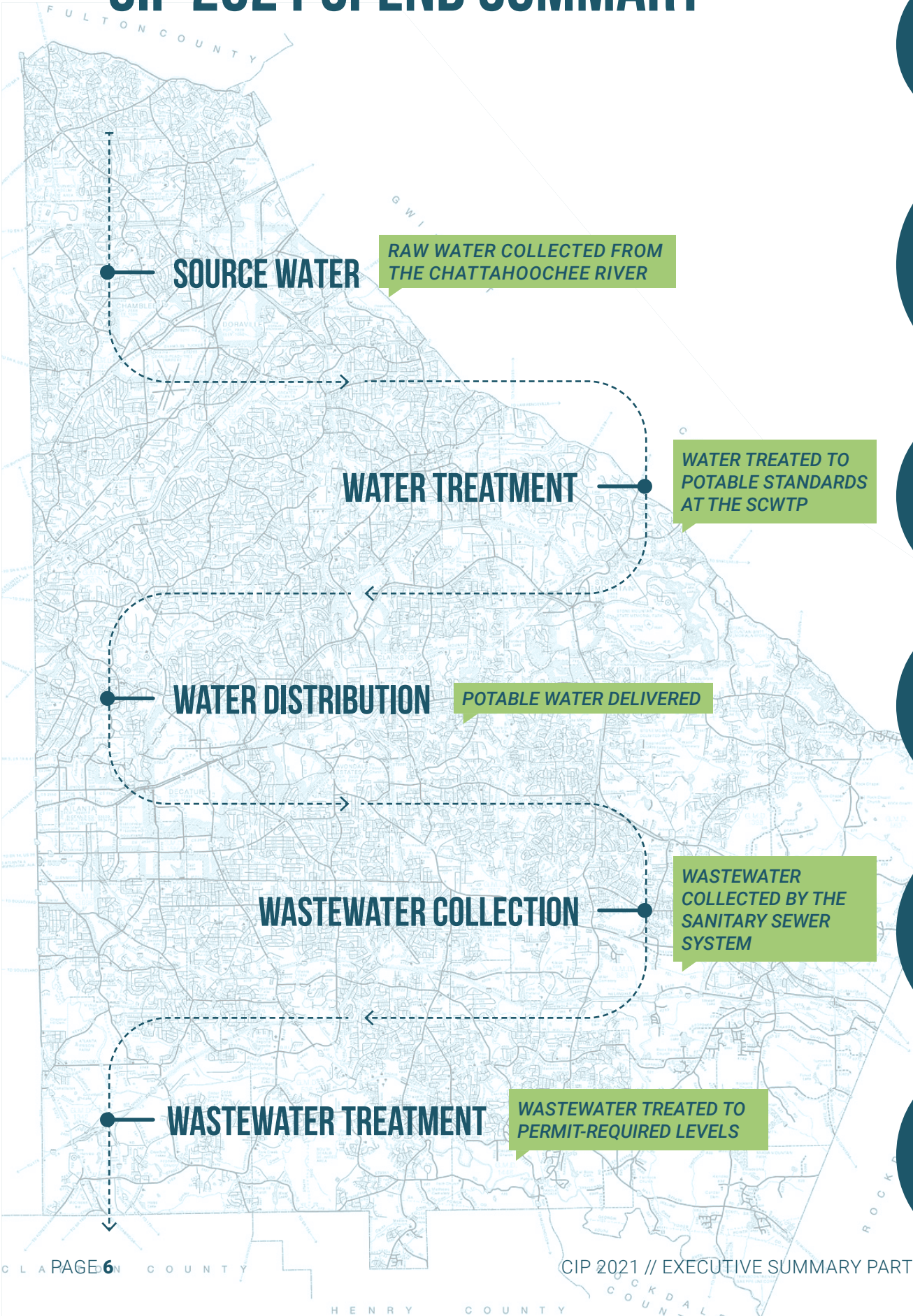
DeKalb County, Georgia, formed in 1822, has provided centralized, county-wide water and wastewater services since 1942 when officials established the Department of Watershed Management (DWM). Today DWM develops, operates, and maintains an estimated 6,000 miles of pipe throughout the County’s water distribution and wastewater collection systems. In addition to this underground infrastructure, DWM’s assets include the Scott Candler Water Treatment Plant, the Snapfinger and Pole Bridge Advanced Wastewater Treatment Facilities, and some City of Atlanta facilities.

The County has made substantial investments in capital projects to maintain and further develop these systems. In 2010, DWM created a Capital Improvement Plan (CIP 2010) to deliver these projects through a consistent and well-documented approach. Prior to 2017, neglect and mismanagement caused DWM to miss its delivery targets for the program, but new leadership stepped up in 2017 to accelerate projects and drive the CIP to completion. As CIP 2010 nears completion, DWM has drawn on best practice hydraulic modeling and master planning techniques to analyze, prioritize, and fund investments that are still critically needed. This work has culminated in CIP 2021—a new capital program that will enable the County to effectively and responsibly deliver these projects through 2030.



CIP UPDATES, COMMUNITY MEETING RECORDINGS, AND WATER SAFETY VIDEOS CAN BE FOUND ON [DEKALB COUNTY'S WEBSITE](#) AND [DEKALB WATERSHED'S YOUTUBE CHANNEL](#)

CIP 2021 SPEND SUMMARY



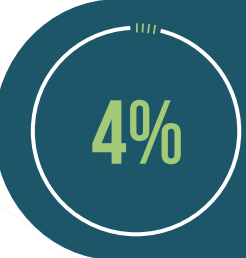
\$2.4 BILLION PLANNED SPEND

CIP 2021 is a \$2.4 billion (in 2021 dollars) **investment in maintaining and developing water and wastewater infrastructure in DeKalb County**. Proposed CIP 2021 investments are summarized in the spend categories below.



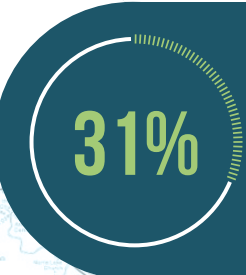
REOCCURRING ANNUAL COSTS

Reoccurring payments and projects make up 23 percent of CIP 2021. **Intergovernmental Agreements (IGAs) are the largest component of reoccurring costs** and include payments to the City of Atlanta to treat roughly half of the County's wastewater load and partnerships with the Georgia Department of Transportation (GDOT) to coordinate infrastructure upgrades beneath roadway projects. This category also includes annual and emergency contracts to address unforeseen needs to maintain aging infrastructure. These contracts are based on bid tabulations, which enable projects to be priced based on a pre-agreed schedule of values.



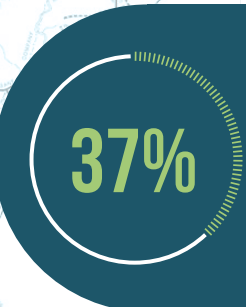
WATER TREATMENT

As DeKalb County is served by a single water treatment plant—the Scott Candler Water Treatment Plant (SCWTP)—CIP 2021 includes water treatment investments designed to improve the resilience of this vital facility. **SCWTP was recently upgraded and remains a state-of-the-art facility, translating to water treatment having the lowest planned expenditure (4 percent) among CIP 2021 spend categories.**



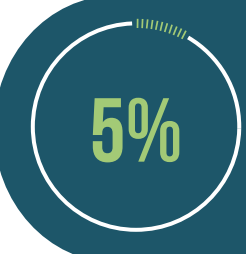
WATER DISTRIBUTION

Accounting for 31 percent of CIP 2021, **water distribution investments will address several pressing needs: replacing aging and issue-prone pipes and increasing system capacity and resilience.** DWM is using sophisticated hydraulic models to better understand the condition of its assets system-wide and prioritize the most critical investments, **including the 1,000+ miles of pipe that has aged past its planned service life.**



WASTEWATER COLLECTION

At 37 percent, wastewater collection projects make up the largest spend category in CIP 2021. Most of these projects respond to the Consent Decree (CD) the County entered into in 2011 [link](#) and include rehabilitating and up-sizing wastewater collection assets to bring the system into CD compliance. **The largest investments address capacity issues in major trunk sewers through up-sizing and building relief sewers and storage infrastructure.** These capacity projects are needed urgently, especially in the Snapfinger Basin.



WASTEWATER TREATMENT

DeKalb County has two wastewater treatment facilities: Snapfinger [link](#) and Pole Bridge. Following major investments at the Snapfinger Plant in CIP 2010, only about 5 percent of CIP 2021 will be required for wastewater treatment upgrades. **Investments include projects to complete the Snapfinger Plant expansion and targeted improvements at Pole Bridge, which remains adequately sized for its demands.**

HISTORICAL OVERVIEW

FORMATION, DEVELOPMENT, AND PERIOD OF NEGLECT AND MISMANAGEMENT

The County's early investments in water and wastewater systems helped enable its surge in growth from the 1940s through the 1970s. During this period, the population more than quadrupled and DeKalb County emerged as the second most populous county in Georgia.

As population approached 700,000 around 1980, neglect and mismanagement began to adversely affect the County's water and wastewater systems. Substantial investment went into upgrading treatment plants into state-of-the-art facilities, but underground pipes and sewers were not properly maintained and developed. Failures to maintain aging infrastructure (some pipes dating back over 100 years) and plan for future needs became evident through an increasing number of wastewater spills that damaged the environment, threatened public health, and led to litigation with the federal and state governments.

In 2011, the County reached a Clean Water Act settlement in the form of a Consent Decree (CD) with the U.S. EPA and Georgia Department of Natural Resources Environmental Protection Division. DWM implemented CIP 2010 to execute construction required under the CD, but further delays—exemplified by the County's failure to hire and on-board CD and CIP Program Managers until 2014 and 2015 (respectively)—led to only 27 percent of the five-year program being completed through 2016.

1822

DeKalb County is formed

1940

General Motors locates their new automobile manufacturing plant in Doraville



2011

CIP 2010 developed to execute projects arising from the Consent Decree

2020

We're going to go all across this county and get the job done, but you can't undo 40 years of neglect in three years.

Article in the AJC, March 12, 2020

1940-1970

Population surges. As infrastructure expands rapidly, the County's population more than quadruples and DeKalb County emerges as Georgia's second largest county.



1942

County forms DWM to provide potable water distribution and wastewater management services county-wide

2015

CD and CIP program management team brought on board

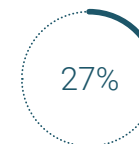


1980

Population approaches 700,000. County water and wastewater systems enter a period of neglect and mismanagement.

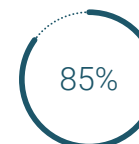
2016

CIP 2010 only 27 percent complete



2020

CIP 2010 completed with a four-fold increase in the annual rate of project delivery



TURNING THE CORNER

In January 2017, Michael L. Thurmond was sworn in as the County’s Chief Executive Officer (CEO) and the County’s Board of Commissioners (Board) was fully constituted following years with vacant seats. Recognizing that both the CD and CIP 2010 programs were not progressing quickly enough, the new leadership commissioned a root cause analysis in 2018. This analysis revealed that the slow progress was caused by political interference in DWM operations, inadequate oversight, allegations of corruption and favoritism, and lack of transparency.

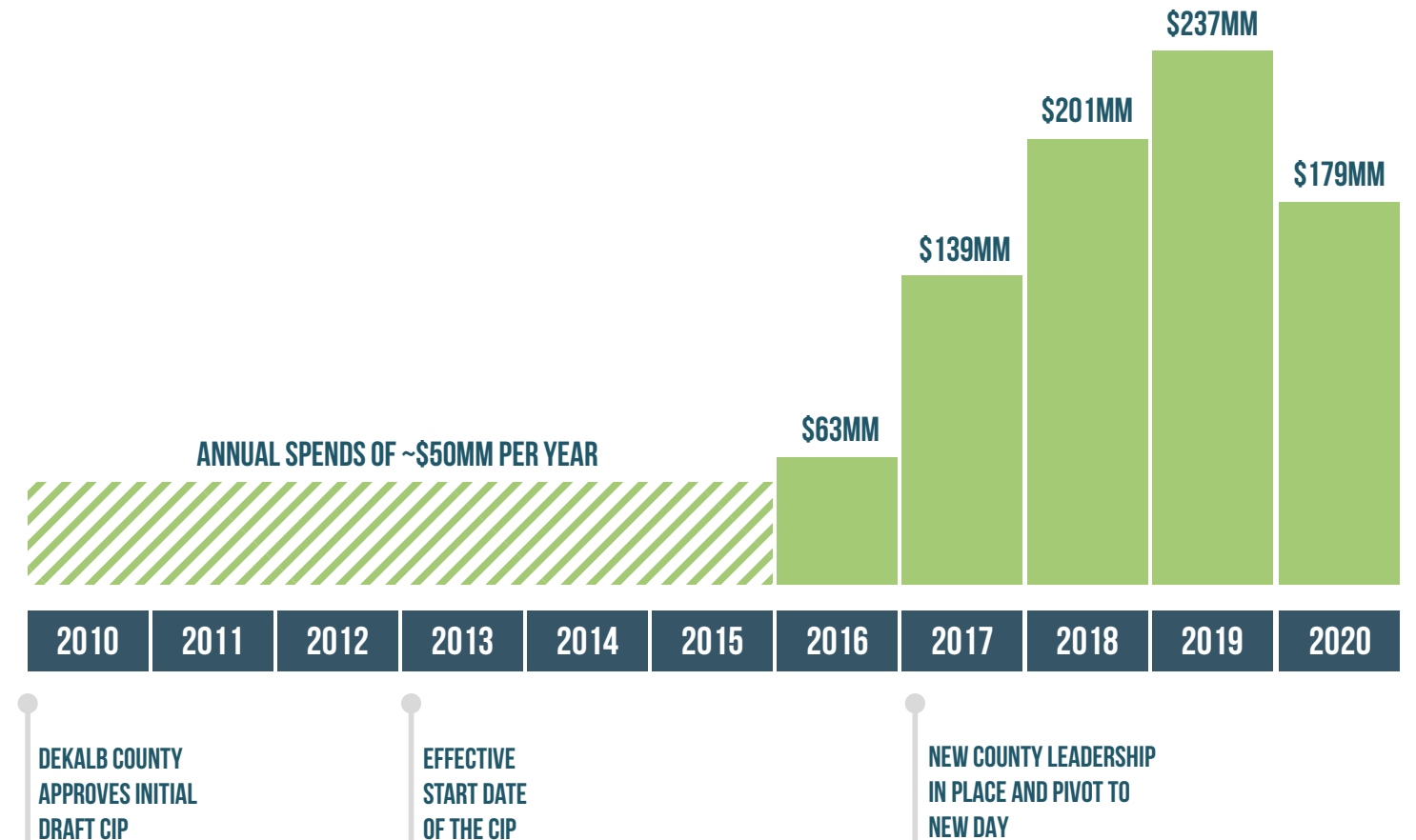
The CEO and Board immediately pursued aggressive changes to DWM leadership and culture, resulting in rapid improvements—**since this pivot, \$756 million of key CIP investments have been completed.**

A NEW DAY

CEO Thurmond declared a “New Day” of accountability and productivity to rectify the issues caused by historical neglect and mismanagement. Under new leadership, DWM has made great strides including:

- > Investing in best practice tools for infrastructure planning such as **computer-based hydraulic models** for both the water delivery and wastewater collection systems
- > Developing a detailed **Water & Wastewater Master Plan** through 2050
- > Improving project delivery processes and developing a **Program Management Plan (PMP)**. These efforts resulted in a four-fold increase in the value of work completed in 2019 compared to 2015. DWM’s project delivery capability is now at the levels needed to implement CIP 2021.
- > Launched the **New Day Project** to identify and address the root causes of billing issues, resulting in the upgrade or replacement of nearly 100,000 meters and beginning the process to implement a new Utility Customer Billing System.

A pivot in 2017 after years of missed opportunity



“We did not create these challenges... they have evolved over decades, but we must, now in this CIP horizon, begin the work to solve them.”

Michael L. Thurmond, CEO

CAPITAL IMPROVEMENT PLAN PROGRAM LIFECYCLE

DWM has developed and documented new processes and procedures for the CIP program lifecycle—from initial project development through prioritization, approval, funding, and delivery.

STEP 1 IDENTIFICATION

- CIP projects identified through the Master Planning process
- Operations team identifies projects through system failures, citizen complaints, regulatory requirements, and asset management process
- Deferred projects, IGA changes, and other sources



STEP 2 INITIATION

- Determine if proposed project qualifies as a CIP project
- Prepare, approve, and submit a Project Initiation Form for inclusion in the Master Schedule and Program Budget



STEP 3 PRIORITIZATION

- Each proposed CIP project is scored by the technical team through a multi-criteria analysis and subsequently prioritized
- An Executive Committee performs final review and approval of project scores and rankings
- As CIP projects take multiple years to progress through delivery, an annual prioritization process is completed to align plans with the County's changing needs and funding capacity



STEP 4 APPROVAL & FUNDING

- Governing authority reviews and approves the CIP program and its funding plan



STEP 5 DELIVERY

- CIP projects are delivered through the project lifecycle process documented in the Program Management Plan (PMP). Steps include planning, design, and construction.

STEP 1: IDENTIFICATION

Using newly developed computer-based hydraulic models, DWM can monitor water and wastewater system performance in real-time to identify and troubleshoot issues. The detailed information these models provide has enabled DWM to complete its first ever Water and Wastewater Master Plans. These plans are milestone achievements that support the community’s vision for sustained growth and prosperity and align with the County’s economic development plans. They establish responsible operational processes and financing practices that are guiding DWM as it develops and implements system policies, capital projects, and service strategies.

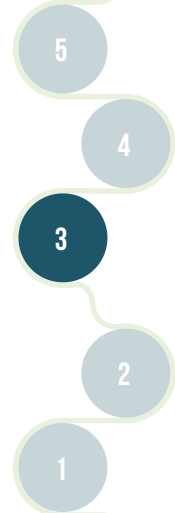
To develop the Master Plans, DWM drew heavily on both hydraulic modeling software and stakeholder engagement. Hydraulic models identified future service scenarios based on projected population and employment levels through 2050 and evaluated the costs and benefits of each alternative. The County validated and refined these options with input from stakeholders.

Through these efforts, DWM determined which capital projects would be needed between today and 2050, including critical (2025), short-term (2030), mid-term (2040), and long-term (2050) projects. The Department also used this information and input to craft high-level service strategies through 2070.

STEP 2: PROJECT INITIATION

Once potential projects are identified—either originating from Master Plans or arising from operational needs—DWM evaluates whether each proposed project qualifies as an appropriate investment to include in the CIP. DWM officials complete a common project sheet (i.e., initiation form) that describes the scope of work and provides information necessary to determine if the project is, in fact, a CIP project (as opposed to an operational cost). Based on this initial evaluation, some projects will drop out of consideration for CIP 2021, although they may be funded through other initiatives.





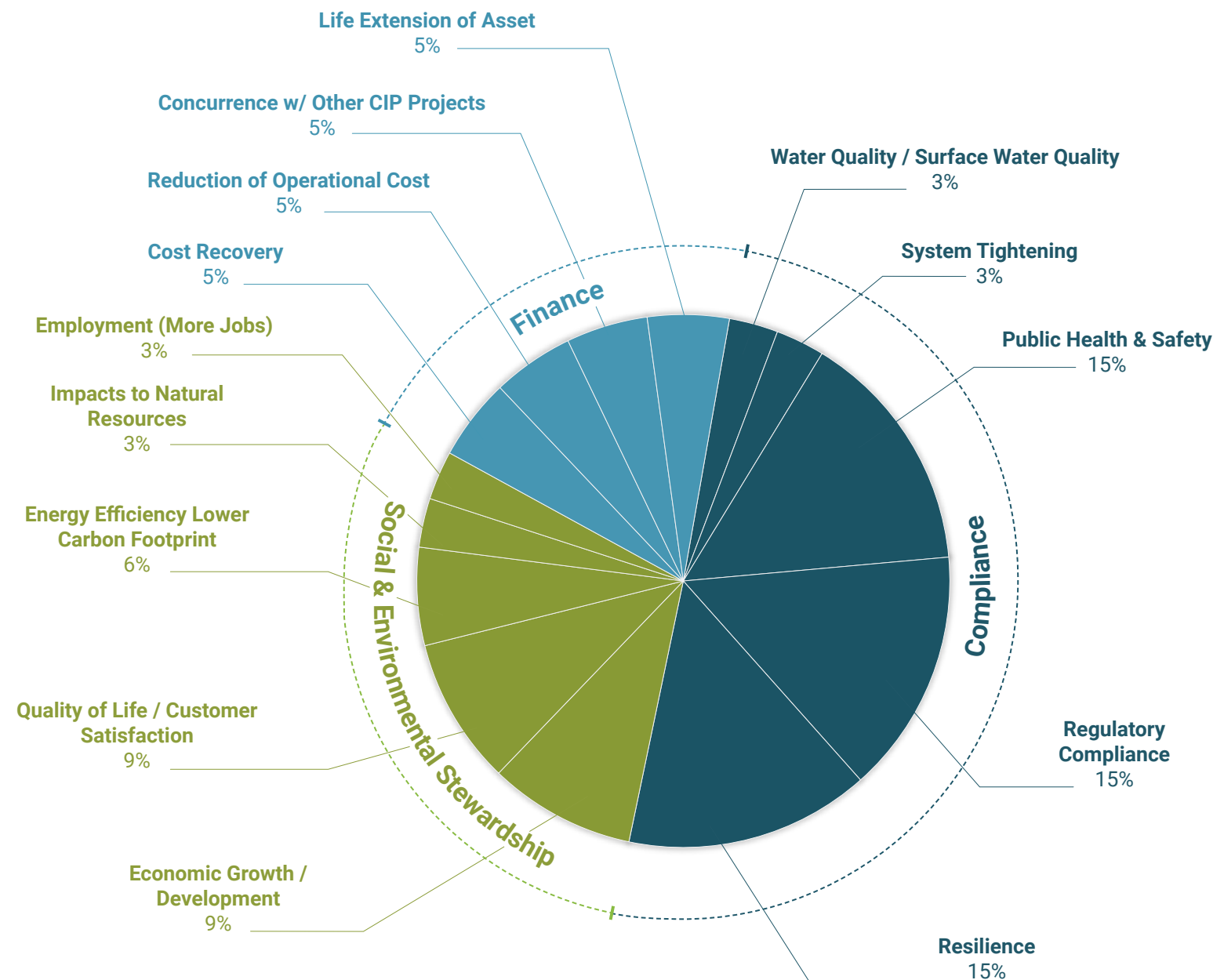
STEP 3: PRIORITIZATION

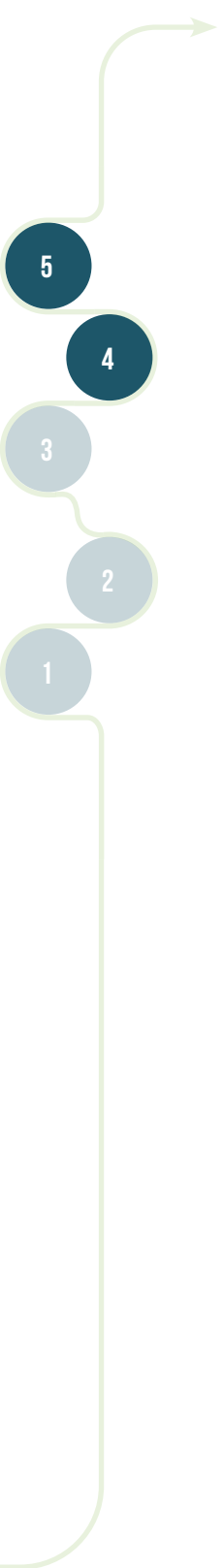
DWM used a team-based, multi-criteria analysis approach to prioritize CIP 2021 projects. This best practice method, which is both defensible and reproducible, is used by leading global organizations to rank order their investments, such as for the World Bank’s Infrastructure Prioritization Framework and the U.S. EPA’s Integrated Planning Framework.

Team-based, multi-criteria analysis solicits input from stakeholders to systematically evaluate (and periodically reevaluate) competing priorities against a set of agreed-upon prioritization criteria. For CIP 2021, DWM has identified a broad set of factors against which to assess projects, ranging from compliance requirements to financial impacts to social and environmental benefits. DWM engages teams with a diverse array of perspectives to assess how projects perform on these criteria. The Master Plans and hydraulic models provide a robust base of evidence for these teams to draw from when prioritizing investments.

DWM used the prioritization framework to analyze all CIP projects identified in Step 2 and determine which could be afforded. Among these projects, DWM advanced the top 80 percent to be funded. Forty-four are improvements to the water distribution network and 105 are upgrades to the wastewater management network. The prioritization process is thoroughly documented in Chapter 02 of the CIP Program Management Plan.

Prioritization framework with factors and criteria weights





STEP 4: APPROVAL AND FUNDING

As new CIP projects are identified and prioritized, DWM and DeKalb County Finance work together to develop detailed funding plans. These plans help make sure DWM has sufficient funds to support both its operating costs and CIP expenditures. Plans may be updated to align with evolving needs, such as when the number of projects included in the CIP is refined to match available funds or when additional funding is secured to support additional projects.

The Funding Plan required to support CIP 2021 is discussed in greater detail in Part B of this Executive Summary.

STEP 5: DELIVERY

Once capital projects are defined and funded, it is critical that project delivery conforms to the schedules and budgets defined in the CIP. One common issue many programs face involves projects under-spending and generating excess funds, which leads to negative arbitrage—a situation where the debtor pays full interest on a loan or bond despite the principal not being completely spent. The County estimates it incurred as much as \$80 million in negative arbitrage due to delays in delivering CIP 2010.

The CIP 2021 delivery team has developed a suite of tools and standard methods to help deliver projects on-budget, on-schedule, and with consistently high quality. One essential resource is the Program Management Plan (PMP) DWM developed in 2017, which documents standard operating procedures project managers and staff are expected to follow when planning, designing, and constructing CIP projects. The PMP contains detailed guidance on processes and workflows, as well as links to supporting tools such as forms and templates.

PMP Chapters: Standard Operating Procedures

<p>PMP01</p> <p>Program Organization & Governance</p>	<p>PMP02</p> <p>Project Prioritization</p>	<p>PMP03</p> <p>Project Management - Planning</p>	<p>PMP04</p> <p>Project Management - Design</p>	<p>PMP05</p> <p>Project Management - Construction</p>
<p>PMP06</p> <p>Procurement & Contract Management</p>	<p>PMP07</p> <p>Safety, Health & Environment</p>	<p>PMP08</p> <p>Quality Management</p>	<p>PMP09</p> <p>Risk Management</p>	<p>PMP10</p> <p>Communications Management</p>
<p>PMP11</p> <p>Cost & Schedule Management</p>	<p>PMP12</p> <p>Reporting</p>	<p>PMP13</p> <p>Document Control</p>	<p>PMP14</p> <p>Cost Estimating</p>	

OUTCOMES OF CIP DEFINITION: BALANCING SYSTEM NEEDS

During the past two decades, DWM channeled most of its capital investment into large projects that updated and upgraded the County’s *above-ground* treatment facilities. These improvements have positioned the County to provide clean drinking water and reliable wastewater treatment services today and meet the projected demands of the growing population. With these projects largely complete, **DWM’s investment focus must now transition to its below-ground water distribution and wastewater collection systems.**

Buried infrastructure makes up 68 percent of CIP 2021 project spending, highlighting how important it is to maintain the unseen yet critical portions of the system. As these underground systems age, they are performing far below their needed capacity, resulting in relatively high levels of water loss, system failures, and sanitary wastewater spills.

CIP 2021 will focus on two major areas of investment:

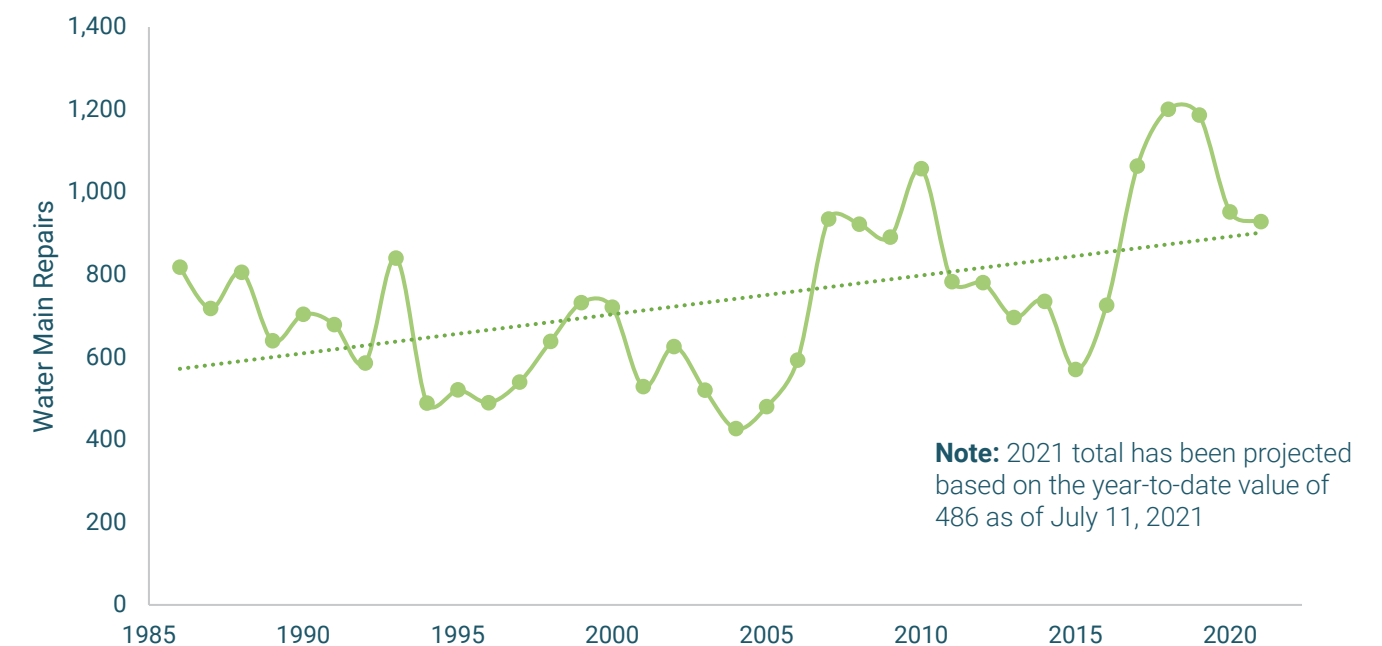
- 1 Deliver critical water distribution projects**
- 2 Expand trunk sewer capacity to comply with CD**

MAJOR INVESTMENT AREA 1: DELIVER CRITICAL WATER DISTRIBUTION PROJECTS

SIGNS OF AN AGING AND UNDER-SIZED SYSTEM

In recent years, the number of water line breaks has grown to more than 1,000 annually (on average). Whether the break occurs on a small service line inconveniencing a few customers or on a major water main, such as the 2018 break near Buford Highway that resulted in a boil water advisory, neither is acceptable. Breaks result in financial losses for the County, drain maintenance resources, reduce system resilience, and often lead to adverse social and environmental consequences.

Water distribution system historical water main repairs



The increase in water distribution system failures results from two main causes: (1) aging pipelines and (2) excessive pressures on an under-sized system. CIP 2021 investments will target these issues.

REPLACING AGING PIPELINES

The County’s water distribution system includes roughly 3,000 miles of water pipe. Around 215 miles of this pipe are reaching 70 years of age and require replacement. Also, by 2050, an estimated 1,745 miles of pipe will reach 70 years of age or older if they are not replaced on a set timetable. To compound this challenge, many pipes are made of less resilient materials with shorter life expectancies than ductile iron (the current industry standard). These outdated materials include pre-stressed concrete pressure pipe (7 miles), asbestos cement (522 miles), and cast iron (820 miles). As an example of the County’s efforts, DWM replaced seven miles of aging water pipes in the Druid Hills community following water pressure problems in 2021. The City of Atlanta had originally installed these pipes in the 1920s.

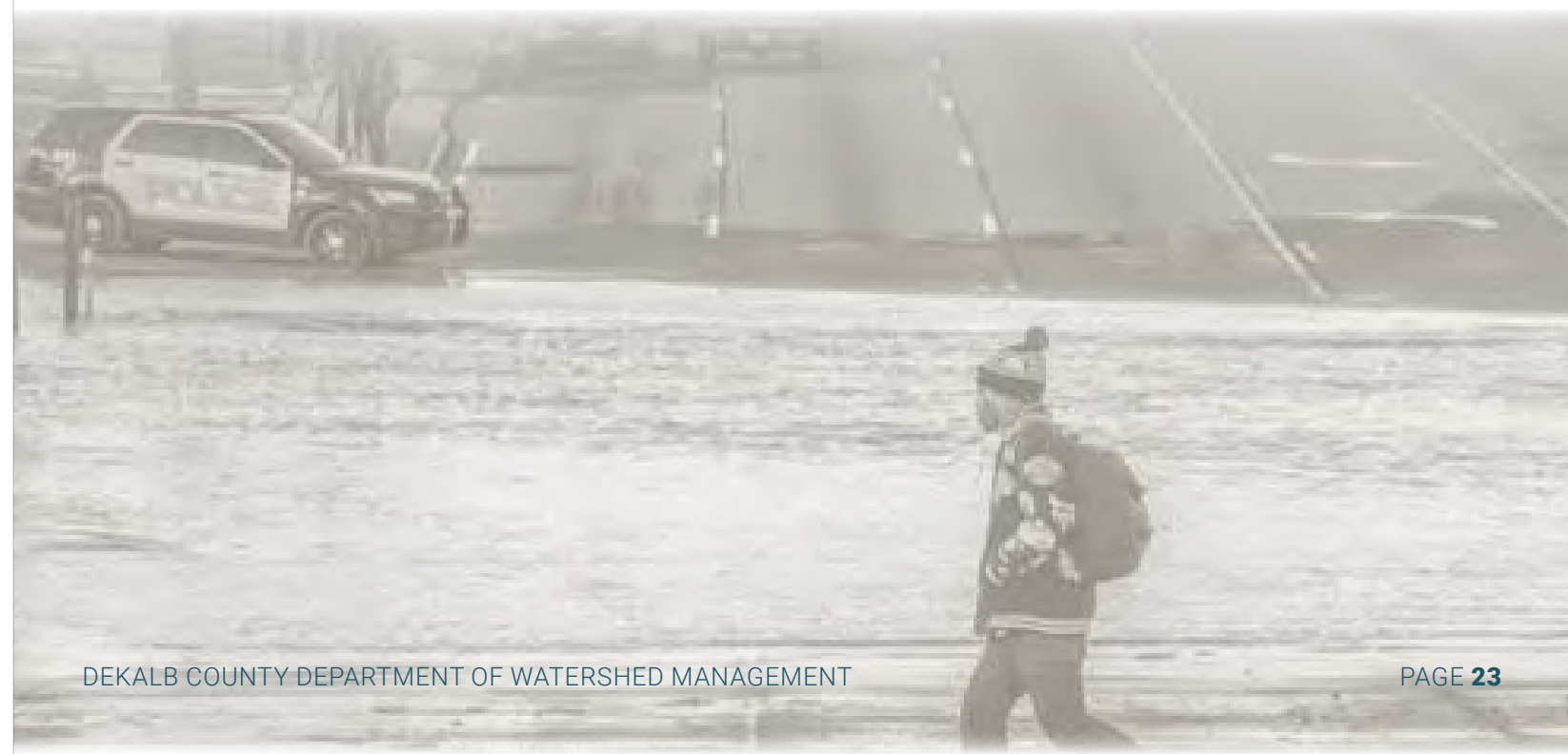
Miles of water pipe reaching 70 years old:

- > Now (2020): 215 miles (install date 1950 or earlier)
- > By 2030: 596 miles (install date 1960 or earlier)
- > By 2040: 1290 miles (install date 1970 or earlier)
- > By 2050: 1745 miles (install date 1980 or earlier)

Renewal and replacement of aging infrastructure has been the #1 issue facing the water industry for eight years running

*American Water Works Association, 2020

Massive water loss and a boil water advisory resulted from a failed 48 inch-diameter water main near Buford Highway in 2018 (photo from AJC, March 7, 2018)



UPGRADING THE SYSTEM TO REDUCE PRESSURES AND ADD RESILIENCY

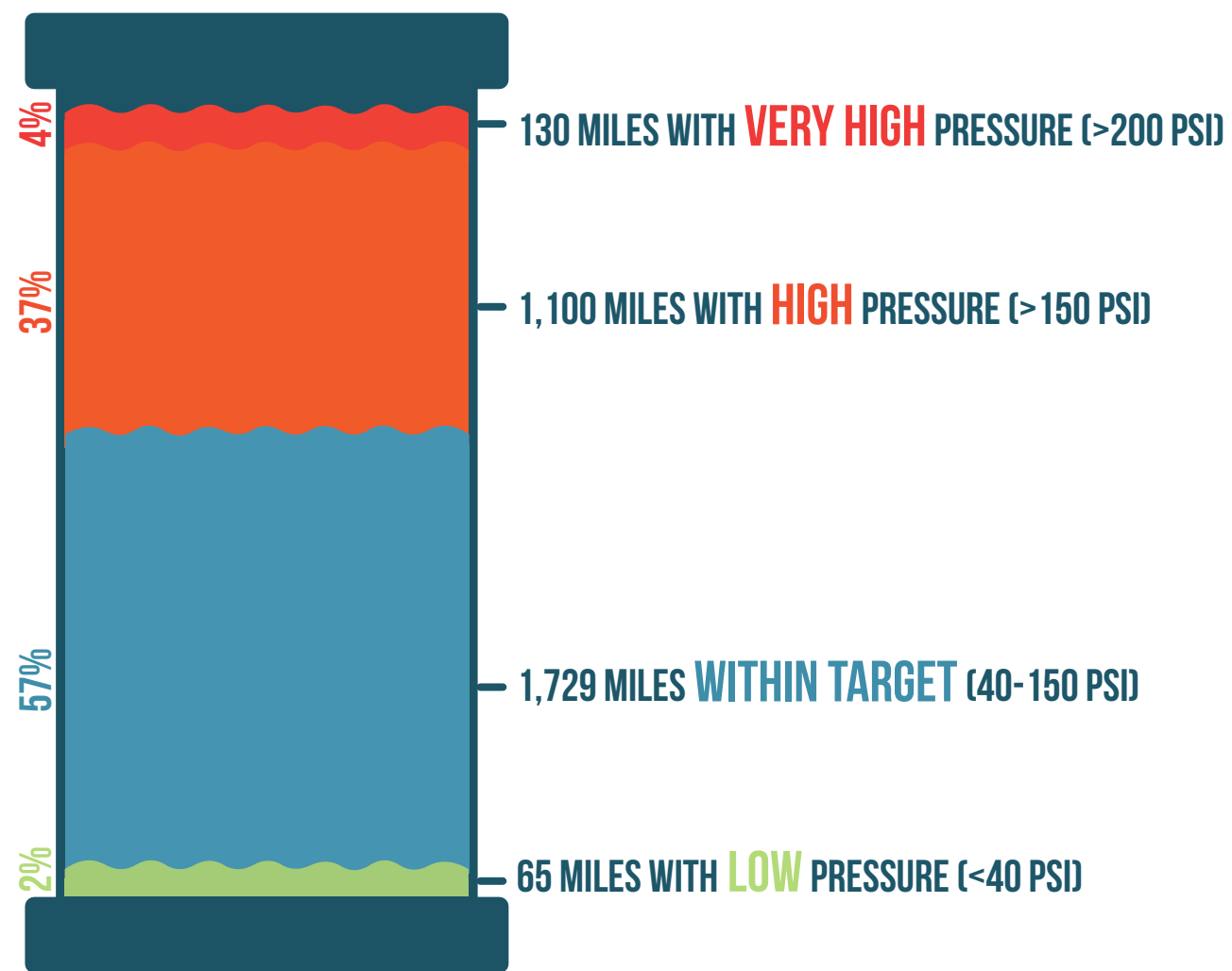
New hydraulic models have revealed that the most significant challenge facing the County’s water distribution system is its constrained transmission capacity. DWM’s outmoded pressure management approach and undersized delivery system mean that greater effort is required to push water through the network—a situation that leads to excessively high pressure and compromises resilience. In fact, water mains experiencing high pressure (>150 psi) make up around 41 percent of the system and far exceed those with low pressure.



DeKalb Water Main System Pressure

17 TIMES More water mains experiencing high pressure (>150 psi) than low pressure (<40 psi). Two times as many experience very high pressure (>200 psi).

130 MILES Length of water mains doubling the max pressure recommended by Georgia EPD and ten other state standards. This is four percent of the system.



DeKalb County Water Master Plan targets a maximum pressure of 150 psi. Georgia EPD, along with 10 other state standards, recommend 100 psi maximum.

MAJOR INVESTMENT AREA 2: EXPAND TRUNK SEWER CAPACITY TO MEET CONSENT DECREE

NEXT PHASE OF CONSENT DECREE

Having now successfully completed CIP 2010, the County has negotiated a modification to the CD with the U.S. EPA and State of Georgia. A key change involves pivoting away from projects that reduce inflow and infiltration into the sanitary system and toward investments that increase the flow capacity of major sewer trunk lines. A trunk sewer is a large-diameter line that receives wastewater flows from tributary feeder branch lines (for DeKalb County, pipes ranging from 30-72 inches wide are considered large-diameter). As part of the CD modification, DWM will improve capacity across 59 miles of trunk lines, focusing primarily in the Snapfinger Basin.



Consent Decree Requires Four Main Types of Wastewater System Improvements

BY 2027...



Rehab 133 miles of leaking pipes through trenchless technologies (where possible)



Perform 1,600 point repairs of localized pipe failures



Upsize or replace 35 miles of small diameter sewer pipe

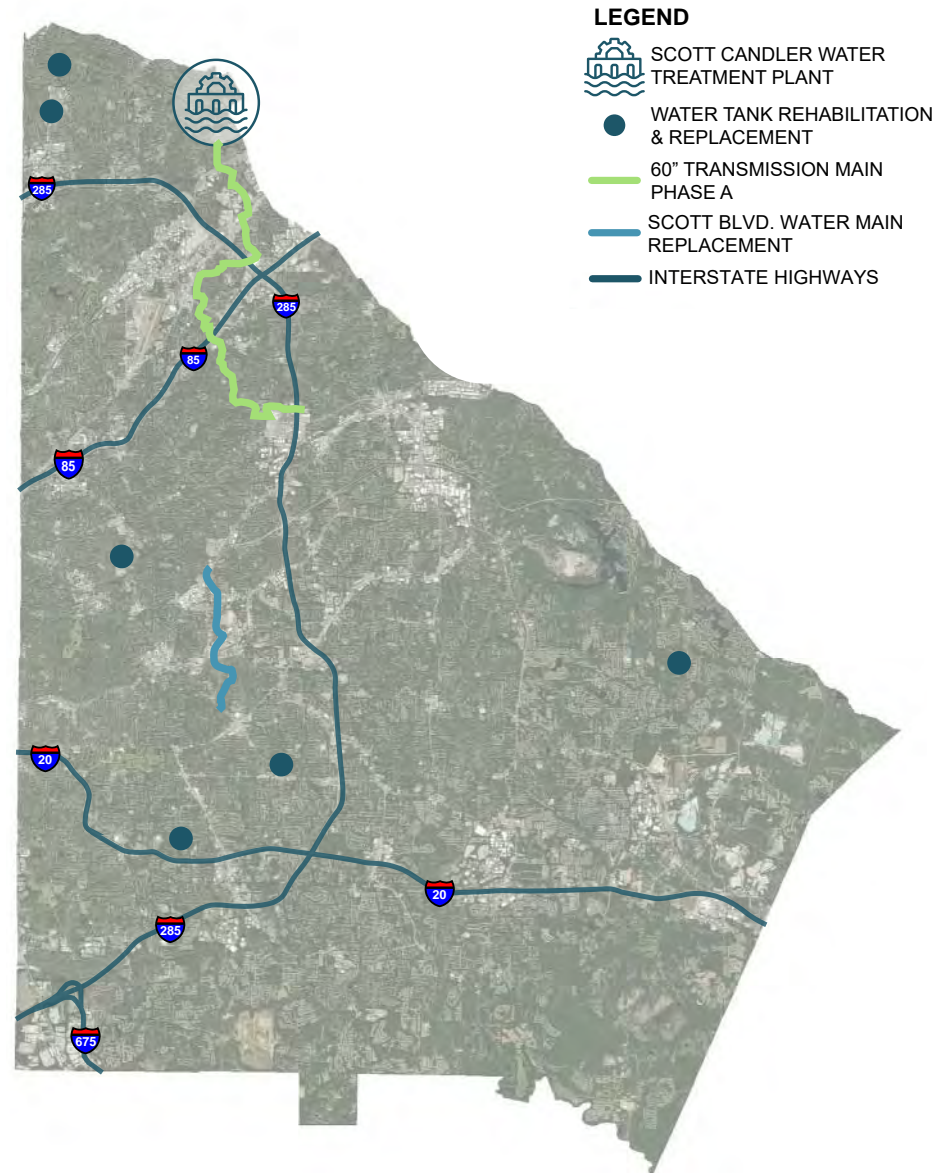


Upsize 45 miles of large diameter "trunk" sewers

CIP 2021 PRIORITY PROJECTS

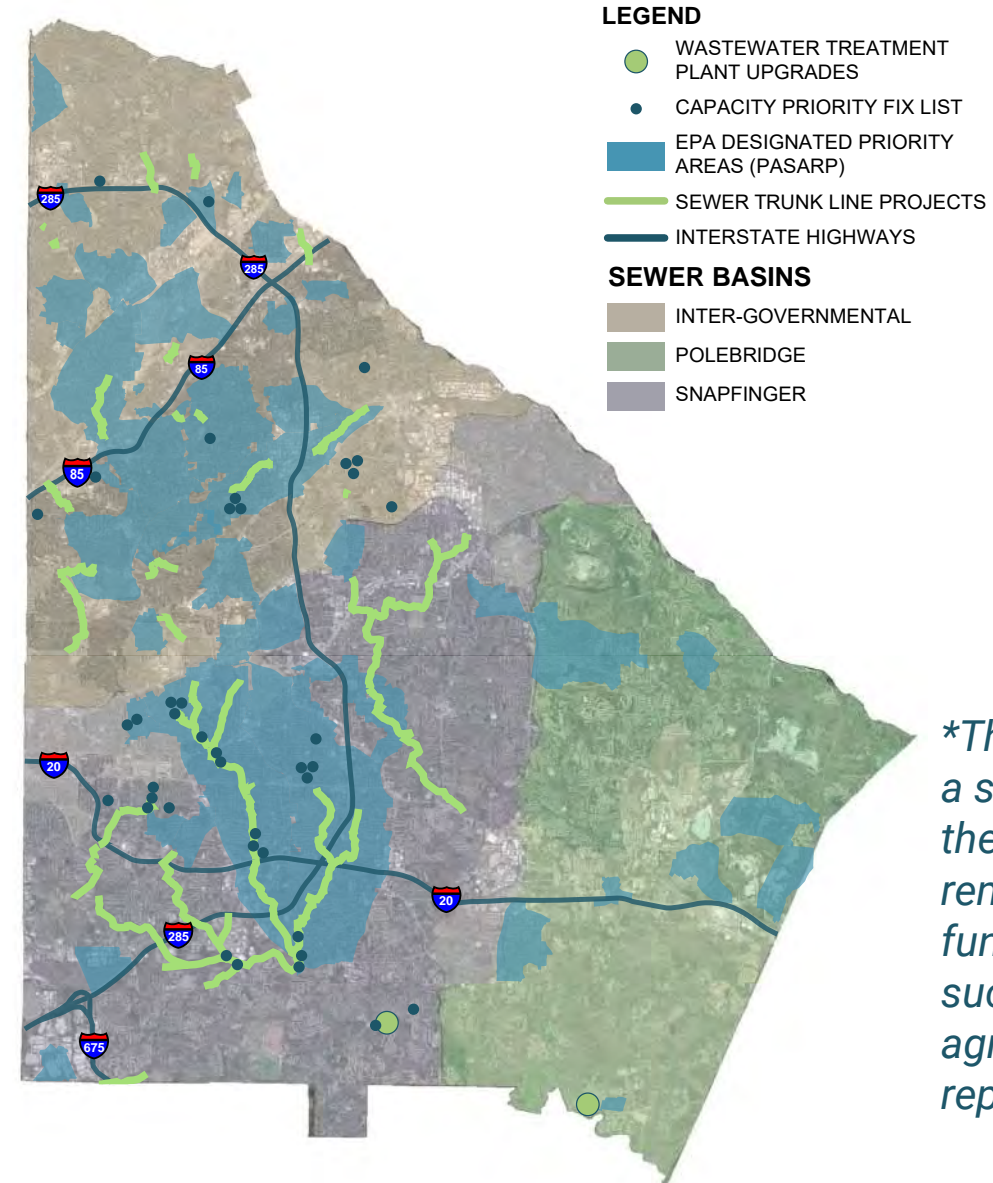
CIP 2021 Water Projects *

- 3%** Rehabilitation and replacement of aging water storage tanks (\$61M)
- 4%** Upgrades at the Scott Candler Water Treatment Plant (\$104M)
- 7%** Construction of a 60-inch water transmission main (\$180M)
- 17%** Aging watermain replacement projects (\$413M)



CIP 2021 Wastewater Projects *

- 6%** Wastewater treatment plant upgrades. (\$135M)
- 24%** Trunk sewer capacity improvement projects (\$576M)



**These projects represent a substantial portion of the program budget. The remaining budget will help fund reoccurring annual costs such as intergovernmental agreements and emergency repair contracts.*

CIP 2021 BENEFITS

CIP 2021 will improve the often unseen water and wastewater infrastructure resulting in tangible benefits for DeKalb residents and businesses and enhancing economic development.



SET THE STAGE FOR EQUITABLE INVESTMENT

- > Since 2017, businesses and residents have made 1,551 requests for sewer connections. 384 are still pending.
- > Sewer system capacity constraints have disproportionately affected southern DeKalb County, limiting new investment in historically disadvantaged areas.
- > CIP 2021 investments will make sure beneficial future development, such as new housing and grocery stores, are no longer held back due to water and sewer system limitations.



Modified Consent Decree

County leaders worked with state and federal officials to modify the CD. These changes enable the County to bank credits for work completed and then build new connections to areas that have been capacity constrained. This means many historically underserved areas with capacity limits will not have to wait until the CD ends to invest in development.



BENEFIT OUR SHARED ENVIRONMENT

- > CIP 2021 investments aim to provide clean, healthy drinking water to all residents and drastically reduce the risk of wastewater infiltrating our natural amenities.
- > Reducing sanitary sewer spills protects our water resources and enhances the wellbeing of our environment and community.
- > Reducing water losses protects the health of our regional rivers.



FACILITATE SMART DEVELOPMENT

- > By 2050, the population served by the system is projected to exceed one million residents. Also, businesses in DWM's service area employ around 640,000 people (and growing).
- > CIP 2021 projects will help DWM provide reliable and high-quality water and wastewater services to all residents, now and in the future.
- > Planned growth means increased opportunities for business and employment and an expanded tax base.



CREATE NEW JOBS

- > CIP 2021 will create an estimated 4,200 jobs (direct, indirect, and induced) during its 10-year lifespan.



CHIEF EXECUTIVE OFFICER

Michael L. Thurmond

BOARD OF COMMISSIONERS

Robert Patrick, District 1

Jeff Rader, District 2

Larry Johnson, District 3

Steve Bradshaw, District 4

Mereda Davis Johnson, District 5

Ted Terry, District 6

Lorraine Cochran-Johnson, District 7

Exhibit 3

Partial Transcript of Meeting of the Public Works and Infrastructure Committee Meeting of the DeKalb County Board of Commissioners dated April 23, 2024

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DEKALB COUNTY BOARD OF COMMISSIONERS PUBLIC WORKS AND
INFRASTRUCTURE (PWI) COMMITTEE MEETING

APRIL 18, 2023

JOB No.: 6966734

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A P P E A R A N C E S

DEKALB COUNTY PUBLIC WORKS AND INFRASTRUCTURE (PWI)

COMMITTEE :

COMMISSIONER COCHRAN-JOHNSON

COMMISSIONER PATRICK

COMMISSIONER MERENDA DAVIS JOHNSON

COMMISSIONER TERRY

OTHER SPEAKERS :

MARIA HOUSER

Director, Consent Decree and Environmental Compliance

ZACHARY WILLIAMS

Chief Operating Officer

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APPROVAL OF PREVIOUS MINUTES	4
PRESENTATION - STORMWATER INFILTRATION AND INFLOW	5
QUESTIONS BY COMMISSIONERS	22

1 COMMISSIONER COCHRAN-JOHNSON: Hello, and
2 thank you all for joining us for another installment
3 of Public Works and Infrastructure. For those of you
4 who are watching, I am Lorraine Cochran-Johnson. I
5 serve as the Chair of Public Works and Infrastructure
6 where I sit alongside Commissioners Terry and
7 Commissioner Patrick.

8 Today we will be following the agenda exactly
9 as it's written. Our last meeting was actually on
10 March 21st, and at this time I would ask my fellow
11 Commissioners if you have had the opportunity to read
12 those minutes, and if so, is there a motion from the
13 floor?

14 COMMISSIONER: Motion to approve.

15 COMMISSIONER COCHRAN-JOHNSON: I have a
16 motion to approve. Is there a second?

17 Okay. We have a proper motion to, to approve
18 and second.

19 All those in favor, show in hands and words?

20 Aye.

21 COMMISSIONERS: Aye.

22 COMMISSIONER COCHRAN-JOHNSON: Okay. Let the

1 record reflect we have approved the minutes.

2 The next item that we have on the agenda, we
3 have two different discussions. We will start with
4 the stormwater infiltration and inflow, and I think
5 it'd probably be safe to say and turn your eyes
6 towards the monitor.

7 MALE SPEAKER: (Inaudible).

8 MS. HOUSER: Good afternoon, Commissioners.
9 I'm just going to give a bit of a background to lay a
10 foundation for why we are here to talk about how we
11 are addressing stormwater infiltration, specifically
12 in the Snapfinger Basin.

13 So this presentation really is a result of
14 multiple months, over a year-and-a-half of work, not
15 just with DWM Engineering, but also our partners who
16 are here, as well, at Jacobs (ph) Engineering, Acom
17 (ph), Brown and Calwell (ph), and even some of their
18 subs. So we've been doing a lot of work in this to
19 present some options for how do we address stormwater
20 in our sewer system, specifically in the Snapfinger
21 basin.

22 Now, we have stormwater issues countywide,

1 and we're going to look at two options for dealing
2 with stormwater. We either prevent them from getting
3 into the system or we manage them if it's in the
4 system. So let's focus on making sure everybody
5 understands the problem.

6 The problem is when you have a deteriorating
7 wastewater collection system or your sewer system both
8 on the public side and on the private side, it allows
9 stormwater to enter the wastewater system.

10 Additionally, on the private side use sometimes have
11 illicit connections, so for example a roof drain being
12 connected to the storm, to the wastewater system as
13 opposed to the stormwater system, or foundation
14 drains, et cetera.

15 When that occurs and you have heavy rainfall,
16 stormwater enters into the wastewater system. It
17 takes up the capacity, which is meant for the sewage,
18 and then you have spills coming out of the manholes,
19 and the picture you see there is an actual event where
20 we had millions of gallons of sewage being spilled
21 into our communities, parks, waterways, et cetera.

22 To narrow a bit, our Modify Consent Decree

1 which took place in September of 2021 lists a hundred
2 and three what are called "priority fix list sites."
3 Those sites are where we have had more than one sewage
4 spill occurring. Some of them repeats, you know,
5 four, five, six times, as well. The agreement in the
6 Modified Consent Decree asks that DeKalb County
7 address those sites within a four-year period with a
8 caveat of twenty-one of those sites are complex enough
9 we are allowed to go past that four-year timeframe for
10 getting it addressed, and that's the subset we want to
11 consider in this presentation, not the whole one
12 hundred and three priority fix list sites with which
13 we have done a great job, we have already fixed more
14 than half of those already, but those specific sites
15 which are going to require more time than four years
16 to actually get fixed, and that includes our biggest
17 spill site, the Meadow Creek Path site, which, you
18 know, over a million gallons of spills each year since
19 2019. Specifically, there are thirteen sites in the
20 Snapfinger Basin that we're going to take a look at
21 resolving with the proposal in this presentation.

22 So kind of summarizing, we have analyzed

1 numerous options. We've actually not just done
2 hydraulic modeling, engineering, design consideration
3 for constructability. We've actually gone into the
4 field, as well, doing geotechnical survey, et cetera,
5 to come up with these alternatives that I'm going to
6 share now.

7 On the screen here you see alternatives. On
8 the left-hand side, those are the alternatives if we
9 are trying to prevent stormwater from even entering
10 into our sewer or our wastewater system. The
11 solutions ... The three solutions on the right-hand
12 side deal with how we can manage that I and I, or
13 inflow and infiltration of stormwater into our system.

14 So let's get started with prevention. So if
15 you're going to prevent, it means that you need to
16 rehabilitate either the public side or the private
17 side or both.

18 So just to give you an assessment as to why
19 you need to address one or the other or both, it's
20 because under the Consent Decree right now you see the
21 top level, which is kind of, like, a lighter blue.
22 That's the stormwater in our system. It's

1 representative of the stormwater in our system that's
2 coming from the public side. The darker blue which is
3 below is the stormwater that's coming from the private
4 side. Did I say that right? Public is on top and
5 private is below. The work that we're going to be
6 doing under the Consent Decree from now until 2027, we
7 are going to reduce the amount of stormwater that's
8 entering from the public side. We're not going to be
9 able to reduce everything on the public side by 2027,
10 but a certain amount. At the same time, based on our
11 analysis of a specific area in the county, the
12 stormwater for the private side is actually coming up
13 and becoming more in the system. The private side is
14 actually two-fifths of the sewer system, and we see
15 that fifty percent of the volume is actually coming
16 from the private side, even though it's less than half
17 of the sewer system.

18 So we will continue addressing the public
19 rehab. For example, we have already removed, you
20 know, the PWI Committee, you all have approved several
21 contracts helping us rehabilitate the sewer system,
22 and we have results. You see we have removed fifty

1 million gallons of stormwater already since we've been
2 working since 2017. We're going to continue doing
3 that. There are several contracts I'm sure even on
4 the agenda today to assist in this rehabilitation
5 effort, so we are going to tackle thirteen, thirty,
6 three-zero, additional miles of rehabilitation from
7 now until the end of the Consent Decree.

8 However, to remove the sufficient amount of
9 stormwater that's entering the system causing these
10 thirteen priority fix list items, you actually need to
11 do more. You would need to rehabilitate an additional
12 three million linear feet of sewer pipe at a cost of
13 six hundred and twenty-seven million dollars even
14 beyond what we are planning to do under the Consent
15 Decree to remove additional I and I from the system.

16 In addition to that, we will need to tackle
17 the private rehabilitation side, and that's really
18 encouraging and making about fifty-two-thousand
19 property owners, residents, commercial property
20 businesses to actually fix their sewer laterals, which
21 are private, at an average cost of six thousand
22 dollars per lateral or three hundred and forty million

1 dollars of private funds. That's going to require
2 private polymers about ... If you take ten of them just
3 working in DeKalb County nonstop, it will still take
4 about ten years to get that done, and that is actually
5 beyond the horizon of the Consent Decree. So that's
6 really on the preventing side.

7 Let's look at the managing side. There are
8 three options here, and before we start looking at the
9 options, I want to level set and actually show you
10 what we already have working in our existing system.

11 The northern part of DeKalb County actually
12 treats its wastewater in the City of Atlanta, so we
13 already have in place what constitutes a tunnel. It's
14 the Nancy Creek Tunnel. It was put in place in 2005.
15 We also have the Liddell Tank. It's located about
16 three thousand feet away from DeKalb County, and that
17 was put in place in 2014. Right now, the City of
18 Atlanta is constructing the North Fork Peachtree Tank
19 at the intersection of 400 and I-85. It's right close
20 to DeKalb County, and we are actually paying about a
21 hundred million dollars for the construction of that
22 tank because most of the flows that are coming into

1 that tank are from DeKalb County.

2 On the southern portion of the county at the
3 treatment plant, the Snapfinger Treatment Plant, we
4 already have a twenty-million-gallon tank which aids
5 in our management of excess stormwater during rain
6 events, and we do have the Honey Creek Lift Station
7 Basin which we have put in place since 2016 to help
8 address stormwater.

9 So focusing on the three ways we can manage
10 and I and I currently:

11 One, we could create another storage tank at
12 the Snapfinger Plant. So storage at the plant, what
13 that requires is a cost of eight hundred and seventy-
14 five million dollars. We would still have to because
15 you have to still carry that extra stormwater without
16 spilling it all the way to the plant, it requires that
17 you actually fix fifty-five miles of trunk sewer for
18 construction all the way to the plant in addition to
19 opening up the inflow to the plant, so that influent
20 lift station at the plant has to be increased, as
21 well, before you could even think about simply
22 constructing a tank at Snapfinger.

1 The benefits of it, however, is that there is
2 storage at an existing facility. There are some
3 risks, however. You're going to disrupt a lot of
4 parcels in the Basin. At certain points we are not
5 just going to upsize a trunk sewer. We're going to
6 build a parallel sewer, and in a limited area we will
7 have to put in a third sewer, and some instances would
8 be we're going to have to do land acquisitions, and
9 some locations may not allow for that without having
10 to take the entire land from the homeowners in doing
11 that. The completion of the project is beyond the
12 Consent Decree deadline of, and it will take us until
13 2033 to do that. Keep in mind for fifty-five miles of
14 trunk work that there is a limitation as to how many
15 contractors we can have working at the same time
16 throughout the county with that, so ... And at the same
17 time, you're going to have more than a hundred SSOs
18 occurring while we do that building.

19 The second option is storing within the
20 system. So not at the plants, but in the system, and
21 that is building a tunnel. As I mentioned before, we
22 already have a tunnel that takes the sewer flows from

1 the northern portion of DeKalb over to the city of
2 Atlanta. If we choose to put in a tunnel at DeKalb
3 County, a benefit is that we could make it so large it
4 will not just hold the capacity of a two-year,
5 twenty-four-hour storm event, which DeKalb County is
6 the agency and the court to make sure we can handle,
7 but it could handle even larger storm events. So if
8 you have larger storm events, it could help prevent
9 SSOs utilizing that.

10 However, you are ... Tunnels inherently, they
11 go deep underground. I believe the City of Atlanta
12 tunnel, the deepest it has gone in certain areas, it's
13 over a hundred feet deep. It's very large. You could
14 run dump trucks through it. It will require seven
15 miles under the ground of this tunnel, including eight
16 drop shafts in there. Of course you're going to have
17 less trunk upsizing, and of course one thing, a
18 downside, it is below, beyond the Consent Decree
19 timeline, even though it's a shorter timeframe than
20 doing storage at the plant, and we still have the
21 challenge with contractor capacity. The cost you can
22 see there is nine hundred and twenty-one million

1 dollars.

2 Finally, we have the options of tanks, and
3 after we did hydraulic modeling - we have our team at
4 Jacobs (ph) Engineering doing that - we would require
5 two tanks, east and west locations. The cost ... It's
6 the cheapest option thus far. It's six hundred and
7 ninety-one million dollars. I know even though I'm
8 saying "cheap," that's a lot of money, and I do
9 recognize that, but in relation to the other options,
10 it is right now the cheapest option.

11 The benefits of it, it requires eleven miles
12 less of trunk upsizing than even storing at the
13 plants, and it can be completed within the Consent
14 Decree deadline.

15 Of course, there are potential impacts to the
16 community by doing storage in the system. We looked
17 at two options. Doing aboveground storage ... For
18 example, the City of Atlanta, they have partially
19 buried, but we believe ... We have also considered
20 doing burying it totally so you don't see a tank
21 aboveground utilizing the storage tanks in the Basin.

22 So we have those five options. Let me

1 summarize again so you can see them side-by-side.

2 For sewer rehabilitation, which is preventing
3 stormwater from getting into the sewer system, the
4 cost will be about one-point-two billion dollars to
5 get that accomplished over a ten-year period.

6 Storage at the tank at the plant, so at the
7 Snapfinger Plant, that's eight hundred and seventy-six
8 million dollars.

9 A tunnel, nine hundred and twenty-one million
10 dollars.

11 Storage in the Basin with two tanks - east
12 tank, west tank - six hundred and ninety-one million
13 dollars.

14 Again, you see where we already have existing
15 infrastructure on handling DeKalb County flows. It's
16 actually outside just over the border with the City of
17 Atlanta since they manage the northern portion of the
18 county. Again, in the southern portion of the county
19 we already have a tank at the Snapfinger Treatment
20 Plant, and we do have the Basin at the Honey Creek
21 Lift Station. That's what it will look like for
22 having an additional tank at the Snapfinger Plant.

1 The ... Kind of the lines that has zeroes on it, that's
2 representative of the tunnel, and you could have two
3 other tanks within the basin.

4 COMMISSIONER COCHRAN-JOHNSON: I'm sorry.

5 Let, let, let's go back to ... Because I want to
6 understand clearly. I certainly understand the
7 numbers --

8 MS. HOUSER: Mm-hmm.

9 COMMISSIONER COCHRAN-JOHNSON: -- that I'm
10 seeing here, and with the tanks, because you're saying
11 with option three, currently that's the cheapest
12 option --

13 MS. HOUSER: Correct.

14 COMMISSIONER COCHRAN-JOHNSON: -- and, and,
15 again, you know, we were looking here for the
16 solution. Cheaper doesn't mean that it's not --

17 MS. HOUSER: No. Correct.

18 COMMISSIONER COCHRAN-JOHNSON: -- a, a viable
19 option, but I'm, I'm trying to understand where the
20 new tanks when we say two tanks, and, and if I heard
21 you correctly north and south?

22 MS. HOUSER: East and west.

1 COMMISSIONER COCHRAN-JOHNSON: East and west.
2 So did you do a slide that includes where they are
3 currently proposed?

4 MS. HOUSER: Not yet.

5 COMMISSIONER COCHRAN-JOHNSON: Okay.

6 MS. HOUSER: We are ... We have a separate
7 analysis that we've done of multiple sites,
8 approximately thirty sites, and we will be bringing
9 that for discussion further on. This presentation
10 just kind of lays the foundation for the logic and the
11 engineering thought that we've gone through in
12 selecting devices per se, and then we're going to
13 continue looking, but there is a hydraulically, and I'm
14 going to get support from Kyle (ph) who does the
15 hydraulic bit --

16 COMMISSIONER COCHRAN-JOHNSON: Okay.

17 MS. HOUSER: -- there is an engineering
18 prescription utilizing the model as the optimum area
19 within the county for the location of storage. If you
20 take it down to the plant, you have to upsize trunks
21 all the way to carry the excess stormwater. If you do
22 it too high in the system, you're not getting enough

1 stormwater out into the tanks. So there is an
2 optimization process that Jacobs (ph) Engineering kind
3 of helped us in doing and, and getting certain
4 locations.

5 COMMISSIONER COCHRAN-JOHNSON: Now, you said
6 "currently," and, and you said "thirty different
7 locations that are potential?"

8 MS. HOUSER: So Brown and Calwell (ph) ... So
9 we had a lot of partners working on this for a very
10 long time. They really analyzed different potential
11 areas. You have to look at geotechnical availability.
12 It has to be off of the trunk lines, as well.

13 COMMISSIONER COCHRAN-JOHNSON: Mm-hmm.

14 MS. HOUSER: So there are a lot of different
15 moving parts that go into proposal, and we're not
16 asking for a decision now by any means. This is just
17 to --

18 COMMISSIONER COCHRAN-JOHNSON: I know. I'm
19 asking some questions --

20 MS. HOUSER: Yeah.

21 COMMISSIONER COCHRAN-JOHNSON: -- early
22 because I, I, I hear what you say, I see what I see,

1 and I know that we'll get there.

2 Now, with ... And I'm pretty sure with those
3 locations, do we own any of that land or is that also
4 going to --

5 MS. HOUSER: Some. We looked at some areas
6 that the County did own, own, and what we wanted to
7 really do is to present the Board with just options.
8 So this is the high-level option as to ... For
9 instance, at the plant, it's simply Snapfinger.
10 Tunnel would only make sense ... And, and it's going to
11 be underground between Lower Snapfinger Creek and, and
12 Lower Shoal Creek. The tank locations, they could
13 vary within a certain diameter, as well. So those are
14 the ones that are, are looser.

15 However, there is a caveat to that. When you
16 look at the timeline, there, even though there are
17 multiple sites that we looked at, there are only
18 certain sites we could even do, accomplish all of this
19 and accomplish resolving those thirteen priority fix
20 list items within the timeframe for the Consent
21 Decree.

22 So, for instance, prevention takes us out to

1 2033. Storage at the plant takes us to 2033. Tunnel
2 takes us to 2031. Certain tank sites will take us to
3 2026 at the beginning, 2027, and some beyond that,
4 beyond the Consent Decree period. So it's a lot of
5 moving parts, a lot of options --

6 COMMISSIONER COCHRAN-JOHNSON: Mm-hmm.

7 MS. HOUSER: -- varying costs, and this is
8 just an example of if you have a non-operational
9 facility - for example, we've taken snapshots - we
10 could actually convert it into a park where the only
11 thing that could tell that you have a tank is that
12 shaft that's under there where you have the drop
13 shafts. You could see them, the access shafts that
14 are there for the diversion chambers, and the tanks
15 would be underground. It will only be utilized, of
16 course, when you are having a storm event where you're
17 actually seeing high flows and that we would not be
18 able to manage without causing a spill, and you will
19 engage diverting some of that flow into something like
20 this. So that kind of gives you a visual as to
21 what's, what will be possible with a tank perspective.

22 And that's really the presentation thus far,

1 and of course if you have any other questions ...

2 Madam Chair?

3 COMMISSIONER COCHRAN-JOHNSON: Well, this is
4 certainly the nicest ... I don't know if, if the
5 general public can see, but it's the nicest-looking
6 stormwater tank facility I've ever seen --

7 MS. HOUSER: Yeah.

8 COMMISSIONER COCHRAN-JOHNSON: -- so this is
9 definitely innovative.

10 Now, you did say with option three, and,
11 honestly, I think this will, this will require some
12 time for us to digest, but it's eleven, eleven miles
13 less of trunk (cross talk) --

14 MS. HOUSER: Correct (cross talk) --

15 COMMISSIONER COCHRAN-JOHNSON: Yes.

16 MS. HOUSER: Correct, and I believe it is
17 (inaudible) I think it was ... Dean (ph) said it was
18 about on the right side we would have to impact two
19 hundred and eighty-five less parcels, and on the, this
20 side, on the west side, it will be four hundred and
21 something less parcels we would have to impact with
22 that eleven miles less of trunk sewer being upsized.

1 COMMISSIONER COCHRAN-JOHNSON: And, and
2 that's significant because for those who are watching,
3 when we say "two hundred and eighty-five parcels
4 less," in order for us to move forward, depending upon
5 the course of action taken, we would need easements.

6 MS. HOUSER: And in some places, we would
7 actually have to take the entire property because you
8 need spacing and there's not room right now for some
9 of them.

10 COMMISSIONER COCHRAN-JOHNSON: Understood.
11 So I just want everyone to understand the complexity
12 of, of what is being presented here, and in all
13 honesty, I guess all things in due time on a
14 need-to-know basis because this is a lot of
15 information and we're just having the conversation.
16 This is my first time seeing it.

17 MS. HOUSER: Mm-hmm.

18 COMMISSIONER COCHRAN-JOHNSON: So for you to
19 have, you know, engaged, and, and, and shall I say to
20 the administration engaged Jacobs (ph) and all of the
21 players --

22 MS. HOUSER: Acom (ph), Brown and Calwell

1 (ph), some of their subs.

2 COMMISSIONER COCHRAN-JOHNSON: Yes, yes, yes.

3 I did see that. Jacobs (ph), Brown and Calwell (ph),
4 Acom (ph), all coming together to devise or create a
5 strategy --

6 MS. HOUSER: And DWM Engineering. I don't
7 want to forget David (ph).

8 COMMISSIONER COCHRAN-JOHNSON: Yes, let's,
9 let's, let's not forget anyone. Maybe that's who some
10 of the audience is. I don't know. I see some faces I
11 don't know, and usually PWI isn't the, the thing
12 that's most intriguing to most, so I would assume that
13 someone may be there.

14 But I, I, I do want to engage fellow
15 Commissioners and Committee Members if there are any
16 questions because in all honesty this is a lot.

17 MS. HOUSER: It is.

18 COMMISSIONER COCHRAN-JOHNSON: Now,
19 understanding where we are, and, and, honestly, too,
20 understanding where we've come from because, you know,
21 for people that are watching, we have our peasarts
22 (ph) and ohsarts (ph), our priority sewer assessment

1 and rehabilitation areas and our ongoing. The
2 priority were those that honestly, and I know, Ms.
3 Houser, you can probably break it down maybe a little
4 better because sometimes the numbers fail me, but I
5 believe there were about nineteen locations that were
6 responsible for the bulk of the SSOs.

7 MS. HOUSER: Correct. Correct, and, and
8 this, actually, the analysis here tackled thirteen of
9 those, including the largest spill sites in the
10 county.

11 COMMISSIONER COCHRAN-JOHNSON: Mm-hmm.

12 MS. HOUSER: So if you recall even that
13 Meadow Creek Path back in 2021 when the Consent Decree
14 Modification was lodged, that spill site that year
15 spilled over thirteen million gallons --

16 COMMISSIONER COCHRAN-JOHNSON: Mm-hmm.

17 MS. HOUSER: -- and accounted for seventy
18 percent of the spill volume.

19 In Snapfinger, Ky (ph), or the whole, the
20 whole county?

21 KY: The whole county.

22 MS. HOUSER: The whole county.

1 COMMISSIONER COCHRAN-JOHNSON: Okay.

2 MS. HOUSER: It was seventy percent of the
3 volume of spills for the whole county.

4 COMMISSIONER COCHRAN-JOHNSON: That's right,
5 and, and that's what people need to understand, that,
6 you know, we were able to localize the problem, and
7 when I joined the Board of Commissioners in 2019, we
8 saw a tremendous amount more of spills than we are
9 currently seeing now, especially in, in the amount of
10 capacity, and, and to have already removed fifteen
11 million gallons of stormwater --

12 MS. HOUSER: Yes.

13 COMMISSIONER COCHRAN-JOHNSON: -- and
14 stormwater is just an increasing problem, and I feel
15 that is has some, something to do with global warming,
16 but we aren't here to talk about what I think and, and
17 the conclusions I've reached.

18 Does, does anyone have any other questions
19 about what you've seen?

20 Okay. Go ... We'll, we'll recognize you as a
21 Committee Member first, Commissioner Patrick --

22 COMMISSIONER PATRICK: Okay.

1 COMMISSIONER COCHRAN-JOHNSON: -- followed by
2 Commissioner Davis Johnson.

3 COMMISSIONER PATRICK: Thank you.

4 Could you go back to slide twenty-one? It
5 was the one that had all the costs and the timeframes.

6 MS. HOUSER: Sure.

7 COMMISSIONER PATRICK: Twenty --

8 MS. HOUSER: So this is the timeframe --

9 COMMISSIONER PATRICK: I think the other one,
10 twenty-one, might have the --

11 MS. HOUSER: -- and then the costs.

12 COMMISSIONER PATRICK: So I know the more
13 complicated one to coordinate would end up being the
14 private lateral rehabilitation, but with the numbers
15 you've shown, it looks like it's the least-expensive,
16 right --

17 MS. HOUSER: It's actually --

18 COMMISSIONER PATRICK: -- when you throw in
19 all the other costs that go with it.

20 MS. HOUSER: So there would have to be beyond
21 the costs associated with the Consent Decree. There
22 would have to be ... To remove the amount of stormwater

1 from entering the system, you would have to do more
2 than is required under the Consent Decree --

3 COMMISSIONER PATRICK: Mm-hmm.

4 MS. HOUSER: -- on the public side as well as
5 getting the private side engaged --

6 COMMISSIONER PATRICK: Mm-hmm.

7 MS. HOUSER: -- so the total cost is actually
8 the most costly for the time being, the
9 one-point-two --

10 COMMISSIONER PATRICK: One-point-two.

11 MS. HOUSER: -- but it is the rehabilitation
12 that you would think would be needed on both the
13 private and the public side.

14 COMMISSIONER PATRICK: Yeah, because at the
15 end of the day if, if that goes unrepaired, and as the
16 Commissioner just mentioned, that we are having
17 increased climate change, this seems like this will
18 always be an open growing opportunity for infiltration
19 to happen --

20 MS. HOUSER: Correct.

21 COMMISSIONER PATRICK: -- and then sort of
22 irrelevant of how much capacity we build, you know, I

1 don't know if we can handle ... What was it, Miami had
2 twenty-four, twenty-four inches of rain --

3 MS. HOUSER: Correct.

4 COMMISSIONER PATRICK: -- in, in a twelve-
5 hour period of something like that?

6 MS. HOUSER: Yeah.

7 COMMISSIONER PATRICK: Like, I don't know if
8 we have the financial wherewithal to build something
9 with the kind of capacity that can hold that.

10 COMMISSIONER COCHRAN-JOHNSON: And let me say
11 just to make sure we're on the right page, under the
12 sewer rehabilitation --

13 COMMISSIONER PATRICK: Mm-hmm.

14 COMMISSIONER COCHRAN-JOHNSON: -- is that
15 one-point-one-eight-four billion?

16 MS. HOUSER: That's million.

17 COMMISSIONER COCHRAN-JOHNSON: Millions?

18 MS. HOUSER: So, so one-point-two ...
19 Approximately one-point-two billion to do that.

20 COMMISSIONER COCHRAN-JOHNSON: Okay. One-
21 point-two billion.

22 MS. HOUSER: Correct.

1 COMMISSIONER COCHRAN-JOHNSON: That's
2 correct. I just want to make sure because --

3 MS. HOUSER: But a portion of that is totally
4 private funds, not county funds.

5 COMMISSIONER COCHRAN-JOHNSON: Okay.

6 MS. HOUSER: So it would have to be our
7 private citizenry an average cost of approximately six
8 thousand dollars.

9 COMMISSIONER COCHRAN-JOHNSON: Okay, and
10 since you raised the ... You, you used, you used the
11 term "citizenry," what we're dealing with here, of
12 course, you know, for those of you who are watching
13 because this is a teachable moment, we have issues
14 that arise from both the public and the private
15 sector.

16 MS. HOUSER: Correct.

17 COMMISSIONER COCHRAN-JOHNSON: Even with the
18 remediation and the work that's been done in removing
19 fifteen million gallons, we're still looking at even
20 at best six hundred ninety-one million?

21 MS. HOUSER: More additional for --

22 COMMISSIONER COCHRAN-JOHNSON: Additional.

1 Absolutely. In addition, in addition to --

2 MS. HOUSER: Well, well, even, even with
3 that, for the cheapest option for storing the
4 additional stormwater would be the tanks, which is the
5 six hundred and ninety-one million. The other options
6 are still there, as well.

7 COMMISSIONER COCHRAN-JOHNSON: And --

8 MS. HOUSER: That's the cheapest option right
9 now.

10 COMMISSIONER COCHRAN-JOHNSON: -- you know, I
11 remember when, when, of course, we acquired ... Because
12 this, you know, this is a substantial cost. It's a
13 substantial investment in the future of DeKalb for
14 people that are watching because infrastructure is
15 critical to economic development, and in many areas of
16 DeKalb, we've not had the water sewer capacity to
17 bring desirable projects online, so it has required
18 quite a bit of remediation. We now have, of course,
19 in the middle of a Consent Decree, ongoing CIP so that
20 we expand, replace, and enlarge pipes that have been
21 omitted for decades. Have we started to wrap our mind
22 - and, and I'm saying "we," but I know someone has

1 somewhere, and that would probably be Mr. Williams,
2 our Chief Operating Officer - around the funding of
3 this? Because we just restructured six hundred
4 million dollars in debt.

5 MS. HOUSER: Yes, we, we have started on, on
6 that, as well. The team has relooked at our costs,
7 specifically in light of inflation --

8 COMMISSIONER COCHRAN-JOHNSON: Mm-hmm.

9 MS. HOUSER: -- and other factors, as well as
10 other options for managing it.

11 COMMISSIONER COCHRAN-JOHNSON: Now, also
12 understanding that at this moment we have an
13 unprecedented amount of money available on the federal
14 level, have we explored and is there a possibility to
15 seek assistance there? Because I sit here and I look
16 at DeKalb no differently than I look at my own home
17 and budget, and when you're spending money, it has to
18 come from somewhere, and I know that this isn't money
19 that we just have. Unfortunately, government isn't in
20 the business of creating programs and delivering
21 services at a capacity that allows us to operate in
22 what often I call a "healthy state of economic ..."

1 "Freedom" would be the word. That's what I'd say.
2 So, so, you know, I, I, I get concerned about what
3 that looks like down the road.

4 So, so, COO Williams, what, what, what say
5 you?

6 COO WILLIAMS: Yes ... Yes ma'am. Thank you
7 for the, the question.

8 At the end of the day, the, the funding is
9 going to come from a, a few places, places. We're
10 always going to look at revenue optimization, which is
11 something that we have been successful in in the past.
12 We will continue to explore that.

13 We will also continue to look at other
14 sources of funding such as grants, grant
15 opportunities. We intend to have extensive
16 conversation, whether it's the Inflation Reduction Act
17 or the Infrastructure Act to see what opportunities
18 present themselves there.

19 COMMISSIONER COCHRAN-JOHNSON: And, and when
20 we say "see what opportunities present themselves
21 there," would we not need to engage our --

22 COO WILLIAMS: Dentons (ph).

1 COMMISSIONER COCHRAN-JOHNSON: -- dentons
2 (ph)?

3 COO WILLIAMS: Yeah.

4 COMMISSIONER COCHRAN-JOHNSON: Okay.

5 COO WILLIAMS: We're going to be bringing
6 them down to go through that. Exactly. Yes ma'am.

7 And then finally --

8 COMMISSIONER COCHRAN-JOHNSON: And, and not ...
9 What about our, our, our Congressmen and Senators, as
10 well?

11 COO WILLIAMS: Of course. Right. So all,
12 all federal avenues for funding, you know, will be
13 on ... All avenues for funding, but so the
14 infrastructure, the Inflation Reduction, our Senators
15 and, and Congressmen, all of those. Potentially there
16 may be opportunities in splost (ph), you know? So any
17 sources of funding that we can put together we will
18 look for. Buying down the cost of funding through
19 gifa (ph) and wifia (ph) loans will continue --

20 COMMISSIONER COCHRAN-JOHNSON: Mm-hmm.

21 COO WILLIAMS: -- and then once we've gone
22 through all that, Commissioner, it comes down to the

1 rate bearer. So those, those will be the, the process
2 that we will look to continue to fund these and
3 anything else related to the water sewer system.

4 COMMISSIONER COCHRAN-JOHNSON: Understood.
5 Well, I know it's early. I, I know that you all are
6 priming the pump, no pun intended --

7 COO WILLIAMS: (Inaudible) --

8 COMMISSIONER COCHRAN-JOHNSON: -- with the
9 presentation so it gives us the opportunity to begin
10 digesting what is coming down the faucet.

11 And Commissioner Davis Johnson?

12 COMMISSIONER DAVIS JOHNSON: Thank you, Miss
13 Chair.

14 Yeah, my ... I have a couple of questions, and
15 I would also like to ... Can ... Because I don't have a
16 copy of this presentation. Was this presentation
17 e-mailed to everyone?

18 MS. HOUSER: No, it was not. Not yet, but it
19 will be.

20 COMMISSIONER DAVIS JOHNSON: Okay. So we
21 just have one copy of it.

22 COMMISSIONER: You've got to be on the

1 Committee.

2 COMMISSIONER DAVIS JOHNSON: Huh?

3 Well, okay. Can we get copies --

4 MS. HOUSER: Yes.

5 COMMISSIONER DAVIS JOHNSON: -- of that?

6 MS. HOUSER: Absolutely.

7 COMMISSIONER DAVIS JOHNSON: Okay, and where
8 would this basin be, the six hundred and ninety-one
9 million? Where, where will, where will that be
10 located?

11 MS. HOUSER: So it is in the Snapfinger
12 Basin.

13 COMMISSIONER DAVIS JOHNSON: That's in the
14 Fifth District?

15 COMMISSIONER COCHRAN-JOHNSON: Yes ma'am.

16 MS. HOUSER: A portion of it. The Snapfinger
17 Basin, yes, it touches strangely enough every single
18 district is involved in the Snapfinger Basin, but
19 lower down, yes.

20 COMMISSIONER DAVIS JOHNSON: The lower down?

21 MS. HOUSER: Yeah. You have --

22 COMMISSIONER DAVIS JOHNSON: Uh-huh. So what

1 percentage of this six ninety-one ... What percentage
2 of this basin, basin would be in the Fifth District?

3 MS. HOUSER: We do have ... I could get, get
4 back with you on that, but it's ... I know Ky (ph) has
5 done the, the GIS. We have the layers of it --

6 COMMISSIONER DAVIS JOHNSON: Uh-huh.

7 MS. HOUSER: -- and I can tell you exactly
8 the percentage --

9 COMMISSIONER DAVIS JOHNSON: Okay, because I
10 think, I think that, yeah, I would really like to know
11 that --

12 MS. HOUSER: Okay.

13 COMMISSIONER DAVIS JOHNSON: -- so that, that
14 the people in the Fifth District know --

15 MS. HOUSER: -- know. Okay.

16 COMMISSIONER DAVIS JOHNSON: -- what
17 percentage of this basin would be in the Fifth, and
18 so --

19 COMMISSIONER COCHRAN-JOHNSON: (Cross
20 talk) --

21 COMMISSIONER DAVIS JOHNSON: -- and I didn't
22 understand that at all.

1 Okay. Okay. I'm sorry. Let me repeat that
2 because my mike was ...

3 Thank you, Chair.

4 You know, my, my mike was not on, so I asked
5 you where would this storage basin be, and I asked you
6 if it would be in the Fifth District. Snapfinger.

7 MS. HOUSER: And, and we're, we're ... We
8 haven't settled on that yet.

9 COMMISSIONER DAVIS JOHNSON: Okay, and so ...
10 But you stated that it would touch on all districts.

11 MS. HOUSER: Correct. The, the, the
12 Snapfinger Basin actually, as far as the sewer, it
13 covers every single --

14 COMMISSIONER DAVIS JOHNSON: Okay.

15 MS. HOUSER: -- district except for District
16 1 because that's --

17 COMMISSIONER DAVIS JOHNSON: Okay.

18 MS. HOUSER: -- septic --

19 COMMISSIONER DAVIS JOHNSON: Okay. What,
20 what I'm asking about with this last option --

21 MS. HOUSER: Right.

22 COMMISSIONER DAVIS JOHNSON: -- the six

1 hundred and ninety-one million dollars, where it says
2 "storage in basin," okay?

3 MS. HOUSER: Yes.

4 COMMISSIONER DAVIS JOHNSON: Where would that
5 be?

6 MS. HOUSER: And we have a myriad of options
7 then for that.

8 COMMISSIONER DAVIS JOHNSON: Uh-huh, and,
9 and, and what are your options?

10 MS. HOUSER: So we'll, we'll be actually
11 coming back to present that as we finalize that, so
12 we'll be meeting specifically ... So this was just to
13 lay the foundation as to --

14 COMMISSIONER DAVIS JOHNSON: Okay.

15 MS. HOUSER: -- the various technologies --

16 COMMISSIONER DAVIS JOHNSON: Okay.

17 MS. HOUSER: -- and then for actually
18 everybody to ask questions about, and then we will get
19 more specifics for if you feel like you want to go in
20 specific directions, then we've analyzed --

21 COMMISSIONER DAVIS JOHNSON: Mm-hmm.

22 MS. HOUSER: -- like, thirty locations, and

1 (cross talk) --

2 COMMISSIONER DAVIS JOHNSON: Okay, but I, I
3 think that, I think that if you've given us options --

4 MS. HOUSER: Yeah.

5 COMMISSIONER DAVIS JOHNSON: -- and this is
6 one of four options --

7 MS. HOUSER: Yes.

8 COMMISSIONER DAVIS JOHNSON: -- and one of
9 those options says "storage in basin," I would just
10 like to know what percentage of that basin is in the
11 Fifth District --

12 MS. HOUSER: Right.

13 COMMISSIONER DAVIS JOHNSON: -- where I live
14 because if we look at ... Well, you know, I won't, I
15 won't say ... I, I can't go back to historically
16 because this is a whole another different day with a
17 whole another different time with different
18 administrations, so I won't say that, but I would just
19 like to ... I would want to know how would each of
20 these options affect District 5, especially the
21 storage option.

22 MS. HOUSER: Okay.

1 COMMISSIONER DAVIS JOHNSON: Thank you.

2 COO WILLIAMS: Can I offer one thing, Madam
3 Chair --

4 COMMISSIONER DAVIS JOHNSON: Yeah.

5 COMMISSIONER COCHRAN-JOHNSON: Absolutely.
6 I'm sorry.

7 COO WILLIAMS: -- and I, and I think it
8 speaks directly to your questions, Commissioner Davis
9 Johnson.

10 What we would like to do, and, and as
11 Director Houser has kind of laid out so elegantly,
12 what she and her team are, and the team has been
13 studying over the past really year probably, but it
14 does boil down to a lot of different options, sub-
15 options, and methodology, and I, I think over the next
16 couple of weeks an opportunity to sit and share with
17 you - well, each of you, of course, the entire Board -
18 "Here is how these, you know, how we've gotten to
19 where we are today and what the variety of options
20 look like within the storage in basement ..." And maybe
21 even more understanding of the tunnel, and each of
22 these things. This is a, an, an overview so you

1 understand what we're grappling with --

2 COMMISSIONER DAVIS JOHNSON: Mm-hmm.

3 COO WILLIAMS: -- but there will be a level
4 of detail that I think will be necessary prior to
5 voting on anything, and so that's why we don't have
6 anything to vote for --

7 COMMISSIONER DAVIS JOHNSON: Okay.

8 COO WILLIAMS: -- but we just wanted to
9 "prime the pump" to use Cochran-Johnson's terms.

10 COMMISSIONER DAVIS JOHNSON: Okay. Thank
11 you.

12 COO WILLIAMS: Thank you.

13 COMMISSIONER DAVIS JOHNSON: Thank you.

14 COMMISSIONER COCHRAN-JOHNSON: No problem.
15 Go ahead, Commissioner Terry.

16 COMMISSIONER TERRY: Yes, thank you, Madam
17 Chair.

18 I appreciate your, your giving me the, the
19 presentation at lunchtime before we had this
20 presentation, so I did get a little preview and was
21 able to ask you some questions, so thank you for
22 answering them, and I have been thinking about it over

1 the last couple of hours, and so certainly (inaudible)
2 discussion, debate, and consideration on it.

3 I do think ... A couple sort of principles and
4 guiding lights as we move forward is, and I certainly
5 appreciate the more district-level concerns about how
6 this can impact my district versus another district,
7 but when I look at this issue, when I look at these
8 plans, when I look at the whole situation around the
9 Consent Decree, all I see is that it's a DeKalb County
10 issue, and we have to work together to come up with a
11 solution that's going to be best for the county
12 because it's not one district or the other that's
13 under Consent Decree, it's the county and it's the
14 entire watershed system, in particular the Snapfinger
15 system is the most impacted and has the most work to
16 be done.

17 The ... This table I think is the most
18 instructive, and because at the end of the day we have
19 to ask ourselves how are we going to actually do this
20 from a practical perspective, as well as a
21 cost-feasibility perspective. I definitely have
22 concerns about the three hundred and fourteen million

1 dollars in private lateral rehabilitation,
2 rehabilitation, and I think you were suggesting it
3 could be around six thousand dollars per homeowner --

4 MS. HOUSER: Yes.

5 COMMISSIONER TERRY: -- which, you know, like
6 you ... I think in the previous slide, you said you
7 could do several every week for ten years and you
8 still would be behind, and so that, that's concerning
9 because if we just did that, we really wouldn't be on
10 schedule, right, for the Consent Decree, although
11 certainly worth working on just as part of, you know,
12 just our policy. We should try to find ways to either
13 help homeowners that either cannot afford these
14 private laterals. I know we have discussed some of
15 those care and conserve programs through ARP and the
16 Sewer District idea, and so the only thing I would
17 maybe submit for the private laterals is if for some
18 reason there were, if there was some private laterals,
19 maybe larger or multifamily complexes that maybe there
20 is intrusion, but maybe there's also sort of seepage,
21 I guess, into just the water system so it's, more
22 stormwater is coming through the pipes, but is it

1 possible some of those laterals are seeping out into
2 the water system, as well --

3 MS. HOUSER: Yes.

4 COMMISSIONER TERRY: -- and I believe that we
5 do water monitor quality testing, and so I think
6 sometimes we can, working with DWM and I guess USGS
7 and a couple other testing agencies determine if there
8 is, you know, whether it's a septic tank system that's
9 seeping or some other private lateral.

10 So my concern about the other three options
11 after the sewer rehabilitation one is that we got zero
12 dollars for private lateral, and it just seems like we
13 ought to explore some analysis of the private lateral,
14 particularly in larger complexes that might, you
15 know ... Again, I don't know exactly how they are
16 impacting the, you know, the water quality in, in
17 those basins further up. So I think that's just one,
18 one point.

19 And, of course, this one is the, the most
20 expensive, one-point-one billion, and the ... To me,
21 the first one, sewer, the total rehab, storage at
22 plant, and then the tunnel, the way I look at those is

1 I see those as being the most disruptive, and I think,
2 and the most costly, as well, but the concern I would
3 have about the tunnel and then the storage at plant is
4 just the disruption in order to upsize all of those
5 pipes to just get them to the plant, and then I can't
6 remember the tunnel one. Is the tunnel one going
7 directly ... Is the storage in plant also a tunnel or
8 is the tunnel --

9 MS. HOUSER: The tunnel is a separate, so --

10 COMMISSIONER TERRY: Okay. Okay, got you.
11 Okay.

12 MS. HOUSER: It goes ... Instead of the Lower
13 Shoal Creek and the Lower Snapfinger, you build a
14 seven-mile tunnel underground.

15 COMMISSIONER TERRY: Okay.

16 MS. HOUSER: It's really deep underground.

17 COMMISSIONER TERRY: Got you. Okay.

18 MS. HOUSER: A hundred feet under.

19 COMMISSIONER TERRY: And, and just based on
20 the general estimate or, you know, sort of maps, I
21 mean, are these tunnels already in existing easements
22 or they have to be established?

1 MS. HOUSER: They're not. They have to be
2 established.

3 COMMISSIONER TERRY: Okay. So, to me, like,
4 that, I just see all sorts of complications of going
5 through neighborhoods and, or roads to in essence seek
6 that right-of-way and, and get that easement and then,
7 then take it and build it and all that kind of stuff.

8 So I would love more analysis, but I'm just
9 going to say off the, you know, from what I've been
10 given and the presentation earlier and this discussion
11 today that I, I would lean towards the storage in
12 basin. I like the idea. I mean, in essence, some of
13 these major development projects that we've approved
14 have storage on-site.

15 MS. HOUSER: They do.

16 COMMISSIONER TERRY: I mean, they're, in
17 essence, we're already doing that to a certain extent
18 at private development that, you know, couldn't reach
19 the sewer capacity, and so that system seems to be
20 working in, in, in general. I don't think anyone at,
21 like, a townhome community or a mixed-use development
22 has reported, you know, smells or leaks or anything.

1 It seems like that system has a, a way to be monitored
2 and engineered to be safe and, you know, unsightly and
3 kind of, you know, you just don't really know about
4 it, and I didn't even really consider the, the idea of
5 having a park on top, which I think is great.

6 COMMISSIONER COCHRAN-JOHNSON: I knew you
7 would, Commissioner Terry.

8 COMMISSIONER TERRY: I assume it doesn't
9 smell. If it's a smelly park, we don't want to go
10 there, but I guess it's all underground, so (cross
11 talk) --

12 MS. HOUSER: You, you actually have an
13 odorizer system in place.

14 COMMISSIONER TERRY: Okay. Yeah. So ...
15 Okay. So I think that's just ... You know, you're
16 going to hear comments like that, but I assume that's
17 already, this has already been done, this technique
18 has been done in other jurisdictions --

19 MS. HOUSER: It has.

20 COMMISSIONER TERRY: -- as well. Okay.

21 MS. HOUSER: We had our multinational teams
22 really looking at --

1 COMMISSIONER TERRY: Multinational. Great.

2 Let's ... Yeah, let's look around the world --

3 MS. HOUSER: -- (cross talk) --

4 COMMISSIONER TERRY: -- to see the best
5 option of --

6 MS. HOUSER: -- to actually see ... Well, they
7 actually looked at far as Canada, as well, I think.

8 COMMISSIONER TERRY: Okay.

9 MS. HOUSER: So we looked at a large
10 jurisdiction --

11 COMMISSIONER TERRY: (Inaudible) they're,
12 they're going to the moon with us. They're cool.

13 So, yeah, so, so that, that would be my only
14 comment is that I think we should lean towards the
15 storage in basin. Obviously if, it's a very
16 site-specific issue, so there might be some impacted
17 neighborhoods or neighbors that might have even more
18 questions, so I think we just have to be more
19 preemptive in having the meeting before the meeting
20 about the meeting so we really get everyone aware and
21 educated about what those impacts could be, and then
22 obviously, like, working with the Parks Department.

1 If we decide we want to do, you know, parks, let's
2 work to make sure those amenities are very nice and
3 comprehensive. Thank you.

4 COMMISSIONER COCHRAN-JOHNSON: Thank you.

5 Commissioner Davis Johnson?

6 COMMISSIONER DAVIS JOHNSON: And, and, and
7 I'll be brief, and of course ... I'll be brief, and of
8 course I, I would like to say that Commissioner Ted
9 Terry does not represent any of the Fifth, and so I,
10 you know, and I do understand that, and I always want
11 to do what is best for DeKalb County, but I was
12 elected to represent District 5 residents, and as you
13 know that all of the, all of the economic development
14 went north, you know, so it's not so ... And I just
15 want to make sure that the south have the same
16 opportunity before we have an underground sewer in a
17 large percentage of the Fifth District. I just want
18 to see equity, and I do not want us to have
19 underground sewage in the Fifth District where
20 Commissioner Terry, well, is, is, does not represent
21 the Fifth District --

22 MS. HOUSER: Right.

1 COMMISSIONER DAVIS JOHNSON: -- and I don't
2 know, maybe we should bring it to parts of his
3 district since he's saying that it's safe and you
4 don't smell it and people come in, but people, I think
5 it would have effect, it will have a detrimental
6 effect on residents of the Fifth District, so I oppose
7 it and, you know, I, I wouldn't even consider that an
8 option unless it moves further away from South DeKalb.
9 Thank you.

10 COMMISSIONER TERRY: I've got a question for
11 Ms. Houser. So how would we pay for the more
12 expensive option? Who would pay for that?

13 COO WILLIAMS: (Inaudible) --

14 MS. HOUSER: So, so I think as COO Williams
15 mentioned, we are looking at grants, but we're also
16 looking at --

17 COMMISSIONER TERRY: We're going to get six
18 hundred million dollars in grants?

19 MS. HOUSER: Well, no. So we have a myriad
20 of, of buckets that we're looking at, the various
21 grant sources including wifia (ph) and gifa (ph),
22 which helps reduce the debt service and as well as

1 rate to payers are the final backstop to getting
2 (cross talk) --

3 COMMISSIONER TERRY: Okay, but the three
4 hundred and fourteen million for private laterals, how
5 would that be paid for?

6 MS. HOUSER: So, so that's actually just
7 private. That's not --

8 COMMISSIONER TERRY: (Cross talk)?

9 MS. HOUSER: Correct.

10 COMMISSIONER TERRY: Okay. So people,
11 homeowners have got to pay six thousand dollars, so
12 that's something that we should consider. The ...
13 There, there was mention of using splost (ph) funds,
14 but I, I just, I mean, I want to say something about
15 that because I would completely object to that. That
16 is a countywide sales tax paid by, you know, you know,
17 in some cases individuals around the county that have
18 no sewer issues whatsoever and be subsidizing the
19 whole thing.

20 So when I look at, when I think about equity,
21 I think the thing that comes to the top of mind is the
22 cost equity, and I would be most concerned about

1 spending another six hundred million dollars to get
2 the same, the same results.

3 COMMISSIONER COCHRAN-JOHNSON: And let, let
4 me say I'm not sure we're there yet when it comes to
5 making heads or --

6 MS. HOUSER: We're not.

7 COMMISSIONER TERRY: We're not (cross
8 talk) --

9 COMMISSIONER COCHRAN-JOHNSON: -- I guess
10 tails wag. Heads are just indicating that we're,
11 we're not there yet. This is a lot to digest --

12 COMMISSIONER TERRY: Sure. Sure.

13 COMMISSIONER COCHRAN-JOHNSON: -- but we're
14 not there yet, but we do have every option that's
15 ahead of us.

16 Now, I'll say that at this point I, I need
17 some time to let it all sink in because the, the thing
18 with what we're experiencing here is, is not an option
19 not to do anything. We will do something. Now, money
20 has to be a factor here. Once we see ...

21 Once you guys go and till the field and call
22 in everybody to the table and say, "Hey, this is what

1 we're looking at, we get dentons (ph) involved, we get
2 our Congressmen and Senators involved and say, "Show
3 me the money," and then I think ... But, but thank you
4 for the options. I don't want, I don't want to cut us
5 short, but I also realize there's a lot more
6 discussion to be had, and I do see that you have
7 another item for presentation --

8 MS. HOUSER: Yes ma'am.

9 COO WILLIAMS: Yes ma'am.

10 COMMISSIONER COCHRAN-JOHNSON: -- for storm
11 water rates.

12 COO WILLIAMS: Yes ma'am, and, and so thank
13 you so much, Madam Chair, and we appreciate the
14 opportunity to have presented the discussion on the
15 inflow and infiltration. We look forward to meeting
16 individually and going through much more painful
17 detail so that you have a good understanding of how we
18 got where we are and how we can move forward
19 developing what will ultimately be the
20 recommendations, but we're just not there yet.

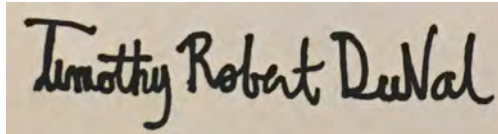
21 (Item ends at 0:51:16.)

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TIMOTHY ROBERT DUVAL

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Exhibit 4

**DeKalb County, Technical
Memorandum dated June 16,
2023**

TECHNICAL MEMORANDUM

CDPMT

Update on Fifteen (15) Priority Fix List Locations Associated with the Snapfinger Basin

PREPARED FOR: DeKalb County
PREPARED BY: Consent Decree Program Management Team (CDPMT)
DATE: June 16, 2023

Since filing of the Modified Consent Decree (MCD), DeKalb County (the County) continues to reaffirm its commitment to improving the performance of the public wastewater collection system. As evidence of this commitment, the County has lined, replaced, point repaired, or upsized over 870,000 linear feet (LF) of gravity sewer which has increased capacity, improved the structural integrity of the system and removed over 15 million gallons of stormwater. Additionally, the County has cleaned over 22 million LF of sewer, improving hydraulic performance by removing grease, debris, and blockages. This work, costing over \$650M thus far, has been accelerated to address Priority Fix List (PFL) sites and Priority Areas designated in the MCD and has resulted in a year-over-year reduction in spill volume of approximately 11.4 million gallons since 2020.

As a result of the acceleration of this work, the County has made substantial progress towards addressing the original 103 Priority Fix List (PFL) locations identified in Appendix F of the MCD. In its First Quarter 2022 Quarterly Report, the County confirmed that 52 of the 103 Appendix F PFL sites had been successfully resolved, more than 1.5 years ahead of the September 2023 deadline for completing 50% of the sites stipulated in the MCD. The County continues to be well ahead of the MCD schedule for addressing the Appendix F PFL sites not associated with prior schedule extension requests. Further, the County has addressed more than 75% of the PFL sites which have been added since the filing of the MCD and which were not included in Appendix F. Within the last year and eight (8) months since the MCD was filed, 122 out of the 180 PFL sites identified (68%) have been adequately fixed (see Attachment 1).

On February 1, 2021 the County submitted technical memoranda (TM) requesting extensions for twenty (20) PFLs. Subsequent TM requesting extensions were submitted on October 27, 2021 and June 30, 2022 for two (2) additional PFLs bringing the total PFL sites associated with extension requests to twenty-two (22). Seven (7) of these twenty-two (22) PFL sites have now been determined to be either adequately fixed well ahead of their requested deadline extensions or have been determined to be outside of the County's responsibilities under the MCD. Specifically, the three (3) PFL sites in the February 1, 2021 Request for Schedule Extension associated with the South Fork Peachtree Creek Sewershed were determined to be adequately fixed per a draft TM (see Attachment 2) that was submitted to the agencies on May 5, 2023. The four (4) PFL sites in the February 1, 2021 Request for Schedule Extension associated with the Intrenchment Creek Sewershed have been determined to be on or associated with sewer assets owned by the City of Atlanta and thus are recommended for removal from the County's MCD as discussed in a draft May 12th TM¹ (see Attachment 3).

¹ May 12, 2023 draft TM recommending to rescind the prior requested schedule extensions for four (4) PFL sites within the Intrenchment Creek Sewershed from the MCD was incorrectly titled as "Determination of Adequate Fix for Country Squire and Millwood Way Priority Fix List Sites". The title of the TM has been updated to "Recommendation to Rescind February 1, 2021 Request for Schedule Extension Associated with Four (4) Priority Fix List Locations in the Intrenchment Creek Sewershed".

This TM provides the agencies with an update on the County's progress towards completing adequate fixes for the remaining fifteen (15) PFLs associated with prior extension requests. Despite the aggressive work to address the PFL sites as described above, the County has determined that additional time will likely be required for these 15 PFL sites, which are associated with prior requests for extensions for the Shoal Creek Sewershed, the Cobb Fowler Sewershed, the Doolittle and Blue Creek Sewersheds, and the Lower Snapfinger Creek Sewershed. These PFL sites are located in the Snapfinger Basin and are listed in the table below. A map of these sites can be found in Attachment 4. This TM also provides the reasons for which the previously anticipated scope of work to adequately fix these 15 PFL sites is likely no longer feasible, and it presents the alternatives currently being contemplated to address these sites.

PFL Sites Associated with Prior Requests for Schedule Extensions

PFL Site #	Address	Capacity Related (Yes/No)	Priority Area	Sewershed	Sub-Model Area	Date Extension Request Submitted
4	1433 DEERWOOD DRIVE, DECATUR	Yes	I-SF3	Shoal Creek	Snapfinger	2/1/2021
11	1615 MELANIE COURT	Yes	I-SF3	Shoal Creek	Snapfinger	2/1/2021
21	2480 MIRIAM LANE	Yes	I-SF3	Shoal Creek	Snapfinger	2/1/2021
26	3075 THRASHER CIRCLE, DECATUR	Yes	I-SF3	Shoal Creek	Snapfinger	2/1/2021
27	3230 BORING ROAD, DECATUR	Yes	N/A	Shoal Creek	Snapfinger	2/1/2021
40	4124 FLAKES MILL ROAD, ELLENWOOD	Yes	N/A	Shoal Creek	Snapfinger	2/1/2021
41	4347 FLAT SHOALS PARKWAY	Yes	N/A	Shoal Creek	Snapfinger	2/1/2021
90	2711 FAIRLEE DRIVE	Yes	I-SF3	Shoal Creek	Snapfinger	2/1/2021
91	3037 TONEY DRIVE	Yes	I-SF3	Shoal Creek	Snapfinger	2/1/2021
160	255 SOUTH COLUMBIA DRIVE	Yes	I-SF3	Shoal Creek	Snapfinger	6/30/2022
136	3391 WARBLER DRIVE	Yes	I-SF2	Cobb Fowler	Snapfinger	10/27/2021
32	3496 PANTHERS VILLE ROAD, DECATUR	Yes	N/A	Doolittle and Blue Creek	Snapfinger	2/1/2021
95	3549 PANTHERSVILLE ROAD	Yes	N/A	Doolittle and Blue Creek	Snapfinger	2/1/2021
42	4437 WESLEYAN POINTE, DECATUR	Yes	N/A	Lower Snapfinger Creek	Snapfinger	2/1/2021
43	4557 MEADOW CREEK PATH, LITHONIA	Yes	N/A	Lower Snapfinger Creek	Snapfinger	2/1/2021

1. Basis for Updating the Agencies

Completing work for the remaining 15 PFL sites has been based on a plan to construct two (2) storage facilities within the Snapfinger Basin to manage peak wet weather flows in conjunction with significant efforts to remove infiltration and inflow (I/I) and increase the conveyance capacity of a substantial portion of the associated trunk sewers. The County previously noted several key risk factors which could impact these project plans. Among these was the recognition that the in-basin storage facilities could significantly impact their surrounding communities and that community acceptance and governmental approval to construct such facilities was not certain.

Since the original schedule extension requests were made, the County has undertaken substantial efforts to determine the optimum candidate locations for the in-basin storage facilities based on detailed hydraulic analyses in coordination with a \$1.6M site evaluation contract with a national engineering firm.

With the set of approximately 30 candidate locations determined, the County developed a number of criteria to select the most appropriate location based on constructability, operation and maintenance requirements, adaptability and resiliency, permitting, property acquisition requirements, and environmental and community impacts as was initially shared with the agencies on December 15, 2022 and in subsequent communications.

As candidate locations were narrowed, it became clear that the communities adjacent to the most feasible in-basin storage facility locations are comprised of predominately minority households with high unemployment rates and greater than 50% having low to moderate household incomes as represented through US Census data as well as the EPA's Environmental Justice Screening Tool (Version 2.0). Likewise, these communities are designated as disadvantaged by the U.S. Council on Environmental Quality's Climate and Economic Justice Screening Tool. The potential adverse impacts of these candidate locations to disadvantaged communities make these options unlikely to garner the community support and governmental approval necessary for their construction. These issues were not and could not have been fully understood at the time the initial requests for extensions were submitted to meet the submission deadline requirements of the MCD as those deadlines were prior to the lodging of the MCD, before the Snapfinger Basin dynamic hydraulic model was finalized and approved by the EPA and the EPD, and before completion of optimization studies to determine the most timely and effective solutions to address the PFL sites.

As these community and governmental concerns have become clearer, the County expanded its search for appropriate candidate locations for in-basin storage facilities and has not yet identified any alternative locations that would be effective at managing I/I within the Basin and that could be completed within the prior requested schedule extension and that do not have similar environmental justice issues as the previously identified storage locations. Accordingly, the County has begun further evaluation of alternative projects for adequately fixing these 15 PFL sites.

2. Additional I/I Removal and Conveyance Capacity Improvements

In the absence of managing I/I through in-basin storage, the County anticipates that it will need to significantly expand and expedite its plans to remove I/I from both the public and private portions of the system and will need to improve the conveyance capacity of additional portions of the Snapfinger trunk sewers.

2.a. Defining the I/I Problem

As sewer infrastructure ages, without proper and timely rehabilitation and maintenance, it will ultimately deteriorate to the point of failure which is manifested in sanitary sewer overflows caused by collapsed and broken sewer and by blockages from root intrusion and debris buildup at sewer defects. Prior to the time of failure, the aging sewer presents warning signs in the form of excessive I/I and blockage-related issues. While constructing larger sewers and peak flow storage facilities may be necessary to manage excessive I/I, without system rehabilitation, these efforts serve to mask the symptoms of system deterioration which, if left unchecked, will lead to failure. For this reason, the County has chosen to place a higher emphasis on rehabilitation of sewer assets to remove I/I while renewing service life and addressing long overdue maintenance issues.

The County has made significant progress in rehabilitating its defective public sewer infrastructure. Progress which has removed substantial quantities of I/I, addressed a majority of the PFL sites, and improved overall system performance. However, through flow monitoring and hydraulic analysis, the County has become aware of the extent of I/I being contributed from private owned portions of the system. Consisting of private mains and manholes as well as private service laterals connecting buildings

to the public system, privately-owned sewer infrastructure makes up approximately 40% of the County's overall wastewater system.

In 2020, the County completed a pilot study on the effectiveness of comprehensive rehabilitation of public sewer assets on removing I/I. Under the comprehensive rehabilitation approach, every public gravity sewer main and manhole was fully rehabilitated either by lining or by replacement. Additionally, the connections between the public gravity mains and the private service laterals were also lined or replaced. This effort determined that comprehensively rehabilitating all public sewer assets in an area is capable of reducing up to 50% of the I/I entering the system. A summary of the scope of work and results can be found in Attachment 5. The study further determined that, since all public assets were rehabilitated, the remaining 50% of I/I was likely entering the system through privately-owned sewer assets including private service laterals connecting buildings to the public sewer mains.

The pilot study has helped to clarify that expanded efforts to rehabilitate public portions of the wastewater system will not sufficiently reduce I/I without accountability for the privately-owned assets. However, the issues which led to prior neglect of the public sewer also exist for private sewer. Like the public sewer system, as private sewer ages and deteriorates it contributes increasing amounts of I/I until it ultimately deteriorates to the point of failure. Individual property owners and owners of private sewer systems are reluctant to initiate repairs or rehabilitation until the private sewer experiences failure. Until then, the I/I contributed by private sewer creates ever-expanding capacity issues downstream in the public system even as the County works aggressively to rehabilitate the public sewer.

Cost is the primary roadblock for owners to properly maintain and rehabilitate their private sewer. In the Snapfinger Basin where the majority of the capacity-related PFL sites are located, a significant portion of the population is low income and located in historically underserved communities. The private system I/I removal plans described below recognizes this issue and provides avenues for the County to offer support.

2.b. Private System I/I Removal and Conveyance Improvement Plans

Within the Snapfinger Basin, there are over 100,000 privately-owned service laterals connecting buildings to the County's public sewer. This private infrastructure is contributing significant quantities of I/I within the basin that needs to be addressed in order to address the basin's capacity-related PFL sites. The County is developing a multi-faceted strategy to target these areas and reduce their associated I/I.

Efforts are underway to further develop and expand community outreach and education regarding the harmful impacts of I/I contributed by privately-owned sewer infrastructure on the wastewater system including the influence of this private I/I on wet weather overflows. The County is developing outreach to include public facilities such as schools and libraries, homeowners' associations, and organizations associated with real estate and property development to better educate communities on the need for proper inspection and maintenance of privately-owned sewer mains and service laterals to mitigate I/I. As part of this approach, a Point-of-Sale ordinance is under development to require private service laterals to be inspected and repaired, if necessary, as part of the sale of property. To support inspections and repair, the County is developing a rebate program to assist with funding private service lateral inspections and repairs. Similarly, the County plans to leverage its DeKalb CARES program, which was established through the America Rescue Plan, to provide grants to low-income DeKalb residents for plumbing repairs. Finally, as part of its approach to removal of I/I from private infrastructure, the County is investigating partnerships with insurance companies to provide private lateral protection plans to property owners.

In addition to private service laterals, there is approximately 71 miles of privately-owned gravity sewer mains within the Snapfinger Basin. These are primarily associated with apartment and condominium complexes, industrial sites, and office, medical, and educational campuses. The County is developing a program to assess these private systems and to require rehabilitation where warranted. This program includes the installation of flow meters to monitor individual private systems where feasible to identify whether they are contributing excessive quantities of I/I. In such cases, the County will require the system

owners to perform their own investigations and rehabilitation to identify and rehabilitate I/I sources. For private systems where flow monitoring is not feasible, the County will conduct inspections to include manhole inspections, smoke testing, dye testing, and CCTV inspection. Defects contributing significant I/I such as missing or broken cleanout caps, building roof drains, and yard drains will be required by the County to be rehabilitated by the private system owner.

Despite support from the County, rehabilitation of privately-owned sewer infrastructure will likely require considerable time. While the County can expedite public sewer rehabilitation efforts by increasing funding through higher rates and taking on debt, these options are not available or are not feasible as a means for property owners to expedite rehabilitation of their private sewer infrastructure.

More time is needed to further define the County's strategies to address private I/I and their associated implementation schedules as well as to estimate the extent to which they will contribute towards adequately fixing the 15 PFL sites.

2.c. Public System I/I Removal and Conveyance Improvements

As part of the scope of work previously anticipated to be required for these 15 PFL sites in addition to in-basin storage, the County planned to remove I/I and increase conveyance capacity along approximately 20 miles of trunk sewers in the Snapfinger basin. If the County is unable to manage I/I through in-basin storage, it will need to:

1. Expand its trunk sewer rehabilitation efforts on Shoal Creek to include an additional 3.6 miles of trunk sewer upsizing beginning from the site of the previously proposed 15 MG in-basin storage facility near the confluence of the Shoal Creek, Doolittle Creek, and Cobb Fowler sewersheds and extending downstream to the Snapfinger Advanced Wastewater Treatment Facility (AWTF), and
2. Expand and expedite its comprehensive rehabilitation efforts in the areas upstream of the proposed 6 MG in-basin storage facility on the Upper Snapfinger Creek anticipated to help manage I/I upstream of the Lower Snapfinger PFL sites. The expansion of comprehensive rehabilitation efforts would be necessary to augment the benefits of approximately 4.7 miles trunk sewer rehabilitation already planned within the Upper Snapfinger Sewershed.

The County is continuing to develop the scope of work and schedule options for the additional comprehensive rehabilitation that would be necessary to reduce I/I upstream of the Lower Snapfinger PFL sites and the additional trunk sewer rehabilitation scope of work and schedule required downstream of the Shoal Creek, Doolittle and Blue Creek, and Cobb Fowler rehabilitation projects if in-basin storage is unavailable.

3. Remaining Available I/I Management Options

Despite the significantly expanded efforts to remove I/I within both public and private portions of the Snapfinger Basin and the projects to increase the conveyance capacity of a significant portion of the Snapfinger Basin's trunk sewers, wet weather storage will likely remain a necessary component to adequately fix the 15 PFL sites. It is anticipated that I/I contributions, while diminished through the above-described efforts, will continue to result in substantial peak wet weather flows which will be beyond the processing capacity of the Snapfinger AWTF. It is not aligned with industry best practices and is inefficient to size the treatment capabilities of a wastewater facility to process extreme wet weather peak flow rates without the use of storage to regulate flow rates through the AWTF's treatment structures and equipment. Given the uncertainties associated with the previously evaluated in-basin storage, the County is investigating the feasibility, scope of work, and schedules associated with either installation of a new wet weather storage Snapfinger AWTF or the installation of a tunnel within the Snapfinger Basin.

Within the last month, the County has procured a design contract to substantially increase the capacity of the Snapfinger AWTF influent lift station from approximately 75 MGD to 129 MGD. As part of the initial evaluation of the alternative to construct a new wet weather storage facility at the Snapfinger AWTF, recently completed hydraulic analyses determined the facility would require a storage volume of between 15 and 20 MGD. Likewise, for the tunnel alternative, an initial alignment consisting of an estimated 7.4 miles of tunnel has been developed (see Attachment 6) and efforts are underway to identify and complete the investigative steps necessary to determine whether the alternative is feasible and how it might be incorporated into the overall PFL remediation plan.

4. Conclusions and Path Forward

Despite in-basin storage being a viable I/I management solution for many utilities and representing the most cost-effective and best means of meeting PFL schedules previously provided, extensive planning and investigative efforts have determined that in-basin storage may not be an option available for addressing 15 PFL sites in the Snapfinger Basin.

The County is investigating alternative plans which would include significant expansion and acceleration of public and private I/I removal efforts that will require more funding and more time to complete. Additionally, the development of storage for wet weather flows will remain a necessary component of the overall solution to these PFLs. To that end, the County is exploring the feasibility and scope of work necessary to either construct a storage facility at the Snapfinger AWTF or a tunnel within the Snapfinger Basin.

Given the uncertainty associated with the in-basin storage options, the County is working to develop the most effective and efficient alternatives to adequately fix the remaining PFL sites, alternatives that can also garner the community and governmental support necessary for completion. When appropriate alternatives, engineering solutions, timelines, and milestones become more clear, the County will be in touch with the agencies and will likely modify its prior extension requests, mindful of the MCD deadline of December 2027.

Attachment 1 - Adequately Fixed Priority Fix List Sites

PFL Site #	Address	Capacity Related (Yes/No)	Priority Area	Sub-Model Area	MCD Deadline ^{1, 2}	Date Added to PFL ³	Date of Adequate Fix ⁴
2	125 BEAUMONT AVENUE	No	N/A	South Fork Peachtree Creek	9/22/2023	N/A	pre-DOE
3	1313 STONE MILL WAY	No	N/A	Snapfinger	9/22/2023	N/A	pre-DOE
6	1462 LIVELY RIDGE ROAD	No	I-IG16	South Fork Peachtree Creek	9/22/2023	N/A	pre-DOE
8	157 HOOD CIRCLE	Yes	A-SF6	Intrenchment Creek	9/22/2023	N/A	pre-DOE
9	1600 AUTUMN HURST COURT	No	N/A	Snapfinger	9/22/2023	N/A	pre-DOE
10	161 HOOD CIRCLE	Yes	A-SF6	Intrenchment Creek	9/22/2023	N/A	pre-DOE
13	1787 WHITEHALL FOREST COURT	No	A-SF9	Snapfinger	9/22/2023	N/A	pre-DOE
20	2301 MOUNTAIN INDUSTRIAL BLVD	No	N/A	South Fork Peachtree Creek	9/22/2023	N/A	pre-DOE
24	2967 HENDERSON MILL ROAD	No	N/A	North Fork Peachtree Creek	9/22/2023	N/A	pre-DOE
28	3330 NORTHLAKE PARKWAY	No	I-IG12	North Fork Peachtree Creek	9/22/2023	N/A	8/11/2022
31	3488 KESWICK DRIVE	No	A-IG3	Nancy Creek	9/22/2023	N/A	pre-DOE
33	3540 BUFORD HIGHWAY	No	A-IG5	North Fork Peachtree Creek	9/22/2023	N/A	pre-DOE
34	3831 EAST AVENUE	No	A-SF1	Snapfinger	9/22/2023	N/A	pre-DOE
35	3892 BUFORD HIGHWAY	No	A-IG5	North Fork Peachtree Creek	9/22/2023	N/A	pre-DOE
38	4004 GLADESWORTH LANE	No	I-SF2	Snapfinger	9/22/2023	N/A	pre-DOE
39	4075 MEMORIAL DRIVE	No	I-SF2	Snapfinger	9/22/2023	N/A	pre-DOE
44	4664 Flat Bridge Road	No	N/A	Pole Bridge	9/22/2023	N/A	pre-DOE
45	4776 SNAPFINGER WOODS DRIVE	No	N/A	Snapfinger	9/22/2025	N/A	pre-DOE
46	4900 CENTRAL DRIVE	No	N/A	Snapfinger	9/22/2023	N/A	pre-DOE
47	4905 WIND COVE COURT	No	N/A	Snapfinger	9/22/2023	N/A	pre-DOE
49	5726 SOUTHLAND DRIVE	No	A-PB1	Pole Bridge	9/22/2023	N/A	pre-DOE
50	583 RAYS ROAD	No	N/A	Snapfinger	9/22/2023	N/A	pre-DOE
52	608 South McDonough Street 506 South McDonough Street	Yes	I-SF3	Snapfinger	9/22/2025	N/A	pre-DOE ⁵
53	6545 Swift Creek Drive	No	N/A	Pole Bridge	9/22/2023	N/A	pre-DOE
54	6591 TRIBBLE STREET	No	N/A	Pole Bridge	9/22/2023	N/A	pre-DOE
55	101 GREEN STREET	Yes	I-SF3	Snapfinger	9/22/2025	N/A	pre-DOE ⁵
56	1580 ROADHAVEN DRIVE	No	N/A	South Fork Peachtree Creek	9/22/2025	N/A	pre-DOE
57	1635 SUGAR DOWNS COURT	No	N/A	Snapfinger	9/22/2023	N/A	pre-DOE
58	1831 BRIARCLIFF CIRCLE	No	A-IG5	North Fork Peachtree Creek	9/22/2023	N/A	pre-DOE
60	2190 MEADOWCLIFF DRIVE	No	A-IG5	North Fork Peachtree Creek	9/22/2023	N/A	pre-DOE
61	2396 MIRIAM LANE	No	I-SF3	Snapfinger	9/22/2023	N/A	pre-DOE
62	3546 STANFORD CIRCLE	No	N/A	Snapfinger	9/22/2023	N/A	pre-DOE
63	3731 BUFORD HIGHWAY	No	A-IG5	North Fork Peachtree Creek	9/22/2025	N/A	pre-DOE
64	4980 HAMMERMILL ROAD	No	N/A	South Fork Peachtree Creek	9/22/2023	N/A	pre-DOE
65	8304 UNION GROVE ROAD	No	A-PB3	Pole Bridge	9/22/2023	N/A	pre-DOE

Attachment 1 - Adequately Fixed Priority Fix List Sites

PFL Site #	Address	Capacity Related (Yes/No)	Priority Area	Sub-Model Area	MCD Deadline ^{1, 2}	Date Added to PFL ³	Date of Adequate Fix ⁴
66	1397 Witham Drive	No	N/A	Miscellaneous	9/22/2023	N/A	pre-DOE
69	2311 DUNWOODY CROSSING	No	N/A	Nancy Creek	9/22/2023	N/A	pre-DOE
70	294 PINE TREE CIRCLE	No	N/A	Snapfinger	9/22/2023	N/A	pre-DOE
71	3360 MOUNTAIN DRIVE	No	N/A	Snapfinger	9/22/2023	N/A	pre-DOE
72	3408 MILL CREEK ROAD	No	A-IG4	Nancy Creek	9/22/2023	N/A	pre-DOE
74	3643 GLENWOOD ROAD	No	I-SF3	Snapfinger	9/22/2025	N/A	pre-DOE
75	3724 EAGLES BEEK CIRCLE	No	N/A	Snapfinger	9/22/2023	N/A	pre-DOE
76	4203 CLEVEMONT ROAD	No	N/A	Snapfinger	9/22/2023	N/A	pre-DOE
77	4495 VILLAGE SPRING RUN	No	N/A	Nancy Creek	9/22/2023	N/A	pre-DOE
78	4711 BISHOP MING BLVD	No	N/A	Snapfinger	9/22/2023	N/A	pre-DOE
79	506 SOUTH MCDONOUGH STREET	Yes	I-SF3	Snapfinger	9/22/2025	N/A	pre-DOE ⁵
80	5083 BIFFLE ROAD	No	N/A	Snapfinger	9/22/2023	N/A	pre-DOE
81	6701 PEACHTREE INDUSTRIAL BLVD	No	N/A	Nancy Creek	9/22/2023	N/A	pre-DOE
82	2902 MOUNT OLIVE DRIVE	No	I-IG17	South Fork Peachtree Creek	9/22/2023	N/A	pre-DOE
84	1420 SOUTH HAIRSTON ROAD	No	N/A	Snapfinger	9/22/2023	N/A	11/16/2021
85	1690 CHANTILLY DRIVE	No	N/A	North Fork Peachtree Creek	9/22/2023	N/A	pre-DOE
86	2000, 2200 Lithonia Industrial Boulevard	No	N/A	Pole Bridge	9/22/2023	N/A	pre-DOE
87	2175 LAWRENCEVILLE HIGHWAY	No	I-IG17	South Fork Peachtree Creek	9/22/2025	N/A	pre-DOE
88	2277 MUNDAY DRIVE	No	I-IG6	North Fork Peachtree Creek	9/22/2023	N/A	pre-DOE
92	3046 EAST PONCE DE LEON AVENUE	No	I-IG19	South Fork Peachtree Creek	9/22/2023	N/A	pre-DOE
93	352 NORTHERN AVENUE	No	I-SF1	Snapfinger	9/22/2023	N/A	pre-DOE
96	3765 FOXFORD DRIVE	No	N/A	North Fork Peachtree Creek	9/22/2025	N/A	pre-DOE
99	4561 AMBERLY COURT SOUTH	No	N/A	Nancy Creek	9/22/2023	N/A	pre-DOE
100	4584 LAWRENCEVILLE HIGHWAY	No	N/A	Miscellaneous	9/22/2025	N/A	pre-DOE
101	4948 ARDSLEY DRIVE	No	N/A	Snapfinger	9/22/2025	N/A	pre-DOE
102	5495 EAST MOUNTAIN STREET	No	N/A	Snapfinger	9/22/2023	N/A	pre-DOE
104	5224 NORTH PEACHTREE ROAD	No	N/A	Miscellaneous	9/22/2025	DOE	pre-DOE
105	3305 LAVISTA ROAD	No	I-IG13	South Fork Peachtree Creek	9/22/2025	DOE	pre-DOE
106	4547 BIRCH RIDGE TRAIL	No	N/A	Snapfinger	9/22/2025	DOE	pre-DOE
107	4300 CARROLLWOOD DRIVE	No	A-SF5	Snapfinger	9/22/2025	DOE	pre-DOE
108	1995 LITHONIA INDUSTRIAL BLVD	No	N/A	Pole Bridge	9/22/2025	DOE	pre-DOE
109	1427 MOCKWELL COURT	No	N/A	Miscellaneous	9/22/2025	DOE	pre-DOE
110	1945 PONCE DE LEON AVENUE	No	N/A	South Fork Peachtree Creek	9/22/2025	DOE	pre-DOE
111	221 NORTH CANDLER STREET	No	N/A	South Fork Peachtree Creek	9/22/2025	DOE	pre-DOE
112	116 CLAIREMONT AVENUE	No	N/A	South Fork Peachtree Creek	9/22/2025	DOE	pre-DOE
113	2685 MILSCOTT DRIVE	No	I-IG17	South Fork Peachtree Creek	9/22/2025	DOE	pre-DOE
114	3854 WEST NANCY CREEK PLACE	No	N/A	Nancy Creek	9/22/2025	DOE	pre-DOE

Attachment 1 - Adequately Fixed Priority Fix List Sites

PFL Site #	Address	Capacity Related (Yes/No)	Priority Area	Sub-Model Area	MCD Deadline ^{1,2}	Date Added to PFL ³	Date of Adequate Fix ⁴
115	1125 MAYFIELD DRIVE	No	N/A	South Fork Peachtree Creek	9/22/2025	DOE	pre-DOE
116	2427 BRIARCLIFF ROAD	No	N/A	North Fork Peachtree Creek	9/22/2025	DOE	pre-DOE
117	3765 BROWN DRIVE	No	N/A	Snapfinger	9/22/2025	DOE	pre-DOE
118	5005 LEESHIRE TRAIL	No	N/A	Miscellaneous	9/22/2025	DOE	pre-DOE
119	5211 PEACHTREE INDUSTRIAL BLVD	No	A-IG3	Nancy Creek	9/22/2025	DOE	pre-DOE
120	700 GEORGE LUTHER DRIVE	No	A-SF3	Snapfinger	9/22/2025	DOE	pre-DOE
121	2801 CANDLER ROAD	No	N/A	Snapfinger	9/22/2025	DOE	pre-DOE
122	446 CLAIREMONT AVE	No	N/A	South Fork Peachtree Creek	9/22/2025	DOE	pre-DOE
123	2012 GLENWOOD AVENUE	No	N/A	Intrenchment Creek	9/22/2025	DOE	pre-DOE
124	4037 GLENWOOD ROAD	No	I-SF3	Snapfinger	9/22/2025	DOE	pre-DOE
125	3799 BUFORD HIGHWAY	No	A-IG5	North Fork Peachtree Creek	9/22/2025	DOE	pre-DOE
126	3700 BUFORD HIGHWAY	No	A-IG5	North Fork Peachtree Creek	9/22/2025	DOE	pre-DOE
127	808 STONEBRIDGE CRESCENT	No	N/A	Pole Bridge	9/22/2025	DOE	pre-DOE
128	1442 CANOOCHEE DRIVE	No	A-IG5	North Fork Peachtree Creek	9/22/2025	DOE	pre-DOE
129	949 CHURCH STREET	No	N/A	South Fork Peachtree Creek	9/22/2025	DOE	8/23/2022
130	2649 TANGLEWOOD ROAD	No	A-IG6	South Fork Peachtree Creek	9/22/2025	DOE	pre-DOE
131	149 NORRIS STREET	No	N/A	South Fork Peachtree Creek	9/22/2025	DOE	pre-DOE
132	2881 WEST FAIRINGTON PARKWAY	No	N/A	Pole Bridge	9/22/2025	DOE	pre-DOE
133	6202 PEACHTREE INDUSTRIAL BLVD	No	I-IG2	Nancy Creek	9/22/2025	DOE	1/21/2022
134	4053 BOSENBERRY WAY	No	N/A	Snapfinger	9/22/2025	DOE	pre-DOE
135	5393 GREENHEDGE COURT	No	N/A	Snapfinger	9/22/2025	DOE	1/23/2023
137	1764 DRESDEN DRIVE	No	A-IG5	North Fork Peachtree Creek	9/22/2025	DOE	pre-DOE
138	4570 MEMORIAL DRIVE	No	N/A	Snapfinger	9/22/2025	DOE	pre-DOE
139	1129 BILTMORE DRIVE	No	I-IG16	South Fork Peachtree Creek	9/22/2025	DOE	pre-DOE
140	4070 GREENSTONE COURT	No	I-SF2	Snapfinger	9/22/2025	DOE	pre-DOE
141	886 GRANITE SPRINGS LANE	No	N/A	Snapfinger	9/22/2025	DOE	pre-DOE
142	1846 MEADOW LANE	No	I-SF3	Snapfinger	9/22/2025	DOE	pre-DOE
145	3569 SPRINGSIDE DRIVE	No	I-SF2	Snapfinger	9/27/2025	9/27/2021	10/21/2021
146	2716 CLAIRMONT ROAD	No	A-IG5	North Fork Peachtree Creek	9/22/2025	8/23/2021	pre-DOE
147	2849 OAKCLIFF ROAD	No	N/A	Nancy Creek	9/22/2025	11/11/2021	12/27/2021
148	2495 MARSH RABBIT BEND	No	N/A	Snapfinger	9/22/2025	12/9/2021	12/17/2021
149	4415 MEMORIAL DRIVE	No	A-SF3	Snapfinger	9/22/2025	12/24/2021	12/27/2021
150	804 Town Boulevard	No	N/A	Nancy Creek	9/22/2025	2/6/2021	pre-DOE
151	4386 Cedar Ridge Trail	No	N/A	Snapfinger	9/22/2025	1/11/2022	5/25/2022

Attachment 1 - Adequately Fixed Priority Fix List Sites

PFL Site #	Address	Capacity Related (Yes/No)	Priority Area	Sub-Model Area	MCD Deadline ^{1, 2}	Date Added to PFL ³	Date of Adequate Fix ⁴
153	2914 Concord Drive	No	I-IG17	South Fork Peachtree Creek	9/22/2025	2/8/2022	5/20/2022
154	2225 Heritage Drive	No	I-IG14	North Fork Peachtree Creek	9/22/2025	2/7/2022	4/24/2022
155	4503 Dogwood Farms Drive	No	N/A	Snapfinger	9/22/2025	2/22/2022	3/3/2022
157	1205 LAKE HEARN DRIVE	No	N/A	Nancy Creek	9/22/2025	3/30/2022	4/8/2022
158	981 BYRNWYCK ROAD	No	N/A	Nancy Creek	9/22/2025	3/30/2022	6/7/2022
159	1955 MONTREAL ROAD WEST	No	I-IG13	South Fork Peachtree Creek	9/22/2025	3/31/2022	4/6/2022
161	3402 NORTHBROOK DRIVE	No	I-IG7	North Fork Peachtree Creek	9/22/2025	4/13/2022	2/17/2023
162	3239 REHOBOTH DRIVE	No	N/A	South Fork Peachtree Creek	9/22/2025	4/15/2022	4/16/2022
165	2490 Brookcliff Way	No	I-IG14	North Fork Peachtree Creek	9/22/2025	8/7/2022	12/3/2022
166	4025 Kings Causeway	No	N/A	Snapfinger	9/22/2025	9/5/2022	2/27/2023
168	1136 Parkwood Trace	No	N/A	Snapfinger	9/22/2025	9/15/2022	9/21/2022
169	2097 VINEYARD WALK	No	N/A	Intrenchment Creek	9/22/2025	10/7/2022	2/20/2023
171	3088 ROCKAWAY ROAD	No	N/A	North Fork Peachtree Creek	9/22/2025	10/20/2022	2/6/2023
174	111 CHURCH STREET	No	N/A	South Fork Peachtree Creek	9/22/2025	12/6/2022	1/25/2023
176	3664 ROCKBRIDGE ROAD	No	N/A	Snapfinger	9/22/2025	12/24/2022	2/23/2023
182	481 PENNYBROOK DRIVE	No	A-PB1	Pole Bridge	9/22/2025	3/17/2023	3/17/2023

Notes:

As provided by the Modified Consent Decree and consistent with the County's notices to EPA/EPD obligations, certain SSOs (e.g., those caused by a Severe Natural Condition) have not been considered when determining whether a site is a Repeat SSO Location. Modified Consent Decree, ¶ 36(j).

¹TBD indicates that the MCD Deadline is either 09/22/23 or 09/22/25. The MCD included an initial list of 103 PFL sites and required the County to Adequately Fix at least 52 of the initial 103 PFL sites by 09/22/23, the remaining initial PFL sites, as well as any new sites added before 09/22/23 must be Adequately Fixed by 09/22/25, unless an extension is requested.

³DOE means Date of Entry (09/22/21).

⁴pre-DOE denotes PFL sites confirmed as Adequately Fixed in connection with the 3Q2021 reporting process

⁵Adequate Fix of the PFL site occurred in a prior reporting period with final analysis and documentation completed within this reporting period.

N/A = not applicable

SSO = sanitary sewer overflow

Attachment 2

Determination of Adequate Fix for Country Squire and Millwood Way Priority Fix List Sites

PREPARED FOR: DeKalb County
 PREPARED BY: Consent Decree Program Management Team (CDPMT)
 DATE: May 5, 2023

The following technical memorandum (TM) documents capacity improvements made to the sewer system in the vicinity of the Country Squire and Millwood Way Priority Fix List (PFL) sites and provides the basis for concluding that these PFL sites are considered to be Adequately Fixed as the term is defined by the Modified Consent Decree (MCD) Paragraph 35(j) and further that the February 1, 2021 request to extend the schedule to address these PFL sites can be rescinded.

1. Background

1.a. PFL Designation and History of Sanitary Sewer Overflows (SSOs)

The three (3) PFL sites listed below were included in the original listing of PFL sites developed by the Georgia Environmental Protection Division (EPD) in 2018 based on these locations experiencing at least one (1) SSO after 7/14/2018 or experiencing a major spill of greater than 10,000 gallons.

PFL Site #	Address	Capacity Related (Yes/No)	Priority Area	Sub-Model Area
7	1496 COUNTRY SQUIRE DRIVE, DECATUR	Yes	I-IG13	South Fork Peachtree Creek
23	2804 MILLWOOD WAY, DECATUR	Yes	I-IG13	South Fork Peachtree Creek
67	1430 COUNTRY SQUIRE DRIVE	Yes	I-IG13	South Fork Peachtree Creek

Since 2018, PFL Site #7, 1496 Country Squire Drive, has experienced 11 SSOs within 500 linear feet of the site with six (6) of these SSOs being determined to be the result of Severe Natural Conditions as characterized by the MCD. In that same timeframe, PFL #23, 2804 Millwood Way, experienced seven (7) SSOs with five (5) of these determined to be the result of Severe Natural Conditions. PFL # 67, 1430 Country Squire Drive, has not experienced any SSOs since a major spill occurrence in December 2015 which was the basis for the site being added to the PFL.

The last SSO at PFL Site #7, 1496 Country Squire Drive was on April 6, 2022 with an estimated spill volume of 102,001 gallons. The last SSO at PFL Site #23, 2804 Millwood Way, was on December 30, 2021 with an estimated spill volume of 119,625 gallons. Since the April 6, 2022 storm event, there have been larger storm events, as measured by a nearby rain gauge, which have not resulted in SSOs at any of the three (3) Country Squire and Millwood Way PFL sites.

1.b. Request for Schedule Extension to Adequately Fix the Country Squire and Millwood Way PFL Sites

On February 1, 2021, the County submitted a request to extend the schedule to adequately fix the Country Squire and Millwood Way PFL sites to December 20, 2027. The extension request recognized that the dynamic hydraulic model had not been finalized and an optimization study to determine the solution for

the PFL sites had not yet been initiated. At the time, an upsizing project in the vicinity of the sites, extending from near Spicer Lane to the location of the 2804 Millwood Way PFL site, was planned but it was not yet determined whether this project would sufficiently address the three (3) PFL sites. This project is known as the Package 5 Component 14 upsizing project and is shown along with the location of the three (3) PFL site in Attachment 1.

2. Projects to Adequately Fix the Country Squire and Millwood Way PFL Site

2.a. Package 5 Component 14 Upsizing Project

The Package 5 Component 14 upsizing project was originally developed to address two (2) prevailing issues along a portion of approximately 2,400 LF of gravity sewer. First, investigation activities had identified that this section of sewer had significant structural and I/I-contributing defects that were severe enough to require pipe replacement rather than lining via cured-in-place-pipe (CIPP). Secondly, this section of sewer represented a hydraulic bottleneck due to this sewer being smaller in diameter (21 inches) than the 24-inch diameter incoming sewer from upstream. It was understood that these issues contributed to the history of SSOs at the three (3) PFL sites in the vicinity.

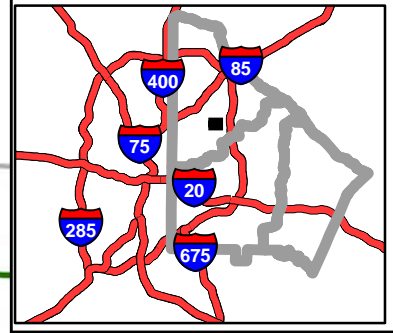
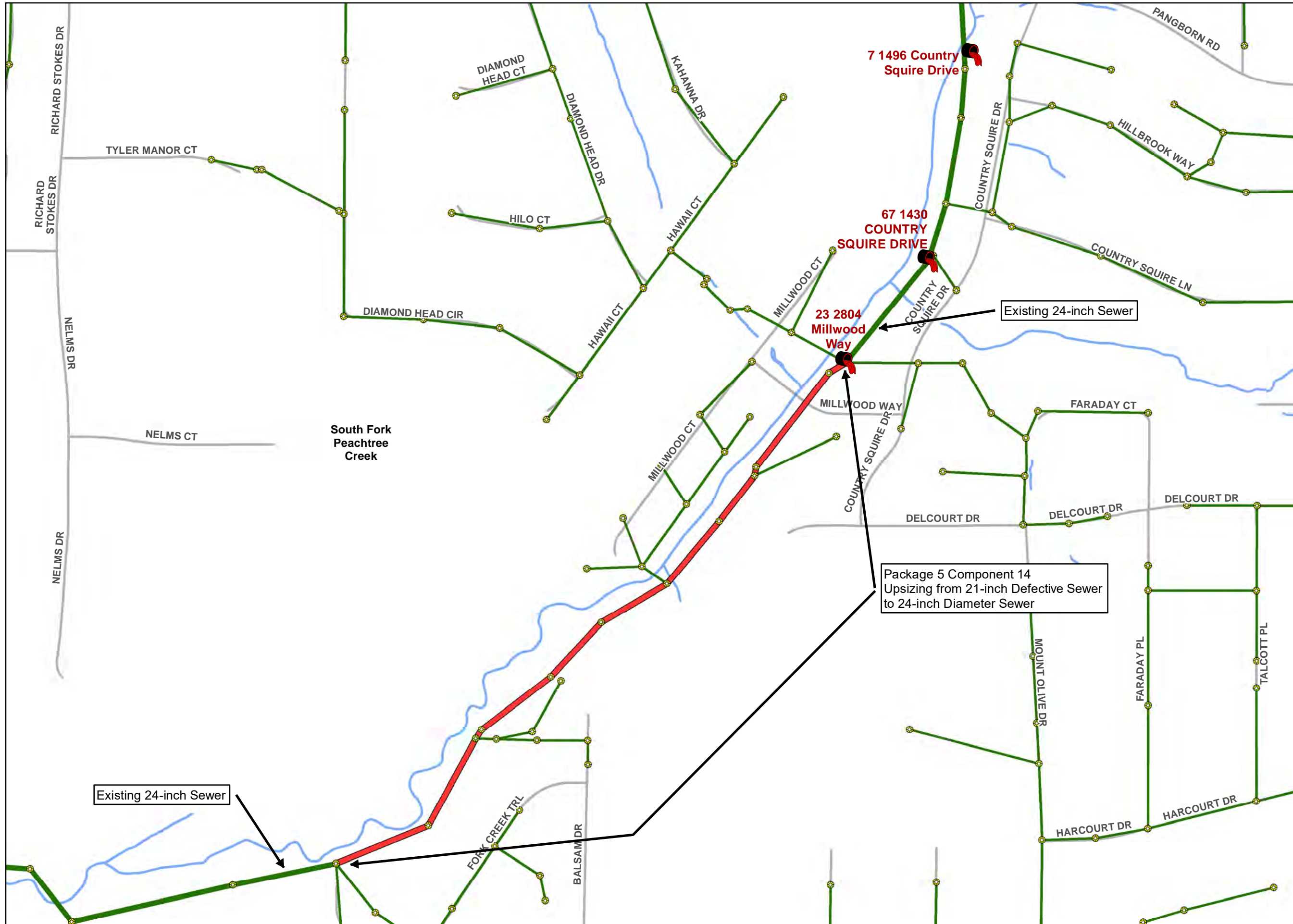
Per the design of the project, new 24-inch diameter sewer was installed and the old, defective, smaller diameter sewer was fully abandoned on April 9, 2022.

2.b. Hydraulic Cleaning and CCTV Inspection Project

Due to the occurrence of the April 6, 2022 SSO at PFL Site #7, 1496 Country Squire Drive, the County initiated a hydraulic cleaning and CCTV inspection project along this portion of the sewer. The hydraulic cleaning and CCTV inspection work completed in the later part of April 2022 removed sediment and debris in the vicinity of the PFL site which was likely deposited as a result of the hydraulic bottleneck downstream since resolved by the Package 5 Component 14 upsizing project.

3. Dynamic Hydraulic Model Analysis of PFL Sites Following Capacity Improvements

Following completion of the Package 5 Component 14 upsizing project, the project's as-constructed drawings were incorporated into the model to evaluate hydraulic conditions for the two year, 24-hour design storm.



- Legend**
- Capacity Related PFL Site
 - Package 5 Component 14 Upsizing
 - Manhole
 - Gravity Main
 - Streets
 - Highways
 - streams

Attachment 1

**Package 5 Component 14
Sanitary Sewer
Upsizing Project**

DeKalb County
GEORGIA

WATER
Matters

Date: 5/3/2023

Attachment 3

Recommendation to Rescind February 1, 2021 Request for Schedule Extension Associated with Four (4) Priority Fix List Locations in the Intrenchment Creek Sewershed

PREPARED FOR: DeKalb County
 PREPARED BY: Consent Decree Program Management Team (CDPMT)
 DATE: May 12, 2023

The following technical memorandum (TM) documents the determination that the root cause of the spills in the vicinity of East Starmount Way and Garden Circle Priority Fix List (PFL) sites are the result of backwater into private service laterals from the sewer trunk owned and maintained by the City of Atlanta (“the City”). Beginning in the 3rd Quarter 2022 Quarterly Report, the County reported these SSOs by Others separately. Since these spills are the result of hydraulic performance issues in the City trunk sewer, the spills and their Adequate Fix are the responsibility of the City of Atlanta. In light of this determination, the County’s February 1, 2021 request to extend the schedule to address these PFL sites can be rescinded.

1. Background

1.a. PFL Designation and History of Sanitary Sewer Overflows (SSOs)

The four (4) PFL sites listed below were included in the original listing of PFL sites developed by the Georgia Environmental Protection Division (EPD) in 2018 based on these locations experiencing at least one (1) SSO after 7/14/2018 or experiencing a major spill of greater than 10,000 gallons.

PFL Site #	Address	Capacity Related (Yes/No)	Priority Area	Sub-Model Area
14	1942 EAST STARMOUNT WAY	Yes	N/A	Intrenchment Creek
15	1964 EAST STARMOUNT WAY	Yes	N/A	Intrenchment Creek
16	1970 EAST STARMOUNT WAY	Yes	N/A	Intrenchment Creek
19	2089 GARDEN CIRCLE	Yes	N/A	Intrenchment Creek

Since 2018, PFL Sites #14, 15, and 16 ,1942, 1964, and 1970 East Starmount Way respectively, have experienced 26 SSOs within 500 linear feet of the sites. In that same timeframe, PFL #19, 2089 Garden Circle, experienced 63 SSOs with an increase in SSO occurrence in 2022 with 26 SSOs in 2022 and 9 within 1st Quarter 2023.

1.b. Request for Schedule Extension to Adequately Fix the East Starmount Way and Garden Circle PFL Sites

On February 1, 2021, DeKalb County (the County) submitted a request to extend the schedule to adequately fix the East Starmount Way and Garden Circle PFL sites to December 20, 2027. The extension request recognized that the dynamic hydraulic model had not been finalized but initial findings indicated that the 15-inch to 18-inch diameter East Lake Trunk Sewer and the 30-inch diameter Sugar Creek Trunk Sewer, both of which are owned and operated by the City, exhibit significant surcharging of the sewer due to lack of conveyance capacity for a 2-year 24-hour storm resulting in SSOs from private lateral cleanouts and/or manholes on these trunk sewers. Since these trunk sewers are owned by the City and because capital improvements to these sewers would rely on the City managing and scheduling the project, the

Attachment 3

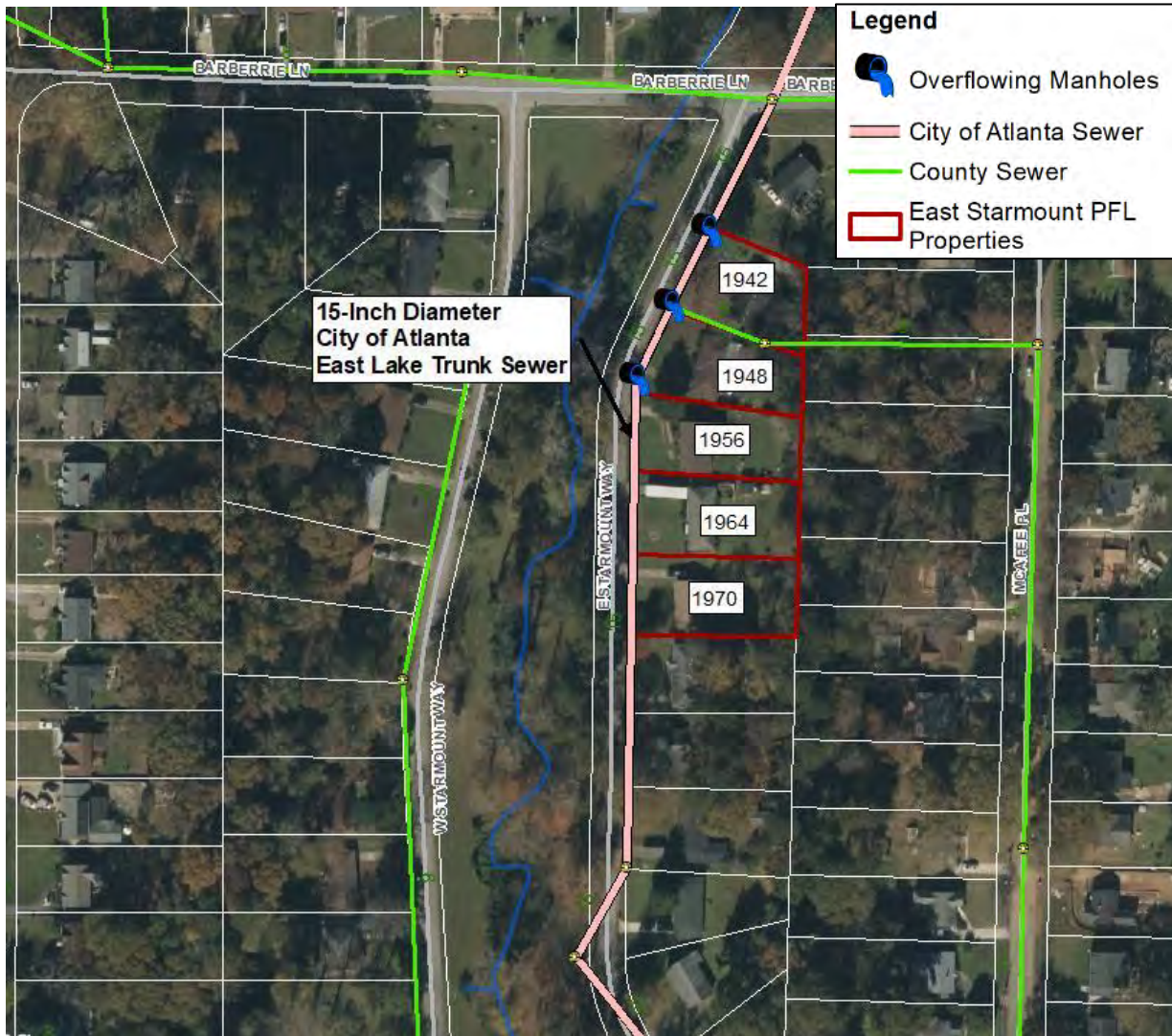
County requested an extension of time to work coordinate with the City on their responsibility regarding these SSOs and their associated Adequately Fix.

2. Root Cause Analysis of PFL Sites

2.a. East Starmount Way

The SSOs reported around East Starmount Way have been reported from three manholes located on the City's East Lake Trunk Sewer, 15-172-s036, 15-172-s037, and 15-172-s045. In addition, SSOs have also been reported from cleanouts in the residential yards of 1942, 1948, 1956, 1964, and 1970 East Starmount Way due to backwater from the capacity limited East Lake Trunk that the laterals are directly connected to. Figure 1 below shows the location of the East Lake Sewer and the East Starmount Way sites.

Figure 1 – Location of East Starmount Way SSOs



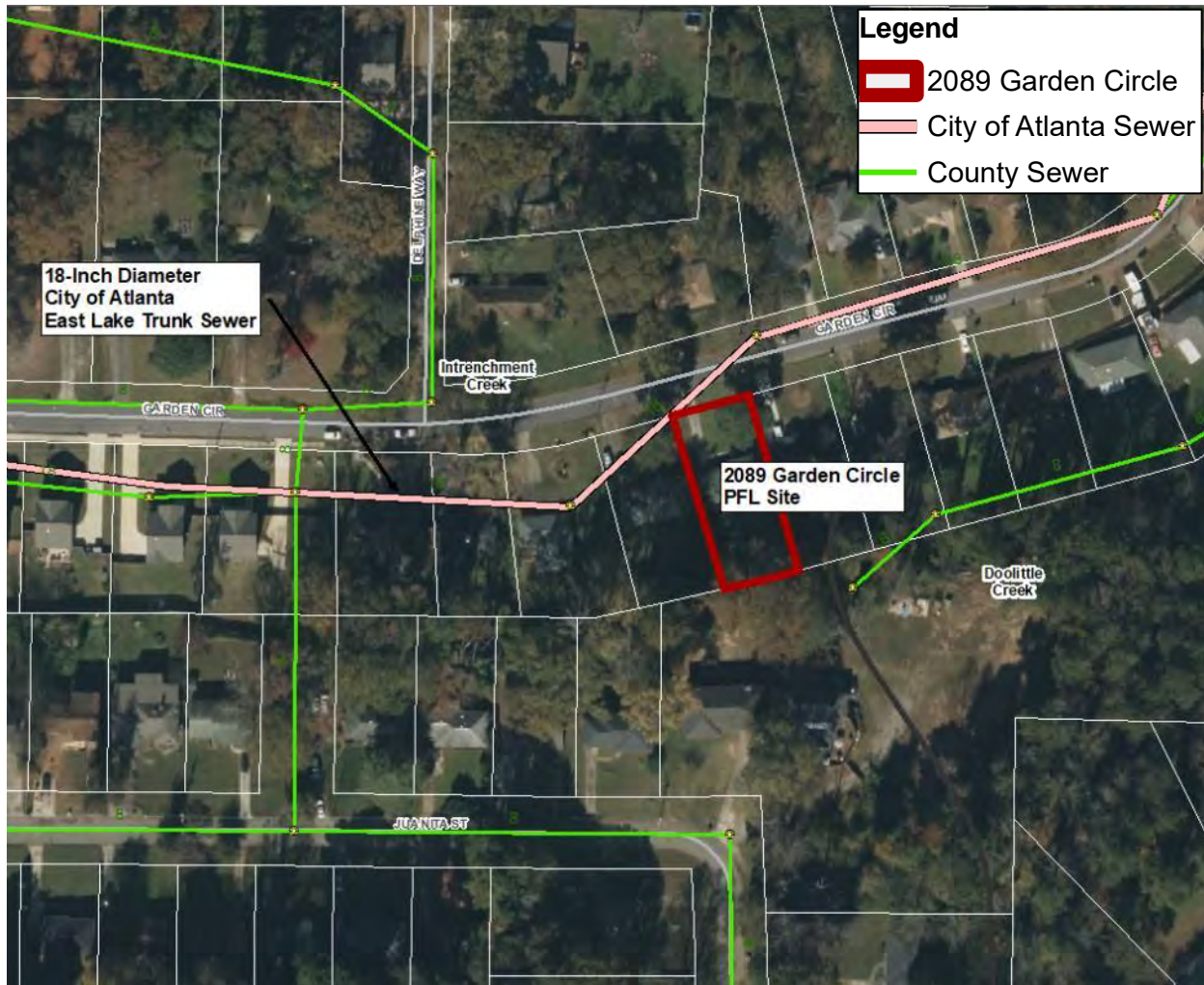
2.b. Garden Circle

The SSOs reported at the Garden Circle site have been reported from the cleanout of the sewer lateral for 2089 Garden Circle as a result of backwater from the East Lake Trunk for which the sewer lateral is directly connected to. This was further supported through correspondence from the resident of 2089 Garden

Attachment 3

Circle and the City stating Atlanta contractors removed debris from the East Lake Trunk as well as a root ball at the lateral and no SSOs occurred during a recent rain event. Figure 2 below shows the location of the East Lake Sewer and the Garden Circle site.

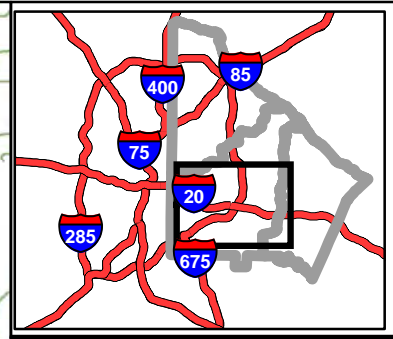
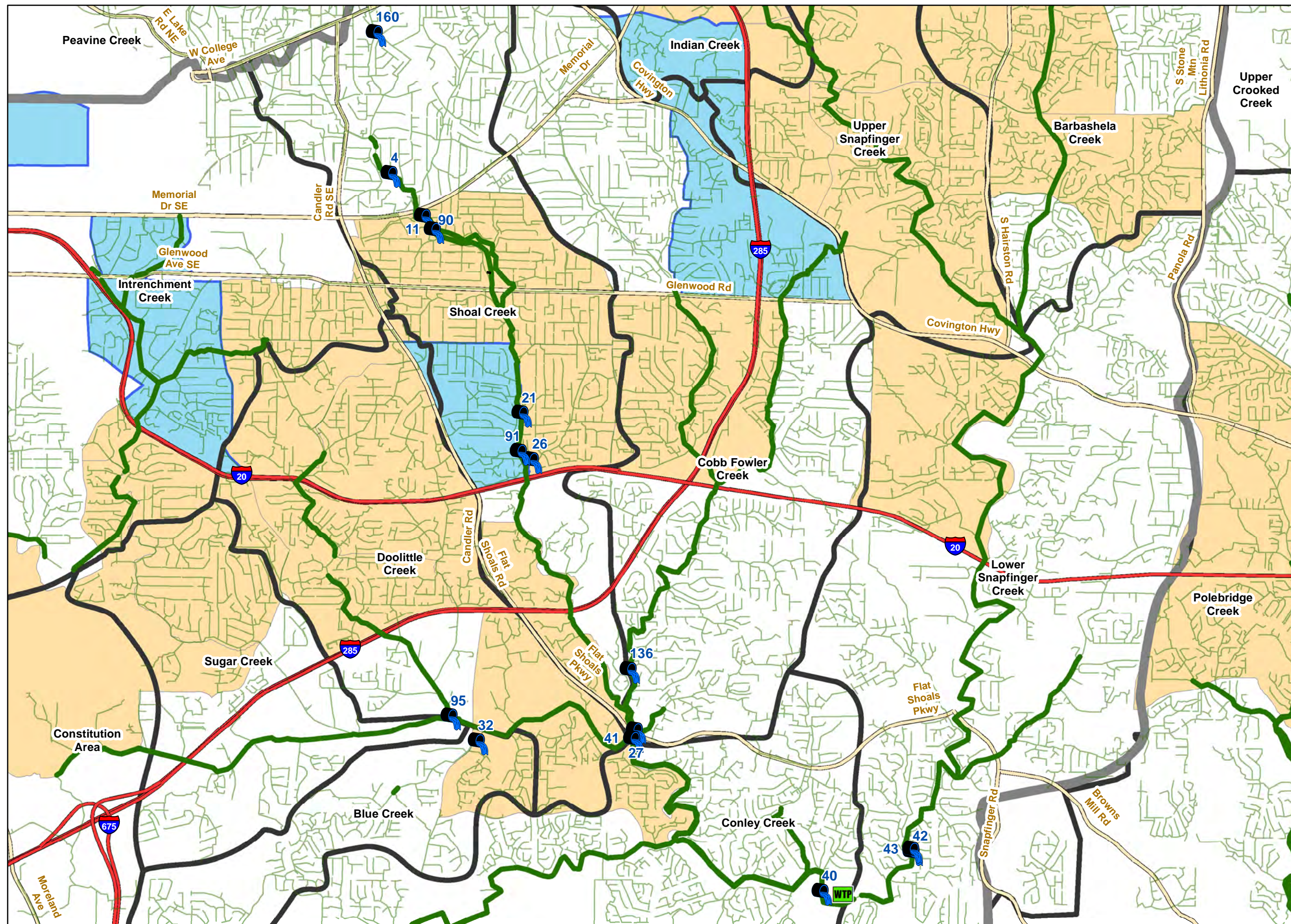
Figure 2 – Location of Garden Circle SSOs



3. Conclusions and Recommendations

The four PFL sites listed above are all repeat spills from cleanouts where the lateral is directly connected to the East Lake Trunk Sewer, owned and maintained by the City as a result of backwater from the trunk during wet weather events. Any operational or capacity related issues in those trunk sewers are planned and managed by the City.

Since the four (4) East Starmount Way and Garden Circle PFL sites are now determined to have a root cause by others, the sites and their Adequate Fix are not the responsibility of DeKalb County. Accordingly, the February 1, 2021 request to extend the schedule to adequately fix these sites until December 20, 2027, can be rescinded.



Legend

- Snapfinger Basins PFL Sites Associated with Extension Requests
- WWTF
- Gravity Main
- Trunk Sewer (>=18")
- Interstates
- Highways
- Sewer Basin
- Sewershed
- Disadvantaged Community*
- Federal and State Economic Opportunity Zone

* Based on US Gov Climate and Economic Justice Screening Tool

Attachment 4
Priority Fix List Sites
in Snapfinger Basin
Associated with
Prior Extension Requests

DeKalb County
 GEORGIA

Date: 6/14/2023

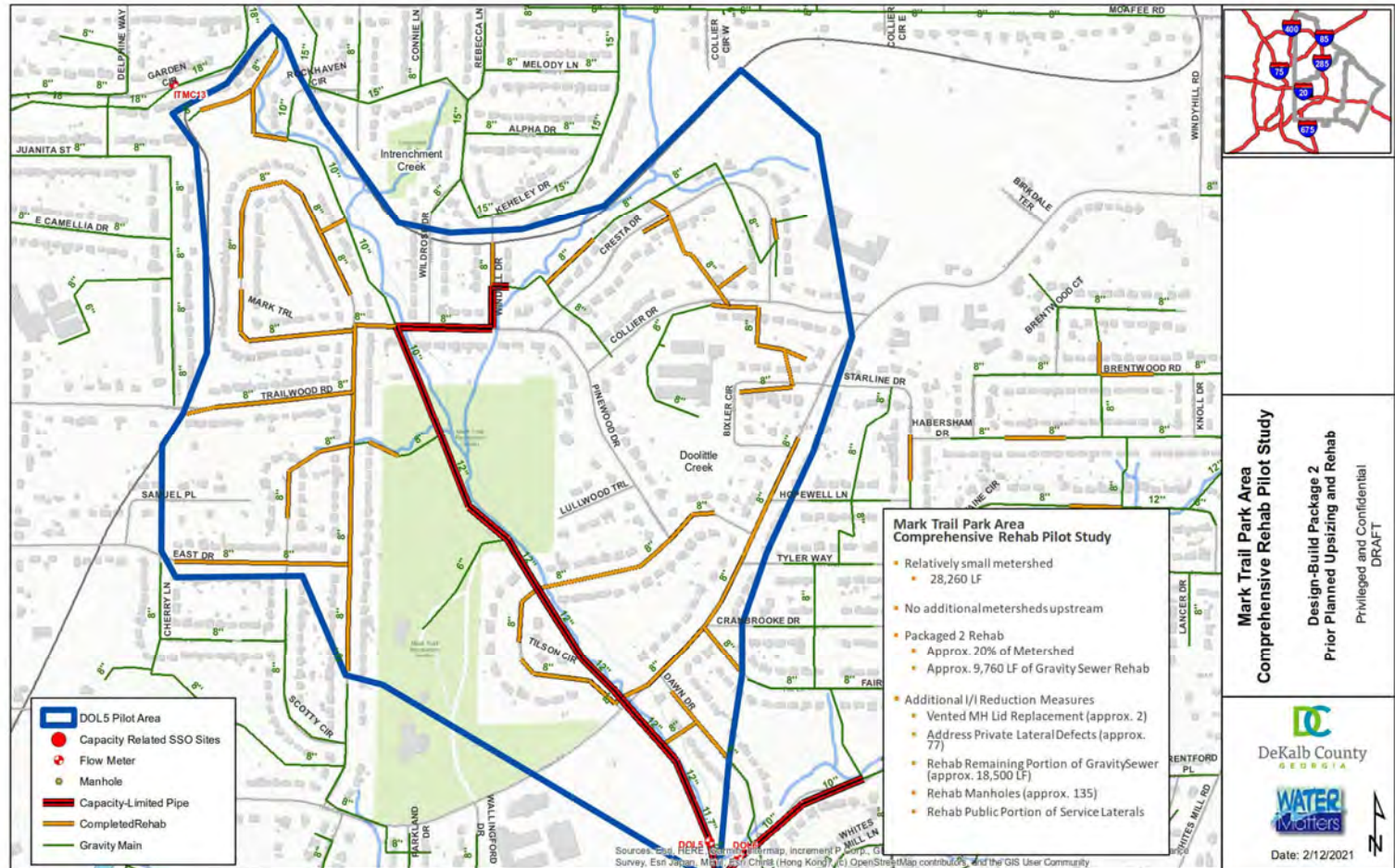
Attachment 5

Wastewater Storage Solutions

Pilot Study



- Rehab
 - ~19,400 LF pipe
 - ~95 manholes
 - ~210 lateral connections
 - Cost = \$2.6M



Attachment 5 Continued

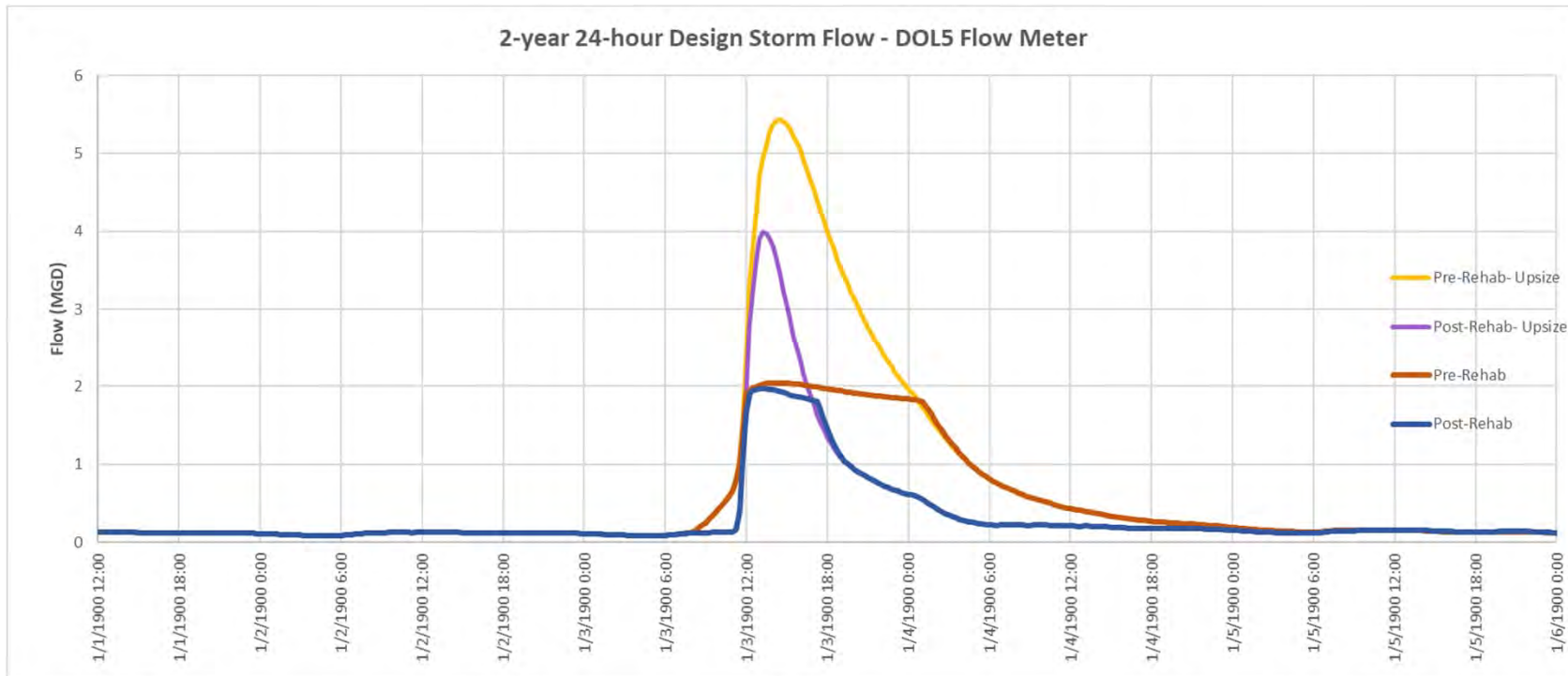
Wastewater Storage Solutions

Pilot Study



- Comprehensive Rehab complete
 - 25% I/I reduction in peak flow
 - 50% I/I reduction in volume


	Pre-Rehab	Post-Rehab	Reduction	Pre-Rehab- Upsize	Post-Rehab- Upsize	Reduction
Peak Flow (MGD)	2.05	1.97	4%	5.43	3.99	27%
Volume (MG)	1.78	1.05	41%	2.70	1.28	53%
No. of SSOs	7	5		0	0	



Preliminary DeKalb Tunnel Routing



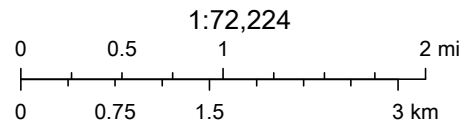
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 Tunnel Route

 Sewer Trunks

Sewer Treatment Facility

 SNAPPINGER TREATMENT PLANT



Esri, HERE, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

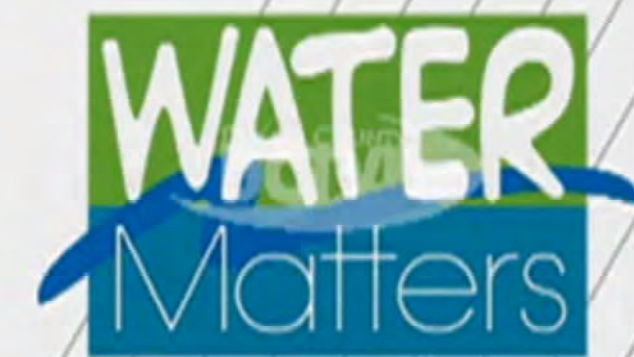
Exhibit 5

**County Presentation to PWI
Committee on April 18, 2023**

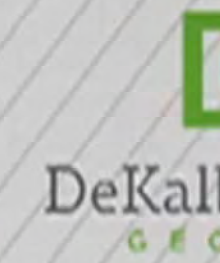
Addressing Stormwater Infiltration/Inflow in Sewers

04/18/2023

Solutions to address stormwater in Snapfinger Basin sewers



Addressing Stormwater Inflow/Infiltration (I/I) in Sewers



Topics

- 1 Stormwater Issues Countywide
- 2 Preventing Stormwater Entering
- 3 Options for Managing Stormwater

Addressing Stormwater I/I in Sewers

Topics

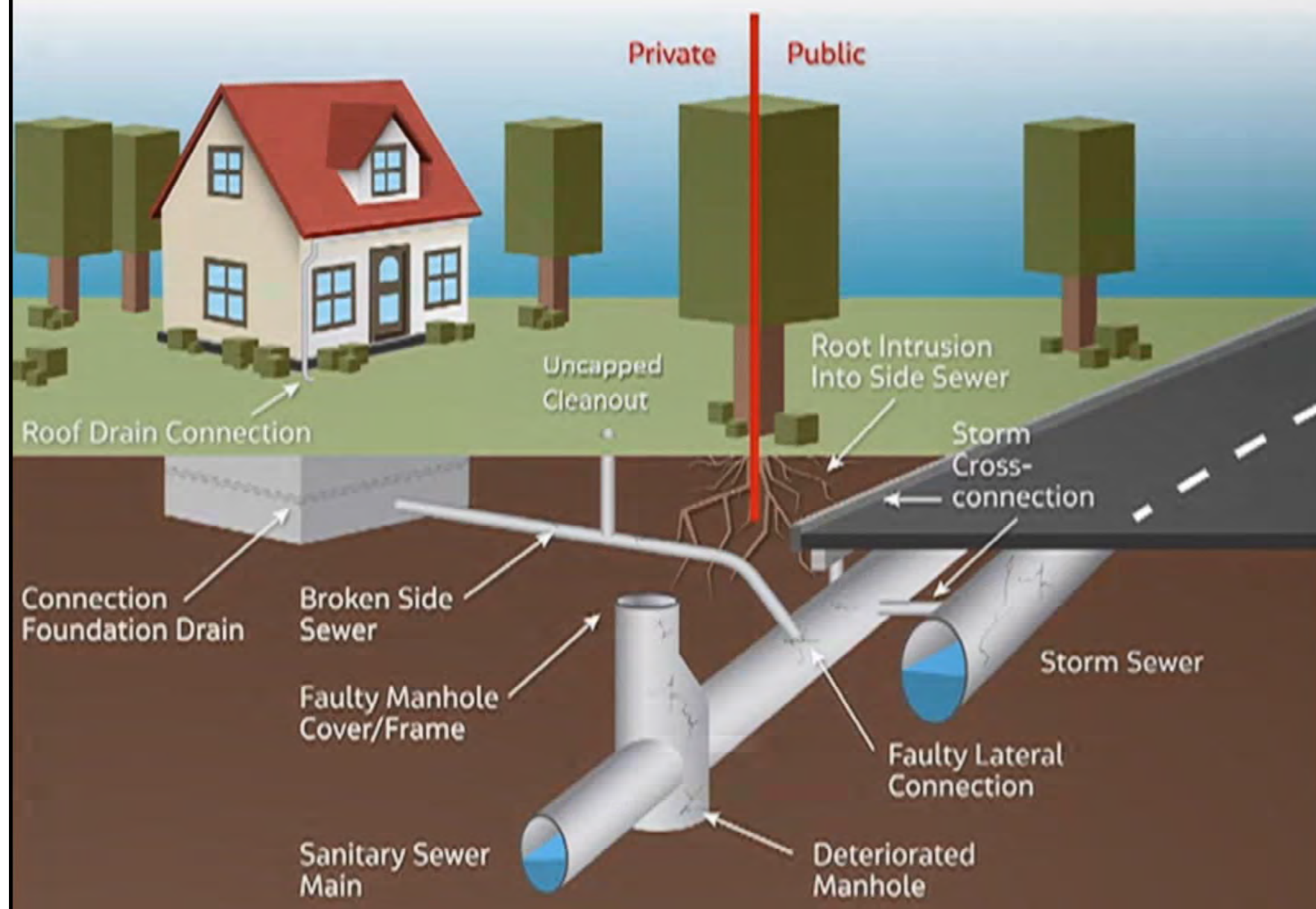
DeKalb
C E O



- Stormwater Issues Countywide
- Preventing Stormwater Entering
- Options for Managing Stormwater

Addressing Stormwater I/I in Sewers

Stormwater Entering the Sewer System

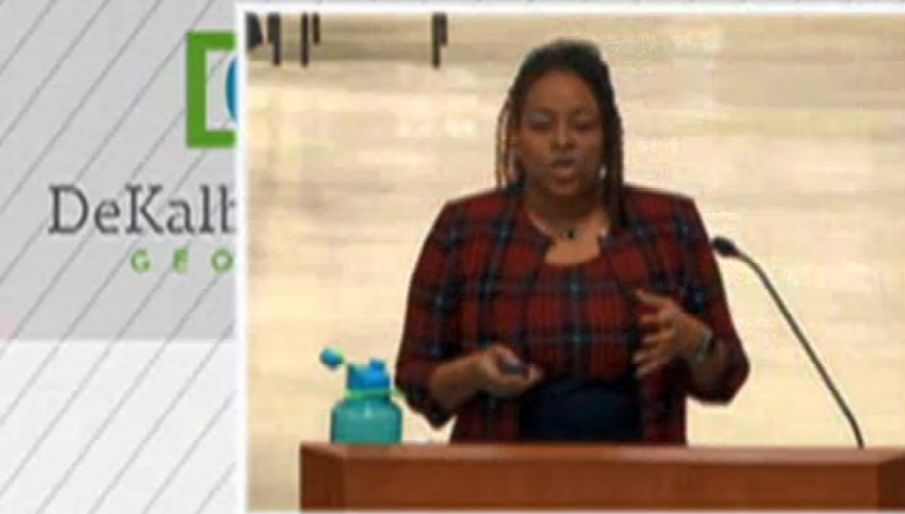


THE PROBLEM:

- Stormwater enters through
- the **public portion** of the sewer (including sewer mains, manholes and the lower lateral), and
 - the **private portion** (the lateral from the house to the easement)

Addressing Stormwater I/I in Sewers

Stormwater I/I Issues Countywide



THE PROBLEM (cont'd):

- Stormwater entering the system during rain events takes up the sewer capacity until it spills out of the manholes
- Countywide there are 21 repeat SSOs due to stormwater (Priority Fix List sites) requiring additional time to fix
 - E.g., Meadow Creek Path – spill volume over 1 million gallons per year since 2019
 - 13 sites require a combination of complex solutions in the Snapfinger Basin



Addressing Stormwater I/I in Sewers

Stormwater I/I Issues Countywide

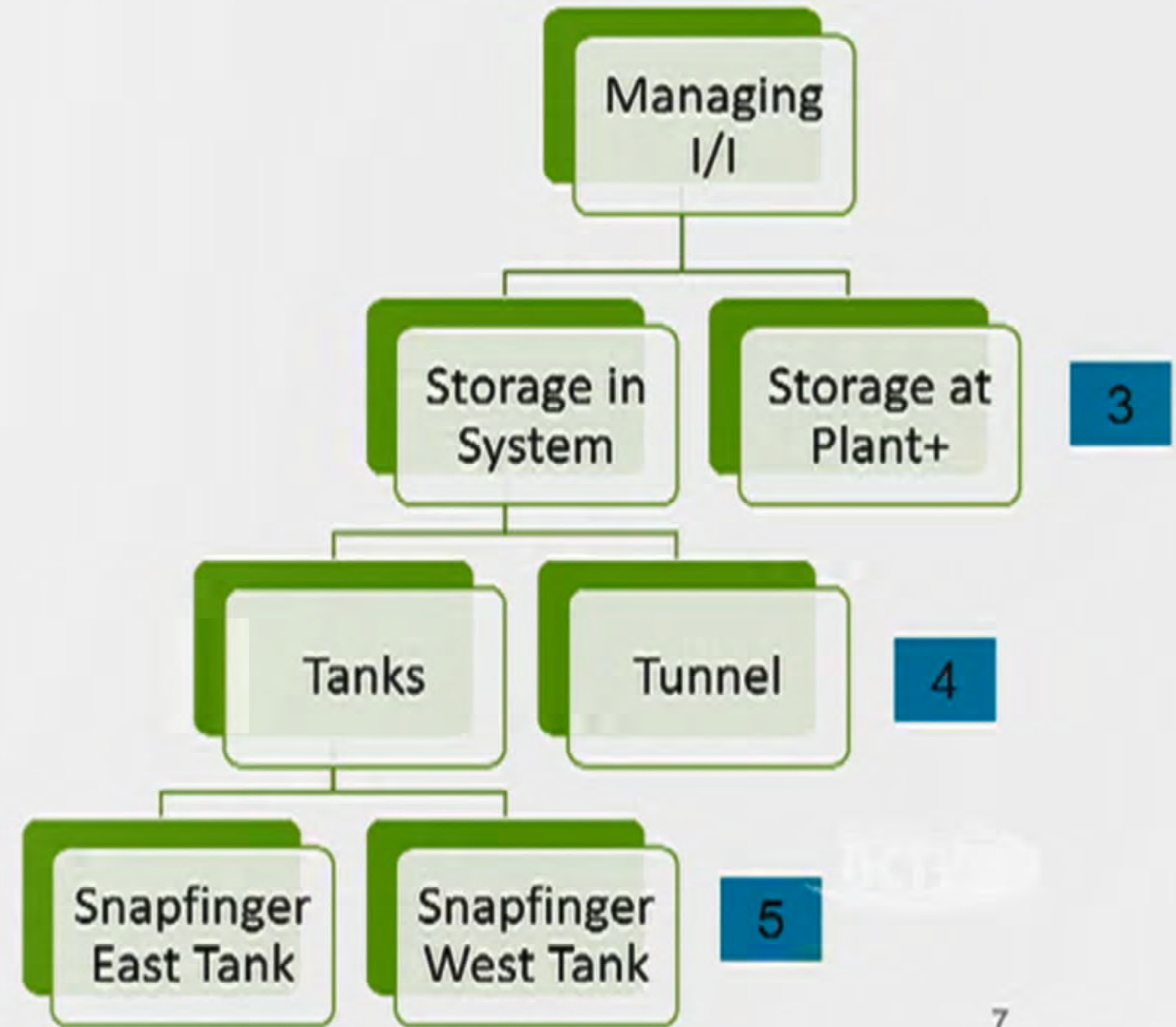
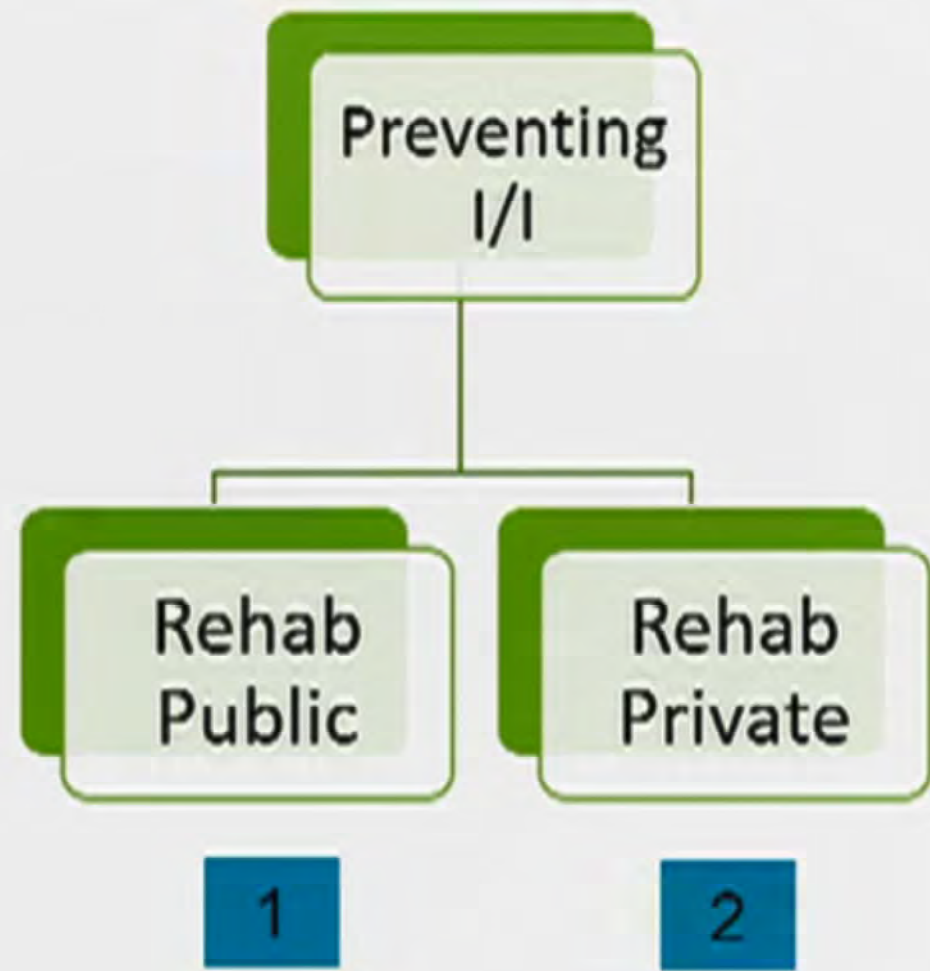


- The County has analyzed numerous options to prevent or manage the stormwater I/I in the sewer system and reduce the number of SSOs from occurring.
- On average, the stormwater I/I in the sewers can cause 35 SSOs each year in the Snapfinger Basin totaling 15 MG of sewage into waterways.
- The following slides will detail proposed alternatives to address stormwater I/I in Snapfinger so the County can reduce SSOs.

Addressing Stormwater I/I in Sewers

Options for Considerations

DeKalb
GEO



Addressing Stormwater I/I in Sewers

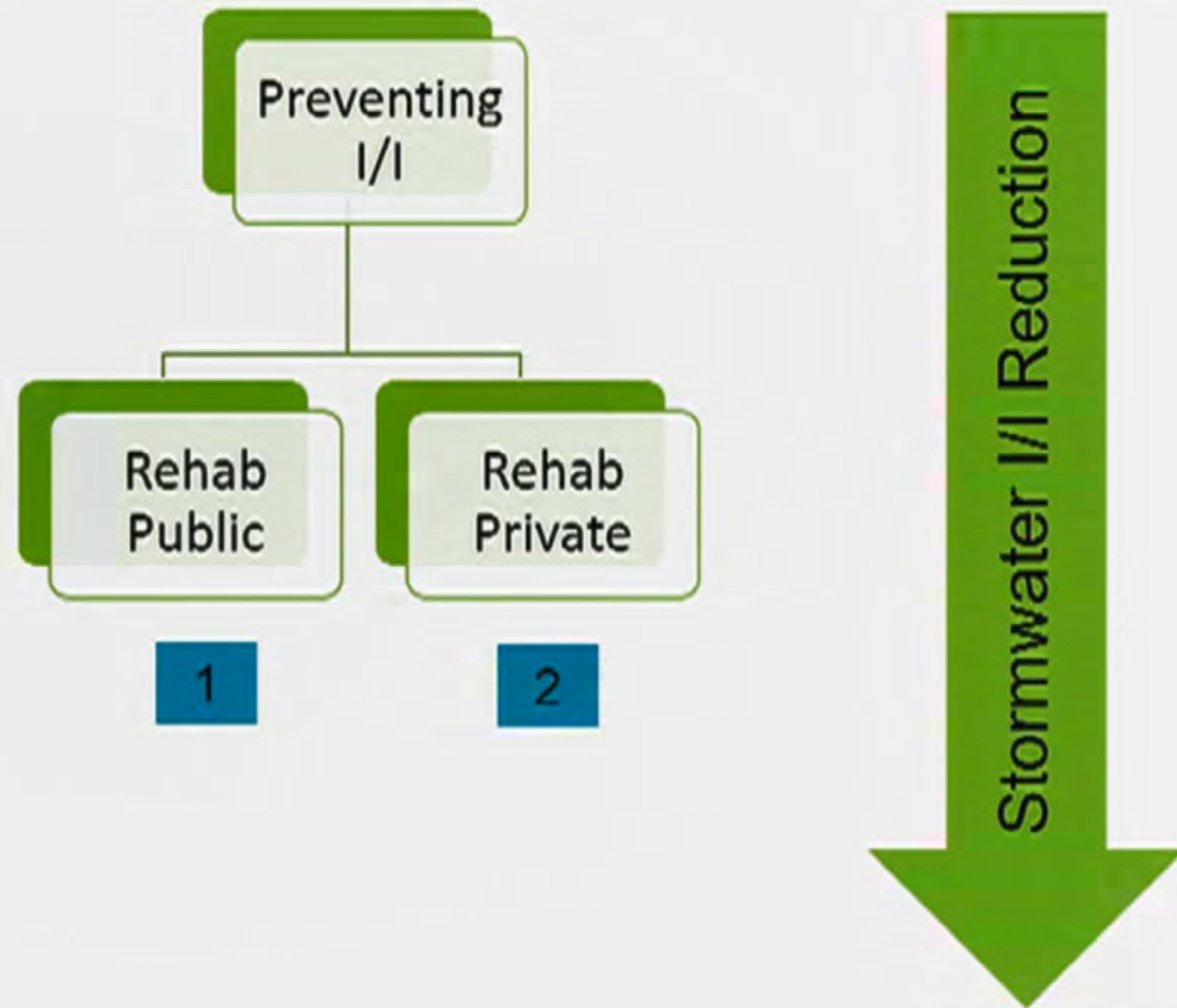


Topics

- Stormwater Issues Countywide
- Preventing Stormwater Entering
- Options for Managing Stormwater

Addressing Stormwater I/I in Sewers

Rehabilitation to Remove I/I - Summary

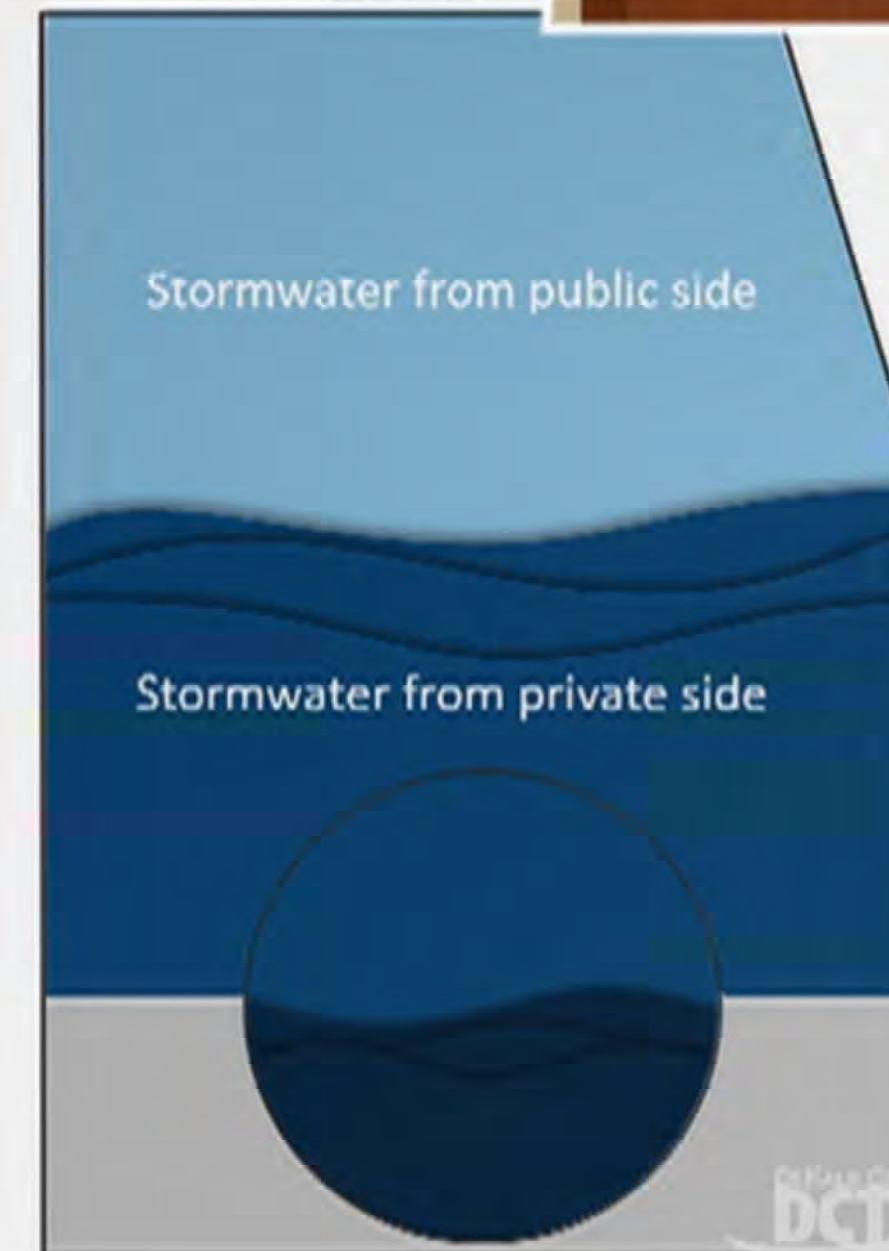


Addressing Stormwater I/I in Sewers

Rehabilitation to Prevent I/I - Summary



- Currently about 50% of stormwater entering the system comes from the public portion and 50% comes from the private portion of the sewer system
- The County is addressing the stormwater entry problem from the public side but without rehabilitation of private sewers, I/I in the system will continue to increase

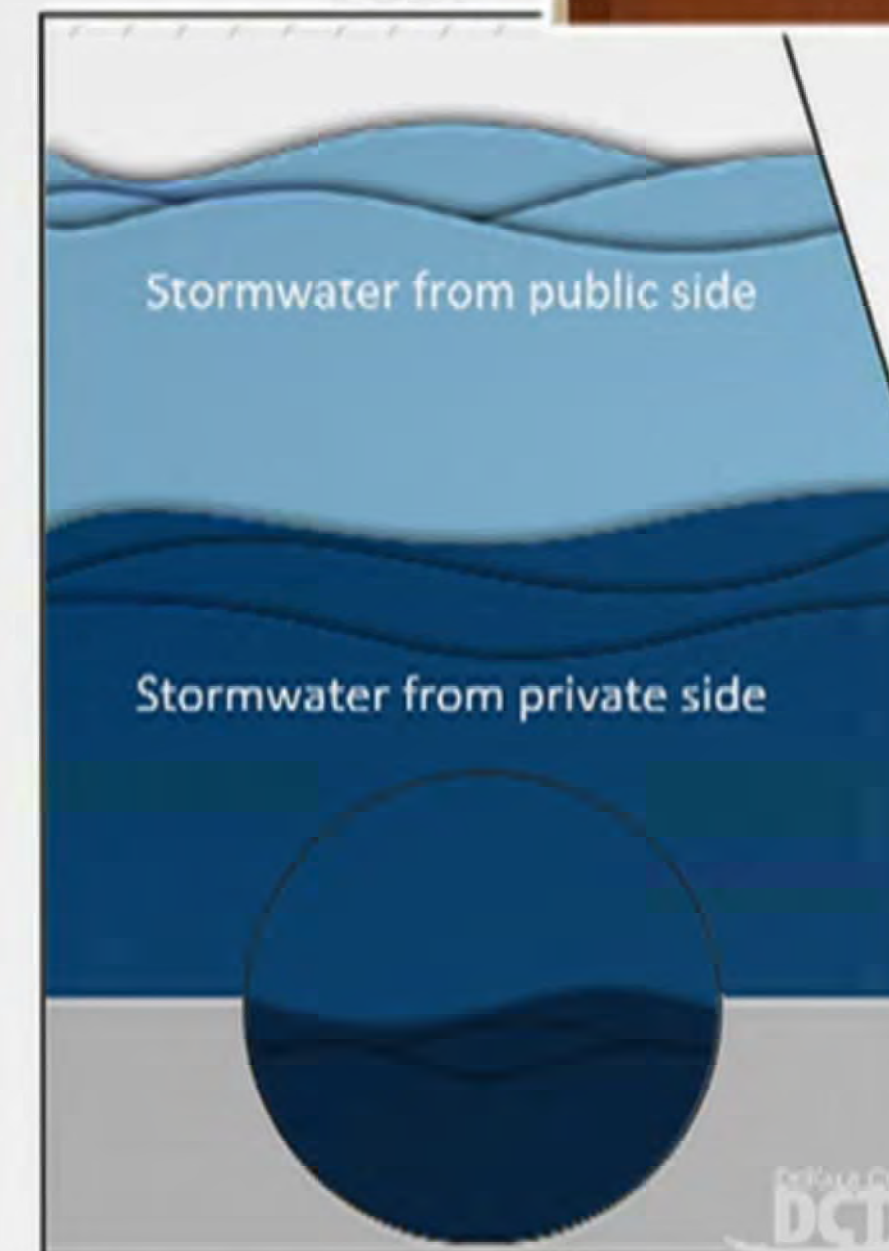


Addressing Stormwater I/I in Sewers

Rehabilitation to Prevent I/I - Summary

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2027



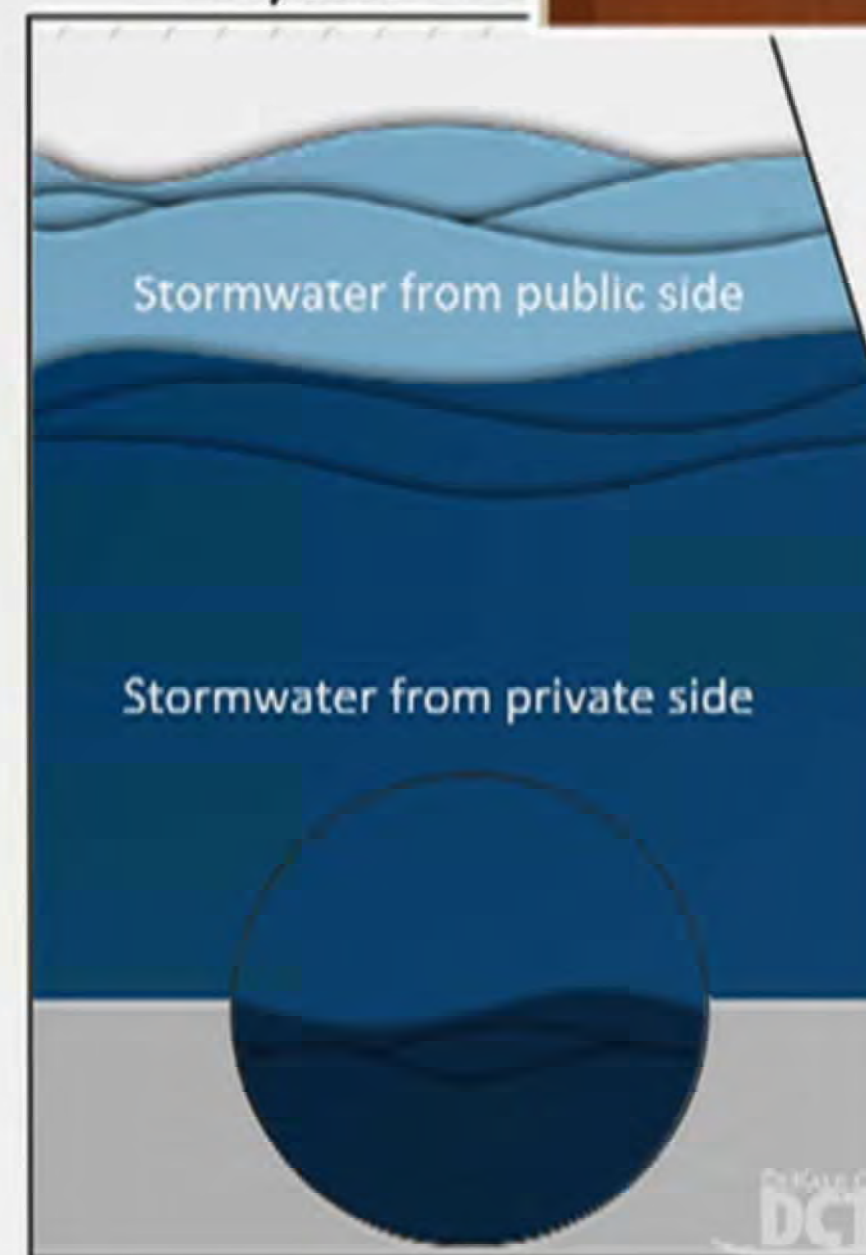
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Addressing Stormwater I/I in Sewers

Rehabilitation to Prevent I/I - Summary

- Currently about 50% of stormwater entering the system comes from the public portion and 50% comes from the private portion of the sewer system
- The County is addressing the stormwater entry problem from the public side but without rehabilitation of private sewers, I/I in the system will continue to increase

Beyond 202



DeKalb
GEO



Addressing Stormwater I/I in Sewers

Rehabilitation to Remove I/I - Summary

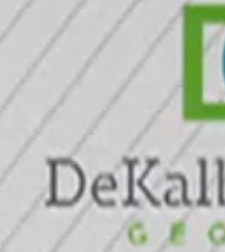


1



Addressing Stormwater I/I in Sewers

Rehabilitation to Remove Stormwater from Public Assets



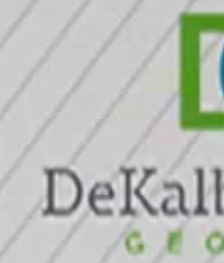
THE SOLUTION – PUBLIC SEWERS:

- Since 2017:
 - Rehabilitated/replaced 124 miles
 - Cleared debris from 4,200 miles of pipe
- **This has removed an estimated 15 MG of stormwater**
- Over 30 miles of additional rehabilitation planned in priority areas (2023-2027)
- Rehabilitation of 60% of the public sewer mains in Snapfinger Basin are needed
 - 3 million LF of sewer main within Snapfinger Basin to have comprehensive rehabilitation
 - Estimated cost of \$627 million
 - Will require four contractors of multiple crews for 10 years to complete
 - May not remove sufficient I/I to eliminate SSOs during 2-year storm

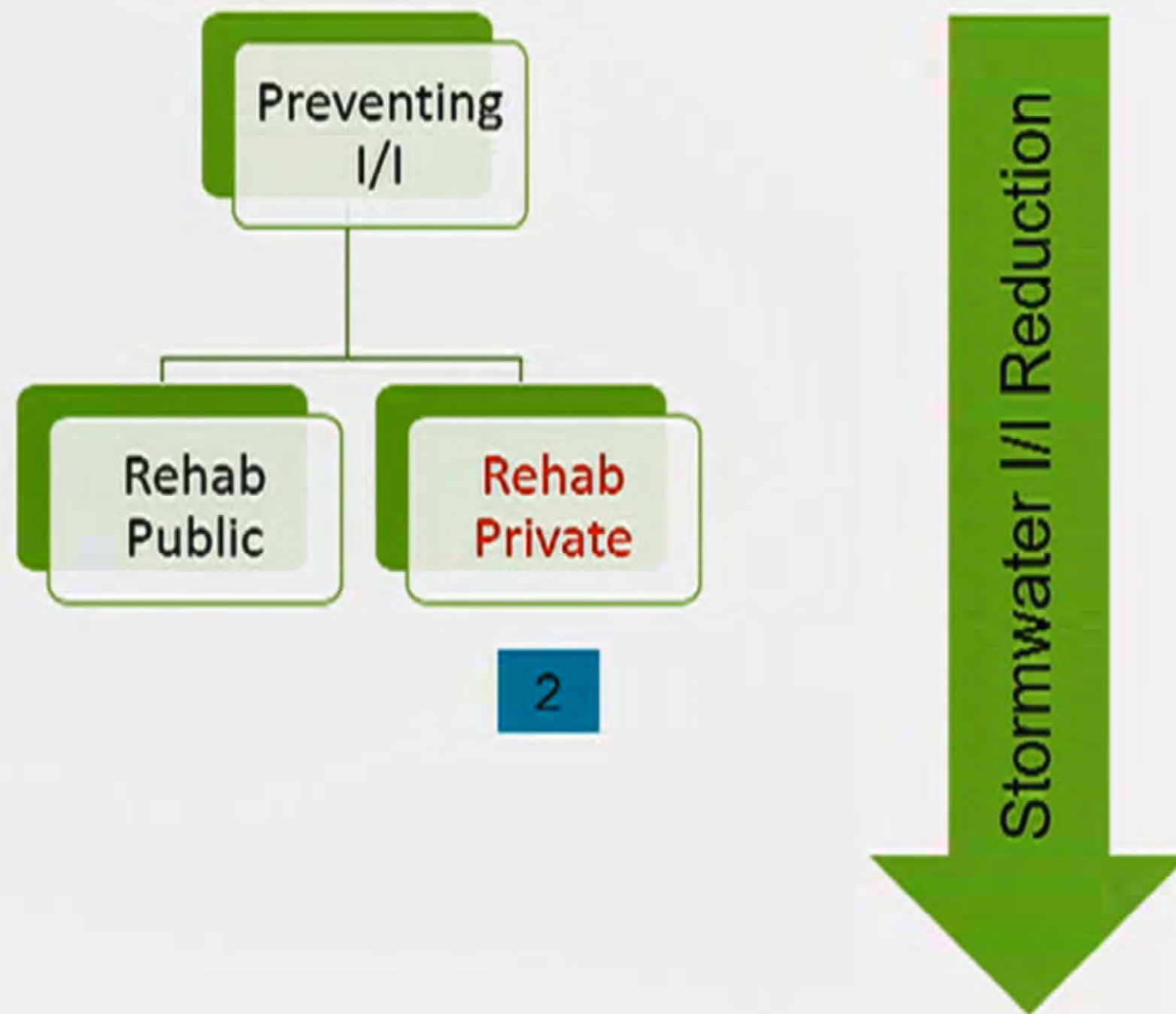


36" PVC Set in place

Addressing Stormwater I/I in Sewers



Rehabilitation to Remove I/I - Summary

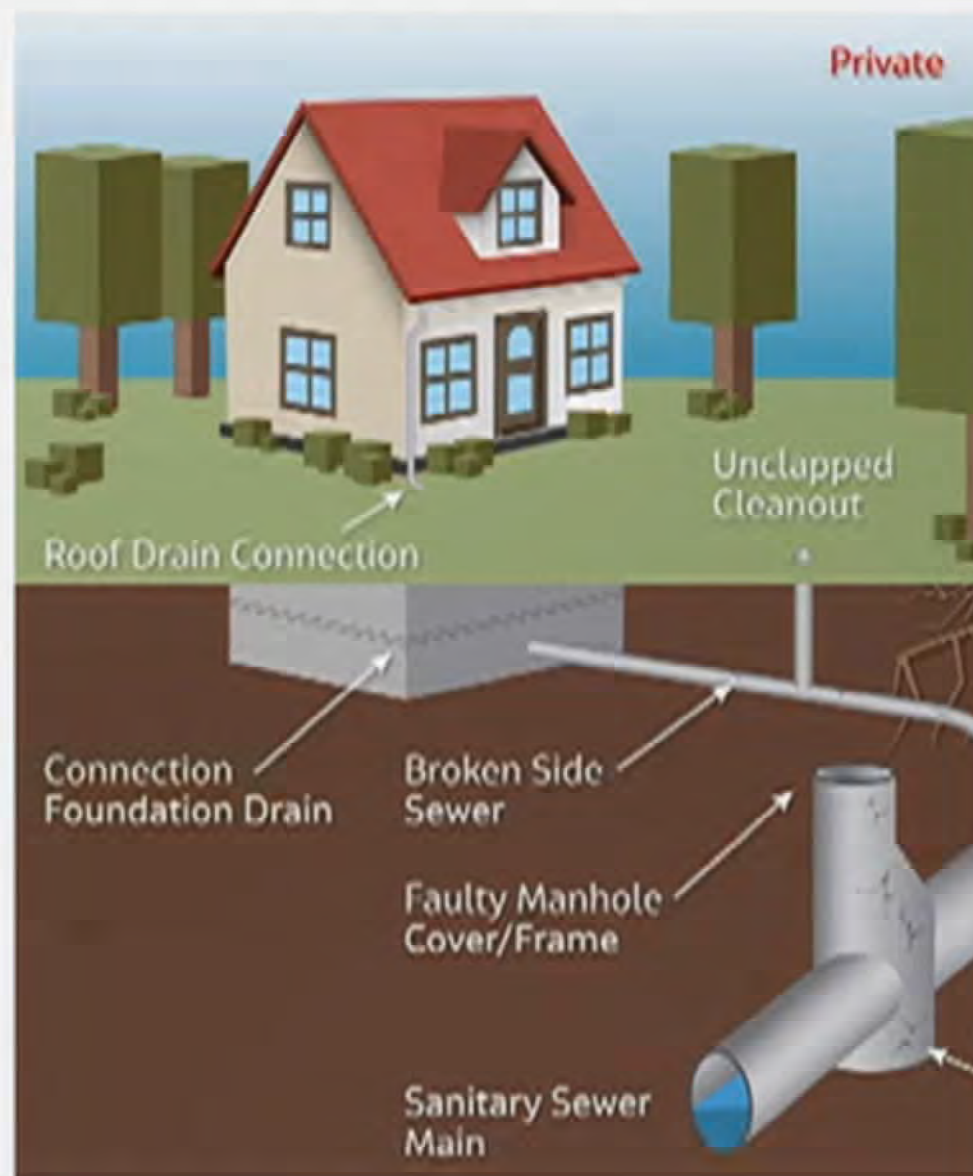


Addressing Stormwater I/I in Sewers

Rehabilitation to Remove I/I from Private Assets



THE SOLUTION – PRIVATE SEWERS:



- Rehabilitation of private laterals to remove the entry of private stormwater
 - 50% of the laterals within Snapfinger Basin (52,400 laterals)
- Estimated cost
 - Average cost of \$6000/lateral = \$314 million of private funds
- Schedule
 - 10 plumbers working only on private lateral inspection/rehabilitation under this program would require an additional 10 years to complete the work needed
- Effectiveness
 - May not remove sufficient I/I to eliminate SSOs during 2-year storm

Addressing Stormwater I/I in Sewers



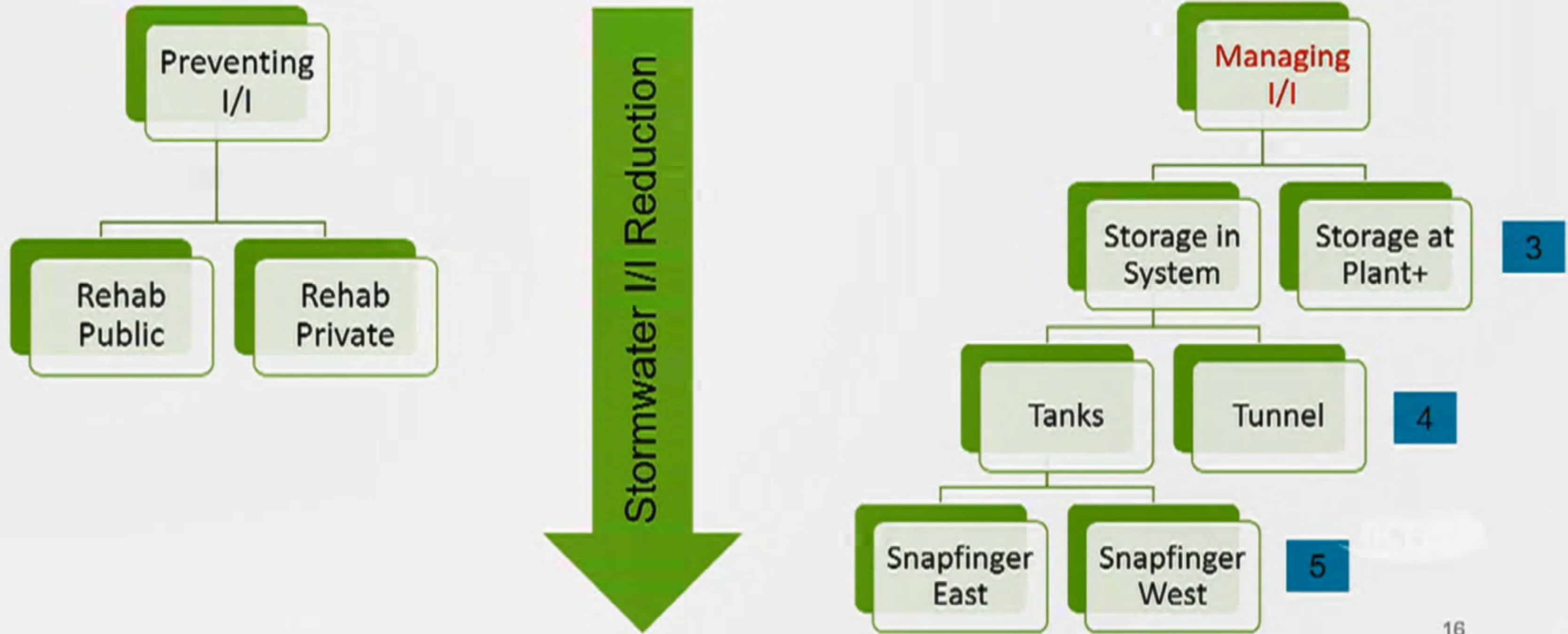
Topics

- Stormwater Issues Countywide
- Preventing Stormwater Entering
- Options for Managing Stormwater

Addressing Stormwater I/I in Sewers

Rehabilitation to Remove I/I - Summary

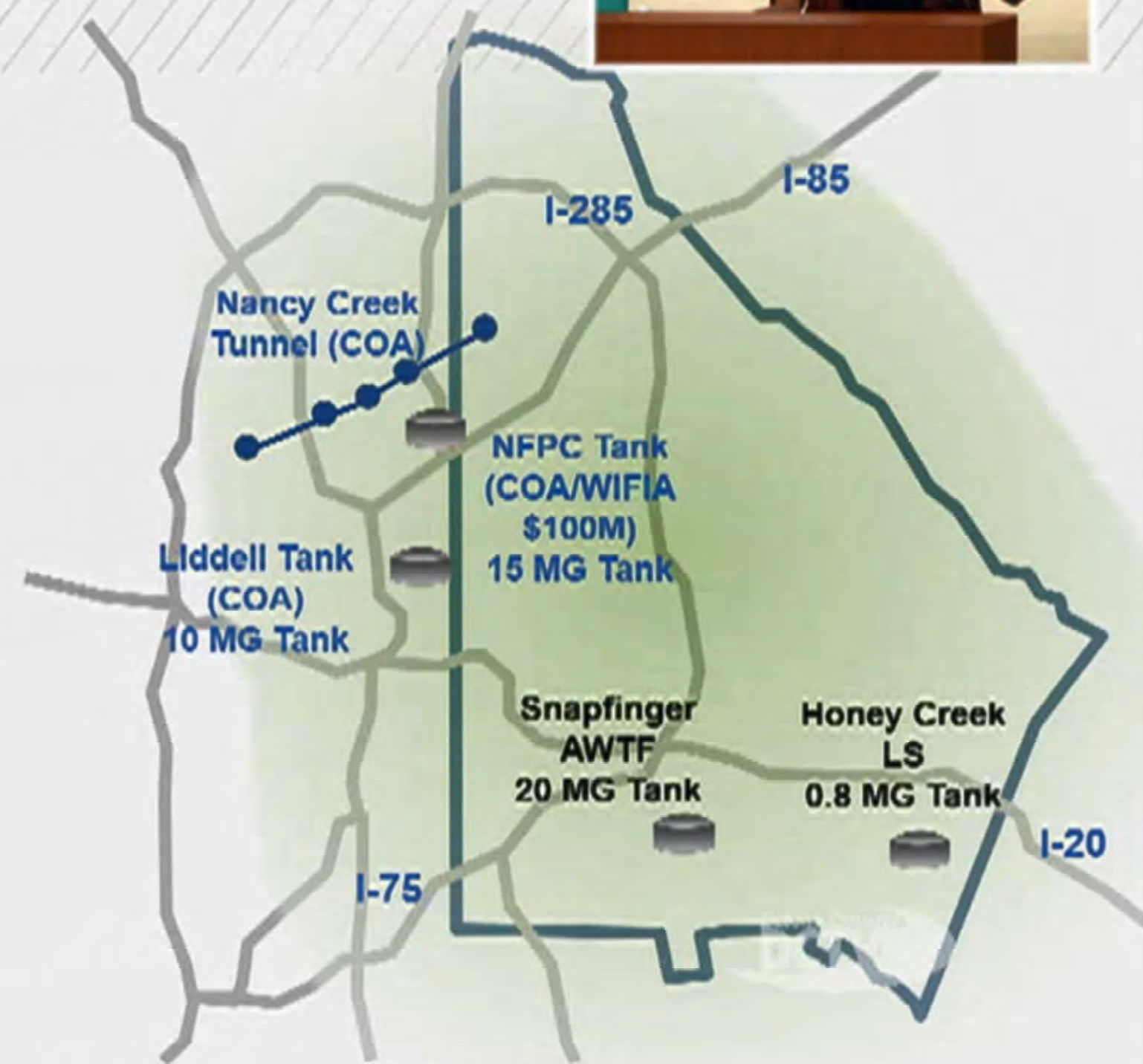
DeKalb
GEO



Addressing Stormwater I/I in Sewers

Existing Management Devices

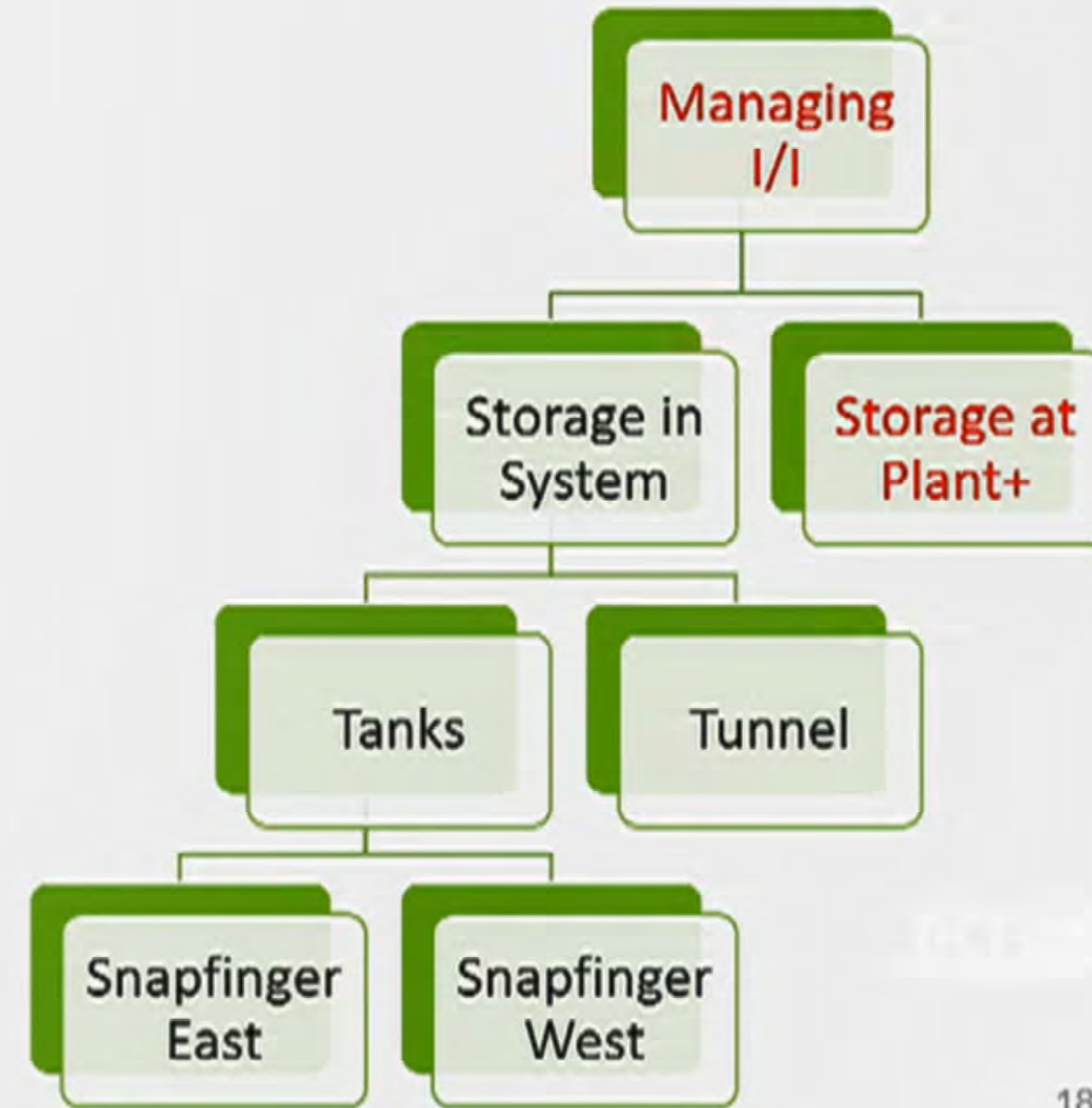
- Wastewater in northern DeKalb is conveyed to City of Atlanta for treatment
- I/I in this portion of the County is managed by storage within Atlanta
 - Nancy Creek Tunnel (DeKalb/COA, 2005)
 - Liddell Storage Tank (3,200 ft from DeKalb, 2014)
 - N Fork Peachtree Creek Tank (2,700 ft from DeKalb, 2025)
- These storage solutions manage estimated 30 MG of DeKalb I/I during a 2-year design storm
- Additional storage in southern DeKalb
 - Snapfinger AWTF (2003)
 - Honey Creek LS (2016)



Addressing Stormwater I/I in Sewers

Rehabilitation to Remove I/I - Summary

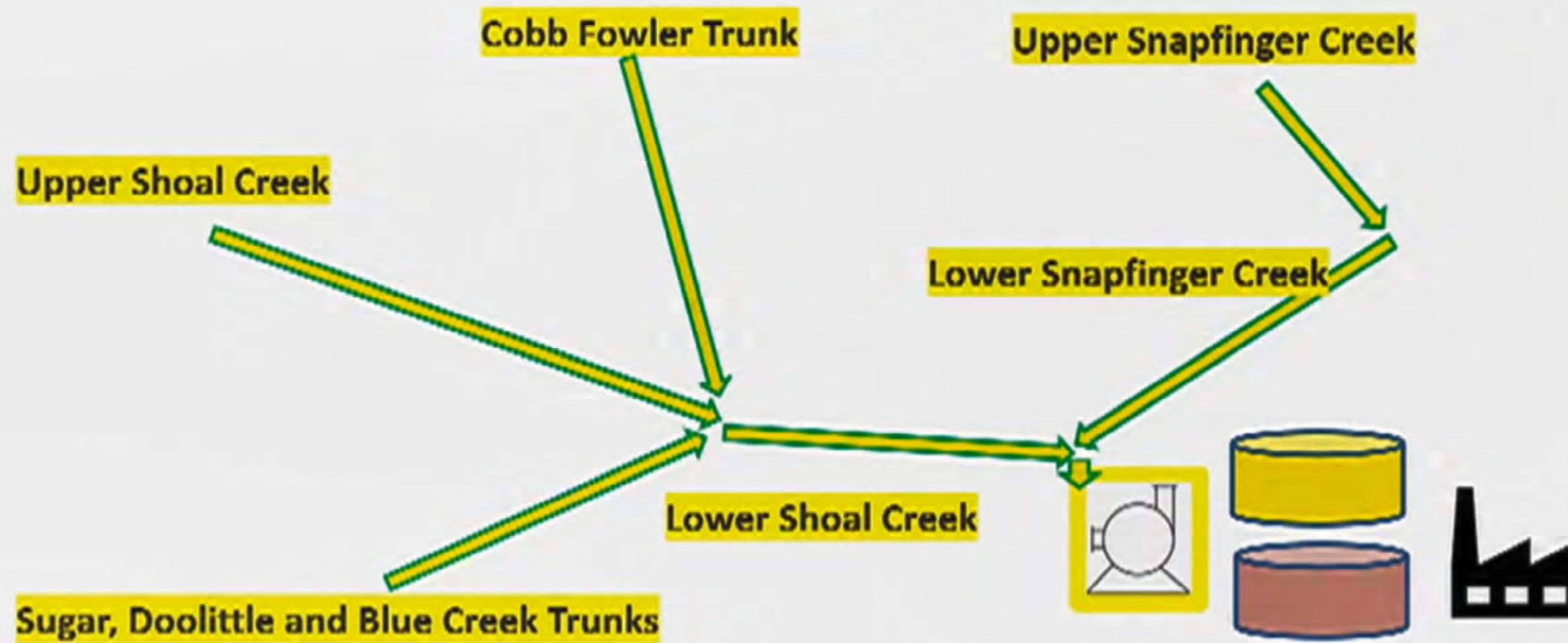
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GEO



3

Addressing Stormwater I/I in Sewers

Storage at Snapfinger AWTF



Snapfinger AWTF
Plant Max Capacity = 129 MG
including existing storage of 20MG

Comparative cost:

1. Upper trunks = \$459 M
2. Lower Shoal Creek Trunk relief sewer = \$118 M
3. Lower Snapfinger Creek Trunk relief sewer = \$100 M
4. Snapfinger influent pump station = \$40 M
5. Additional 18 MG plant storage = \$159 M

Total comparative cost = \$875M

Addressing Stormwater I/I in Sewers

Storage at Snapfinger AWTF

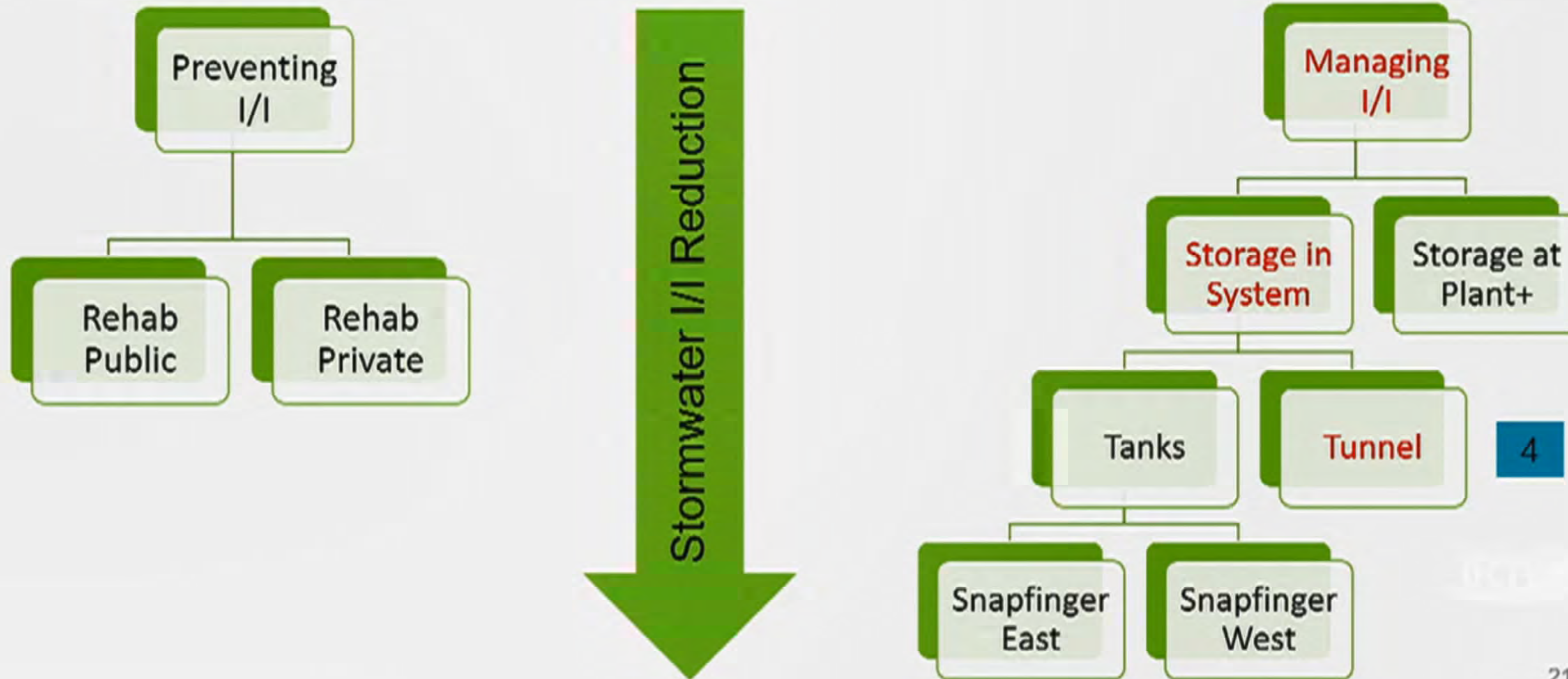
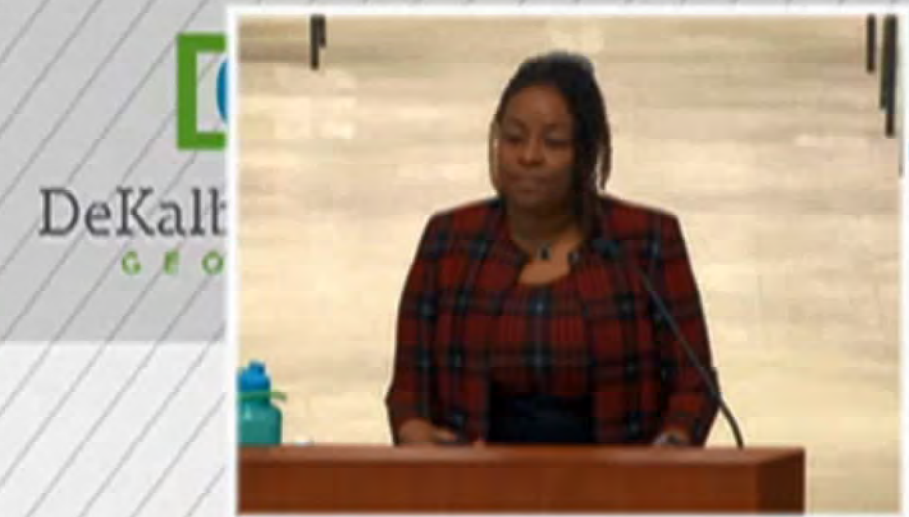


- Project includes:
 - 55 miles of trunk sewer for construction
 - Additional upgrades to influent lift station at AWTF
 - Construction of 18 MG storage at Snapfinger
- Benefits
 - Storage will be located at the existing facility
- Potential risks
 - Upsizing or adding a parallel sewer trunk disrupts numerous parcels
 - Some locations may not have sufficient space without land acquisition from homeowners
 - Completion of projects will extend beyond the CD deadline to 2033
 - Limited contractor capacity to construct 55 miles of trunk sewers
 - ~100 SSOs (more than 50 MG) may occur in Snapfinger within that time period.



Addressing Stormwater I/I in Sewers

Rehabilitation to Remove I/I - Summary



Addressing Stormwater I/I in Sewers

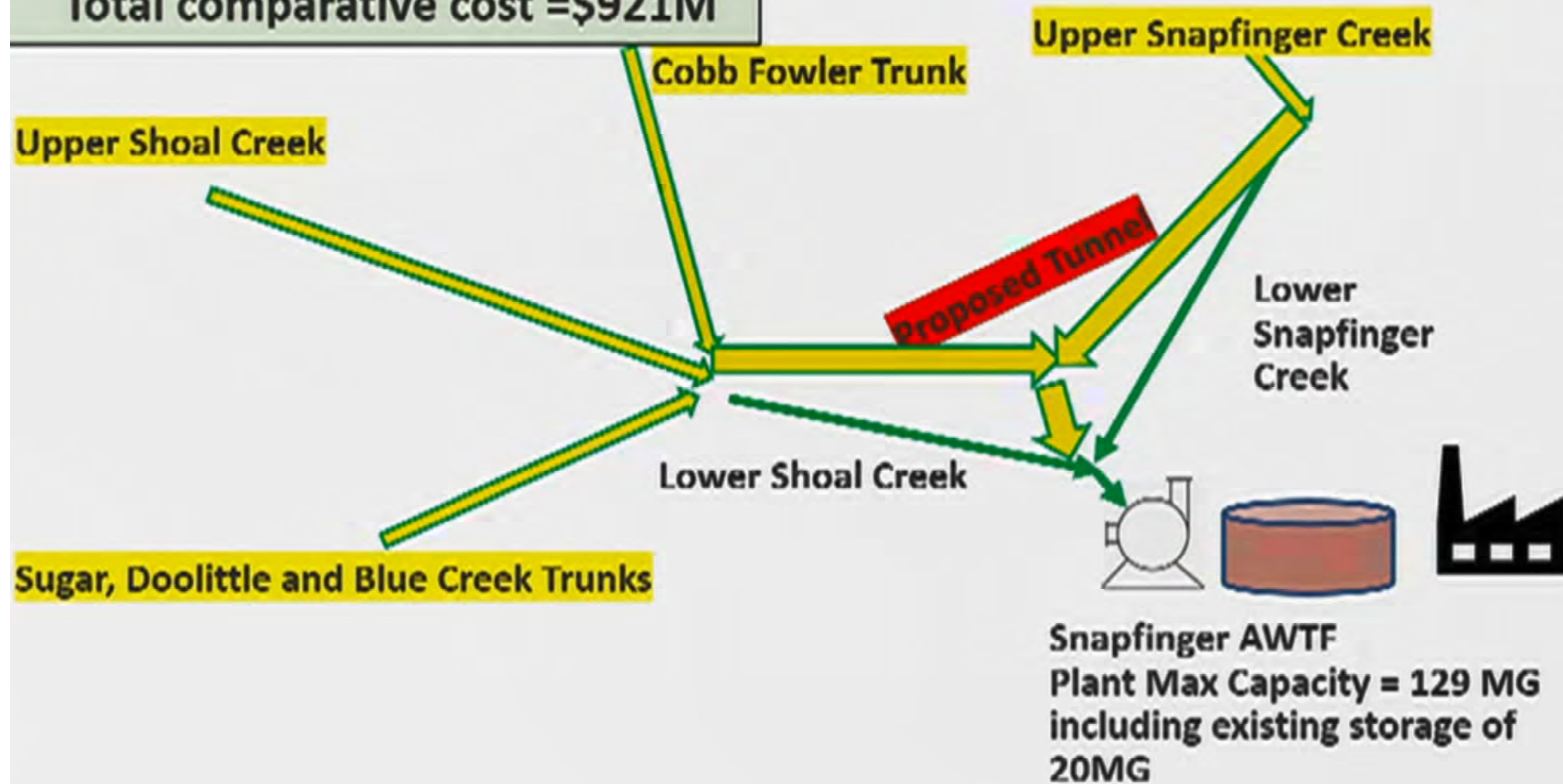


Storage Tunnels

Comparative cost:

1. Upper trunks = \$459M
2. Proposed Tunnel = \$462M

Total comparative cost = \$921M

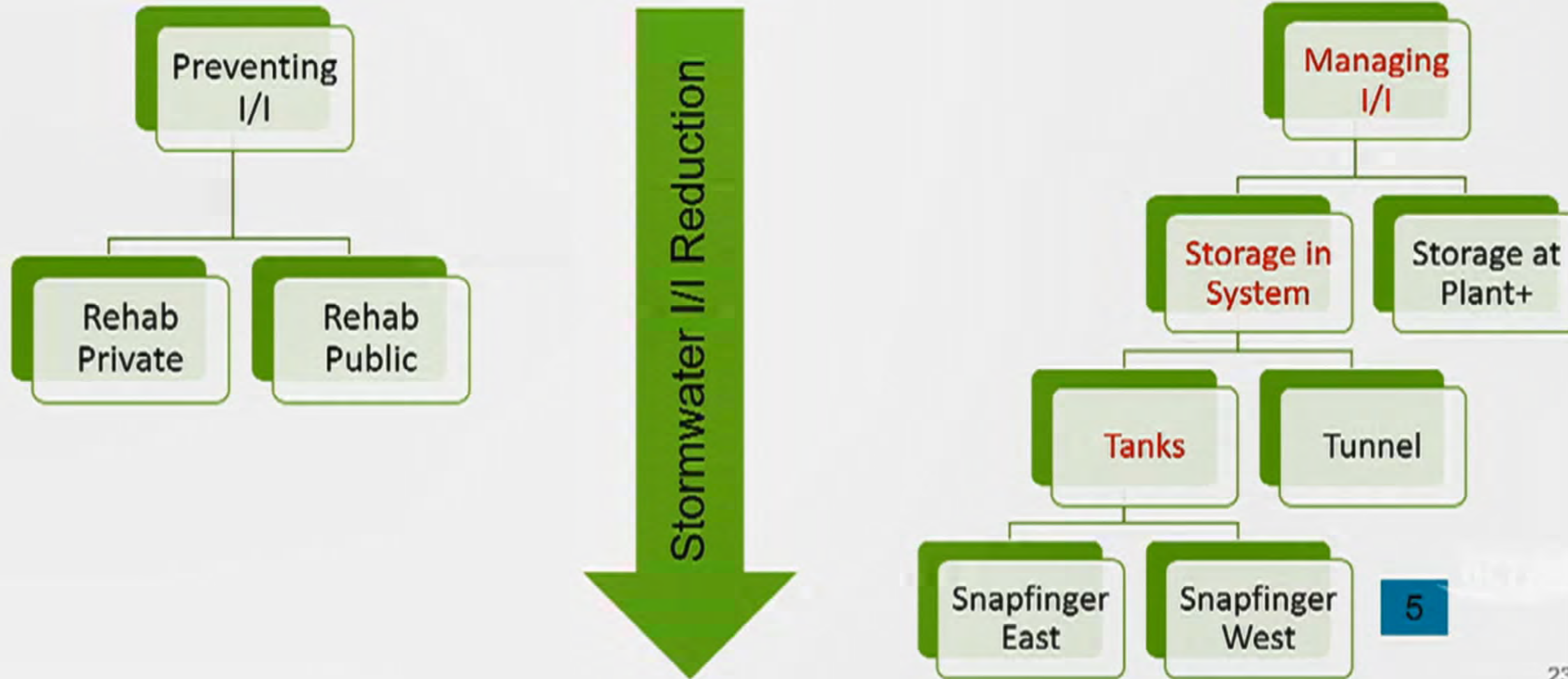


- Tunnels provide deep underground storage/conveyance of stormwater in the sewers (COA ~ 100 ft deep)
- Approximately 7.0 miles of large diameter tunnel will need to be constructed – including approximately 8 drop shafts
- Benefits
 - Requires less trunk upsizing than storage at plant
 - Will provide added protection for larger storms
- Potential Risks
 - Completion of projects will extend beyond the CD deadline to 2031
 - Contractor capacity

Addressing Stormwater I/I in Sewers



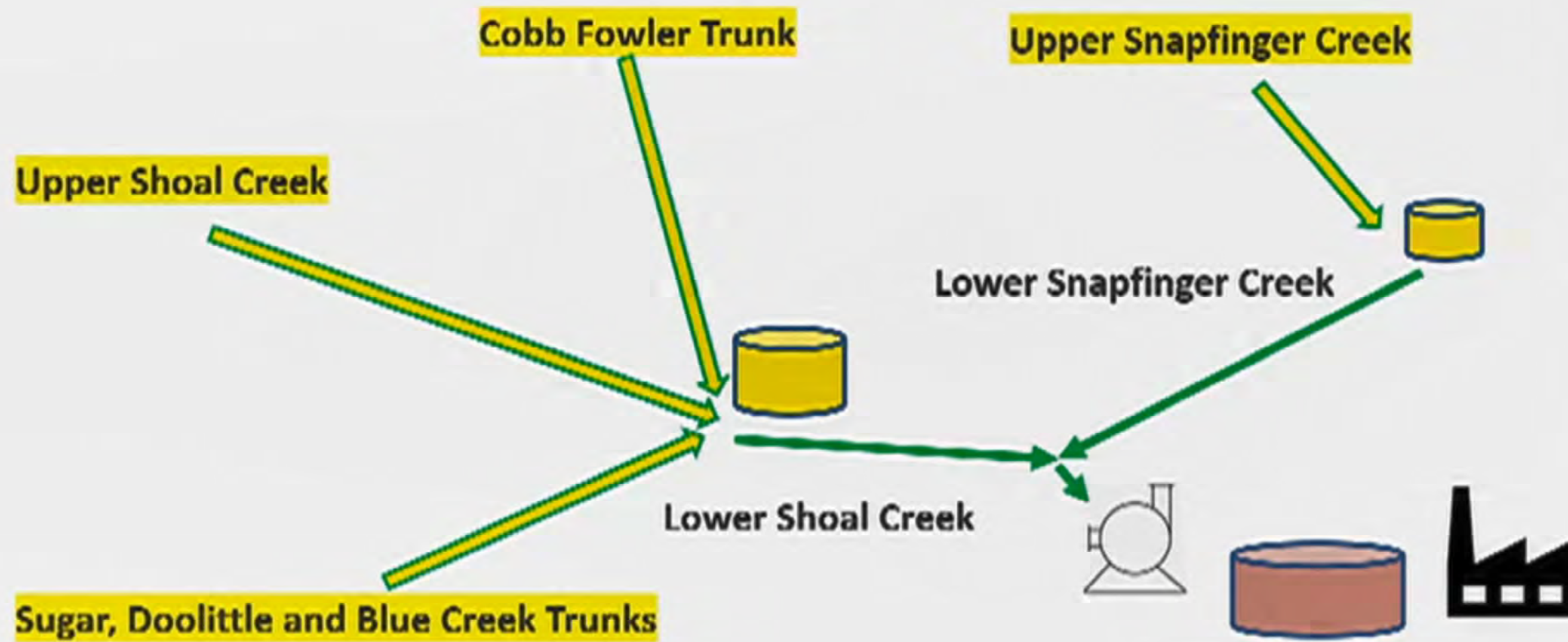
Rehabilitation to Remove I/I - Summary



5

Addressing Stormwater I/I in Sewers

In-Basin Storage



Comparative cost:

- 1. Upper trunks = \$459M
- 2. West tank = \$165 M
- 3. East tank = \$66 M

Total comparative cost = \$691M

Snapfinger AWTF
Plant Max Capacity = 129 MG
including existing storage of 20MG

Addressing Stormwater I/I in Sewers



Benefits of In-Basin Storage

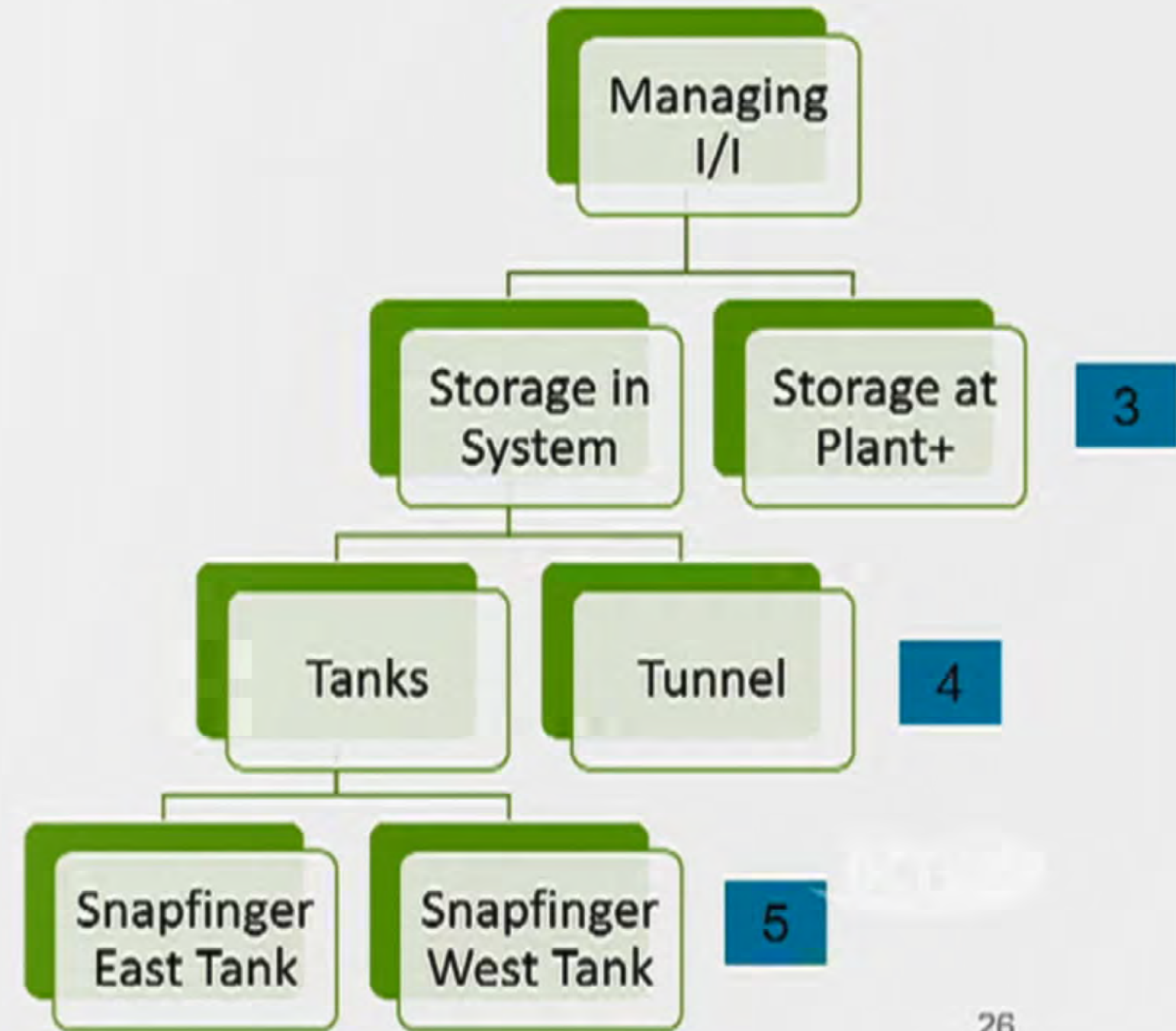
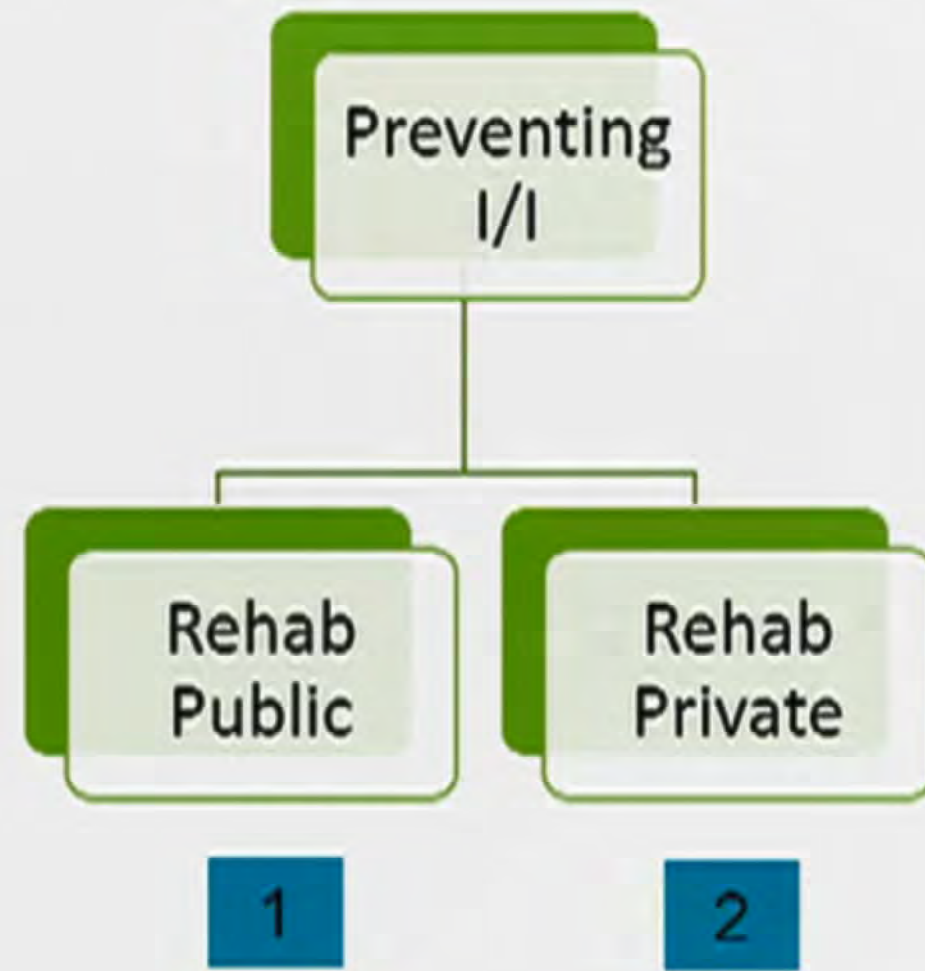
- In-Basin storage tanks place storage, potentially buried, in the system to temporarily detain peak flows during severe rain events
- Benefits
 - Requires 11 miles less trunk upsizing than storage at the plant
 - Potential to be completed within CD deadline
 - Most cost-effective alternative
- Potential Risks
 - Storage tanks are within the system and may have impact on community



Addressing Stormwater I/I in Sewers

Options for Considerations

DeKalb
GEO



Addressing Stormwater I/I in Sewers

Option Comparison

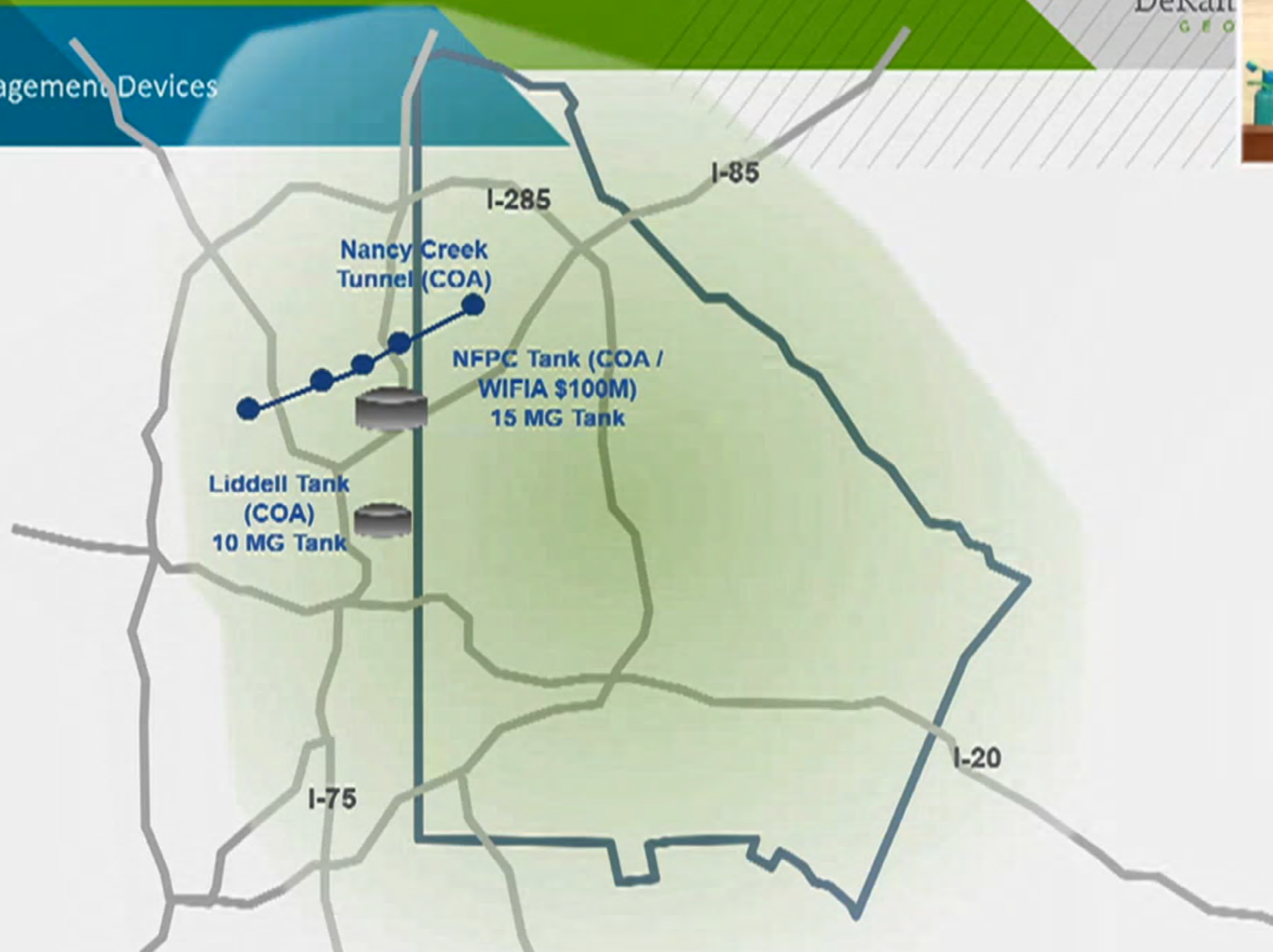


Item	Sewer Rehabilitation	Storage at Plant	Tunnel	Storage in Basin
Upper Snapfinger Basin Trunks	\$149M	\$459M	\$459M	\$459M
Lower Shoal Creek	\$52M	\$118M	\$0	\$0
Lower Snapfinger	\$44M	\$100M	\$0	\$0
Storage	\$0	\$159M	\$462M	\$231M
Snapfinger Influent Pump Station	\$0	\$40M	\$0	\$0
Private Lateral Rehabilitation	\$314M	\$0	\$0	\$0
Public Sewer Comprehensive Rehabilitation	\$627M	\$0	\$0	\$0
TOTAL COMPARATIVE COST ESTIMATE	\$1,184M	\$876M	\$921M	\$691M

Addressing Stormwater I/I in Sewers



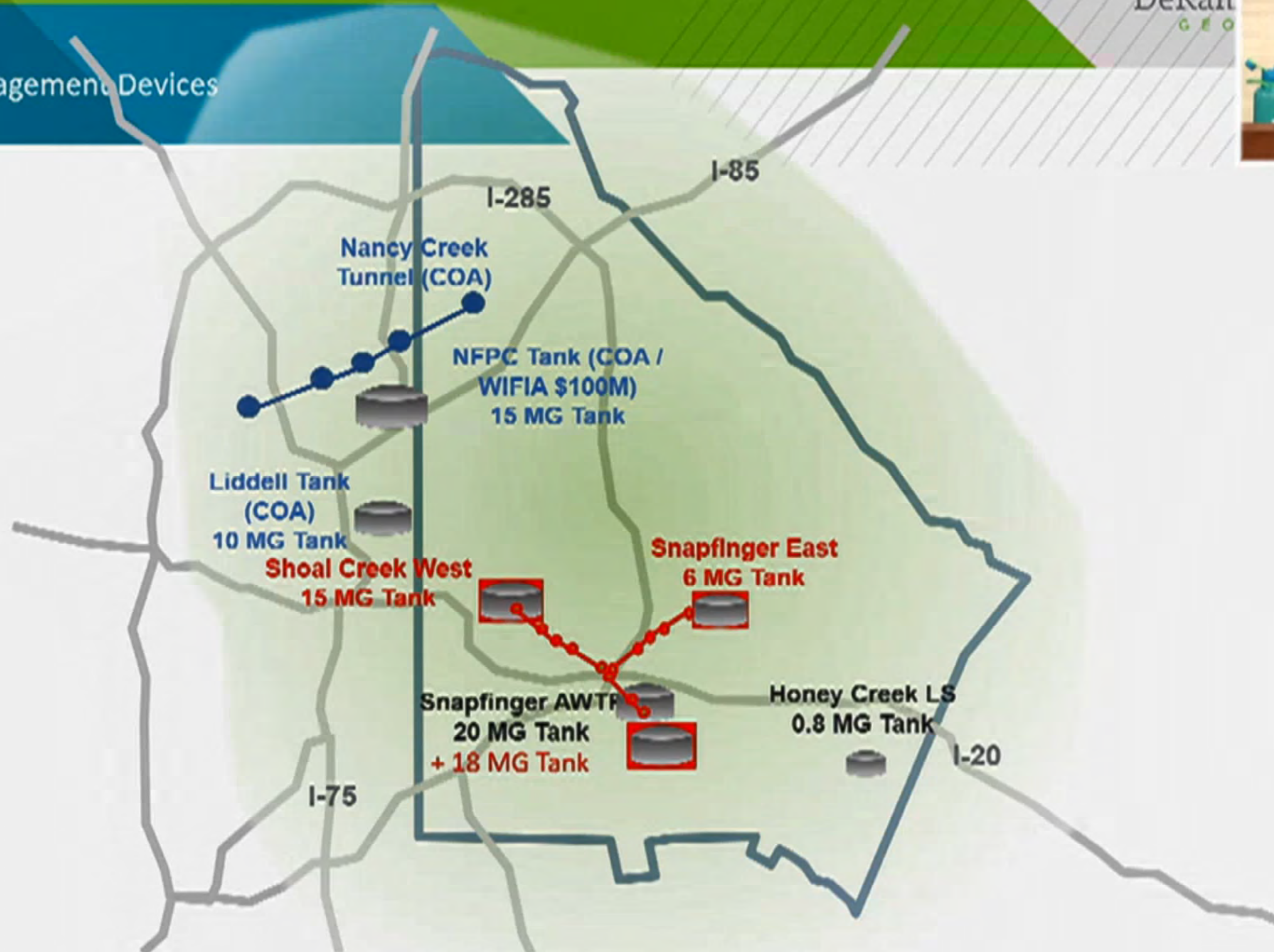
Additional Management Devices



Addressing Stormwater I/I in Sewers

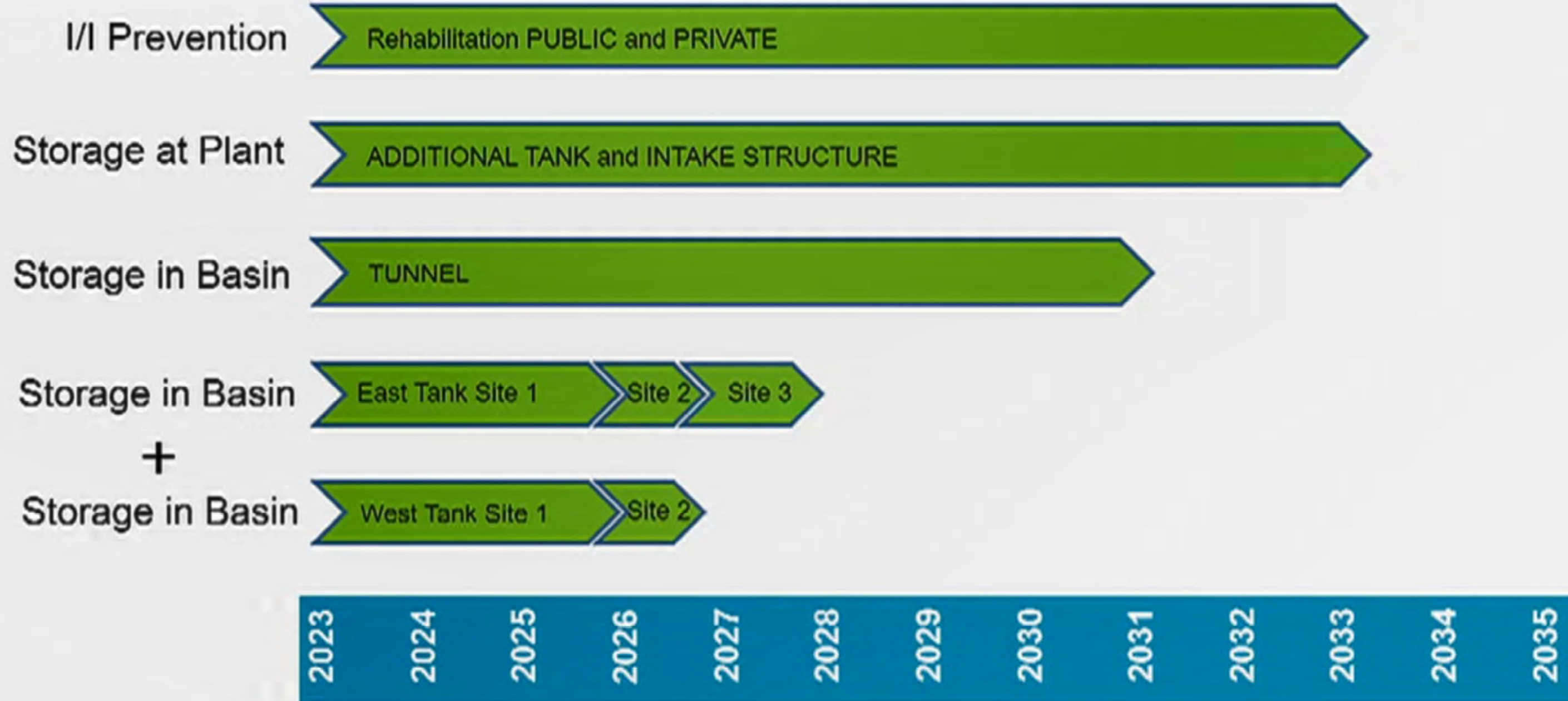


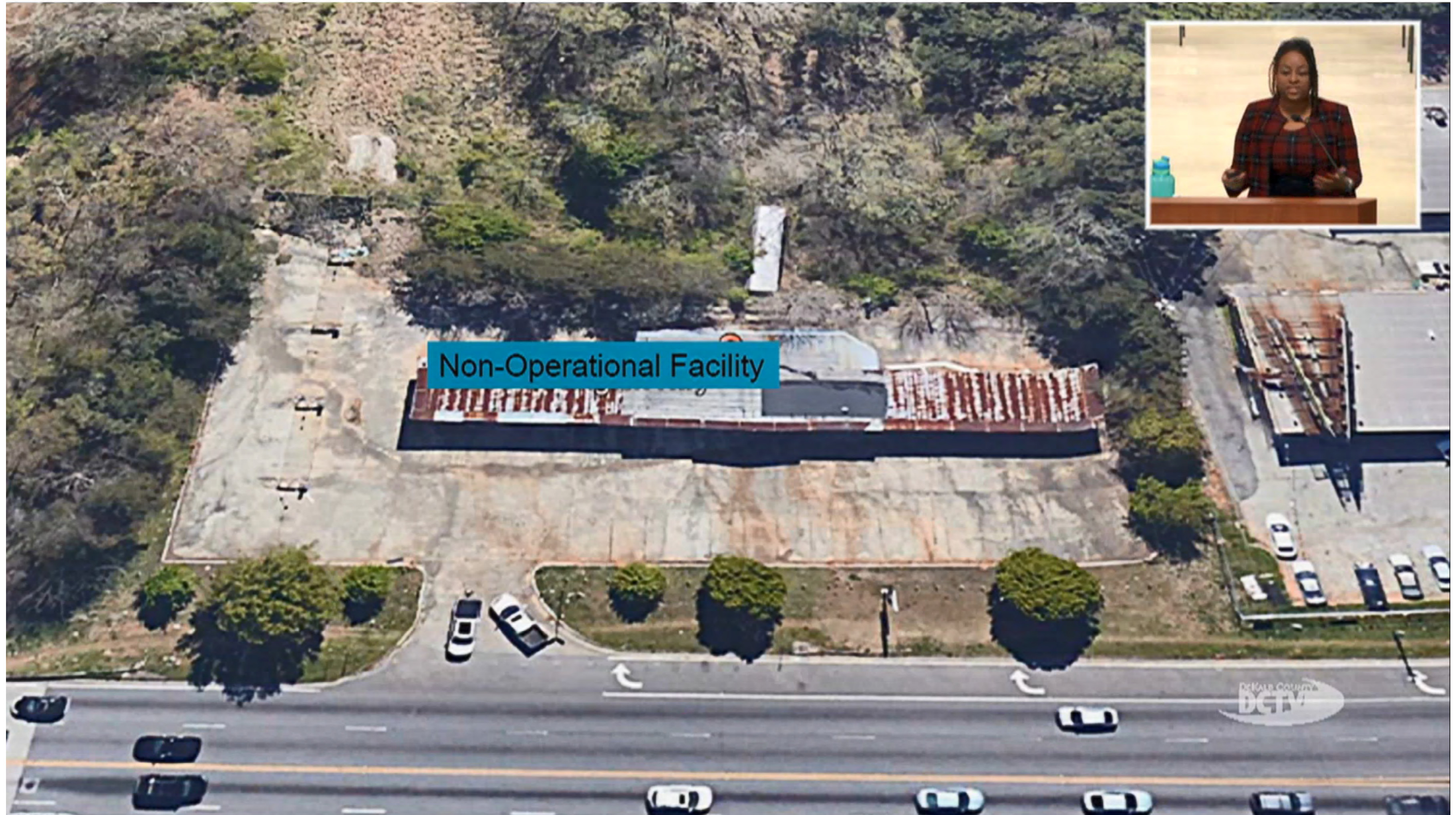
Additional Management Devices



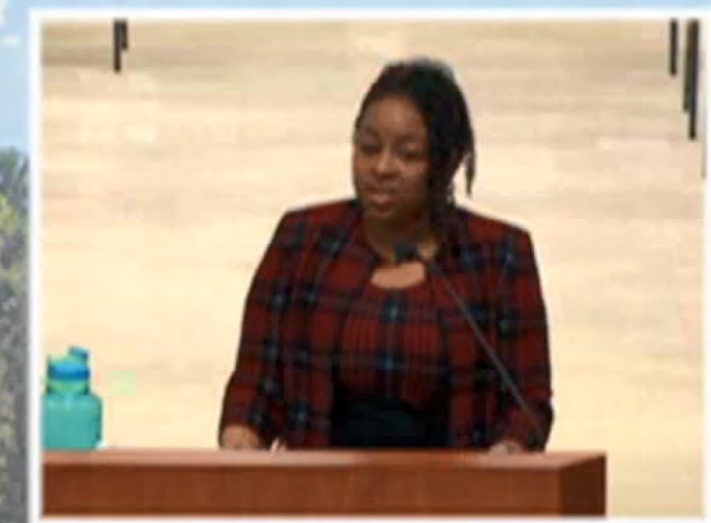
Addressing Stormwater I/I in Sewers

Schedule Comparison









4/18/2023

Conceptual Snapfinger East Tank Site

Exhibit 6

**Williams Letter dated June
16, 2023**



Office of the Chief Executive Officer
Zachary L. Williams
Executive Assistant, Chief Operating Officer

Chief Executive Officer
Michael L. Thurmond

Board of Commissioners

District 1
Robert Patrick

District 2
Michelle Long Spears

District 3
Larry Johnson

District 4
Steve Bradshaw

District 5
Mereda D. Johnson

District 6
Edward "Ted" Terry

District 7
Lorraine Cochran-Johnson

Via Electronic Mail
June 16, 2023

Chief, Clean Water Branch
ATTN: Mr. Dennis Sayre
Water Protection Division
U.S. Environmental Protection Agency - Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

RE: Modified Consent Decree Civil Action 1:10cv4039-SDG

Dear Mr. Sayre:

As you know, DeKalb County (the County) has accomplished a tremendous amount in the years since the Consent Decree was lodged and then modified in 2021. The County has lined, replaced, point repaired, or upsized over 870,000 linear feet (LF) of gravity sewer which has increased capacity, improved the structural integrity of the system and removed over 15 million gallons of stormwater. Additionally, the County has cleaned over 22 million LF of sewer, improving hydraulic performance by removing grease, debris, and blockages. This work, costing over \$650M thus far, has been accelerated to address Priority Fix List (PFL) sites and Priority Areas designated in the MCD and has resulted in a year-over-year reduction in spill volume of approximately 11.4 million gallons since 2020.

In February 2021, the County submitted to the U.S. Environmental Protection Agency (EPA) and the Georgia Environmental Protection Division (EPD) a request to extend deadlines for 20 projects on the priority fix list (PFL) out of 103 PFL sites listed in the MCD. Shortly after the Consent Decree was modified, the County requested extended deadlines for 2 additional PFL projects, bringing the total pending extension requests to 22. The County did not receive a formal response. At the agencies' request, the County is providing updated, current information in anticipation of modifying those prior requests.

The County is pleased to report that three of the PFL projects with pending extension requests have been completed. Four others have been identified as the responsibility of the City of Atlanta and are no longer the County's responsibility. For the remaining 15 PFL projects, the County requires additional time to develop the most effective and efficient options for resolution.

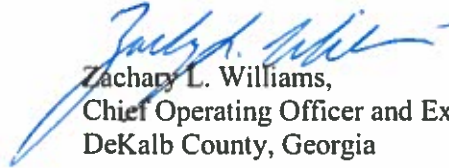
As described in greater detail in the enclosed Technical Memorandum, the County has been planning and executing significant efforts to remove infiltration and inflow (I/I) and increase the conveyance capacity of a substantial portion of the associated trunk sewers. As part of this effort, the County has been planning to construct in-basin storage as the primary element for addressing the remaining 15 PFL projects. However, as project options have narrowed, it has become clear that the planned in-basin storage infrastructure would be located in predominantly minority and disadvantaged communities, which are also identified in EPA's Environmental Justice Screening Tool (Version 2.0). Now more than ever, the County is sensitive to environmental justice considerations, and burdening these communities with storage tanks is not likely to be acceptable. As a result, the County is working expeditiously to develop new options for consideration,

including improvements to better manage public and private I/I, as well as other acceptable storage options and locations.

Given the uncertainty associated with the in-basin storage options, the County is working to develop the most effective and efficient alternatives to adequately fix the remaining 15 PFL sites, alternatives that can also garner the community and governmental support necessary for completion. When appropriate alternatives, engineering solutions, timelines, and milestones become more clear, the County will be in touch with the agencies and will likely modify its prior extension requests, mindful of the MCD deadline of December 2027.

If you have questions or comments regarding this submittal, please call me at 404-371-2174.

Respectfully,



Zachary L. Williams,
Chief Operating Officer and Executive Assistant
DeKalb County, Georgia

cc: Georgia EPD
Viviane Ernstes, County Attorney
Maria V. Houser, Director of Consent Decree and Environmental Compliance
David E. Hayes, Director, DWM
Brent Zern, Consent Decree Administrator
E. Fitzgerald Veira, Troutman Pepper
Matthew C. Welch, Deputy County Attorney

Exhibit 7

**Castillo and Smith Letter
dated February 26, 2024**



ELECTRONIC EMAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

David Hayes
Director
DeKalb County Department of Watershed Management
1580 Roadhaven Drive
Stone Mountain, Georgia 30083
DEHayes@dekalbcountyga.gov

Re: 2023 Q4 Meeting Response and Request for 2024 Q1 Meeting
NPDES Permit Nos. GA0024147 and GA0026816

Dear David Hayes:

The U.S. Environmental Protection Agency and the Georgia Environmental Protection Division (EPD) would like to discuss the following items during the March 14, 2024, quarterly meeting.

Background

On December 20, 2011, DeKalb County (DeKalb), the EPA and EPD (the agencies) entered into a joint Consent Decree Civil Action No. 1:10-cv-04039 (CD) with the objective for the elimination of all Sanitary Sewer Overflows (SSOs). During the implementation of the CD, DeKalb indicated it would be unable to complete required rehabilitation of the Wastewater Collection Transmission System (WCTS) by the June 20, 2020, due date. On September 22, 2021, a Modified CD was issued that identified an initial list of 103 Priority Fix List (PFL) sites that experienced either two capacity-related or two non-capacity-related SSOs in a 12-month period. Additional sites are added to the PFL as necessary when SSOs meet the location and frequency criteria. The Modified CD requires DeKalb to adequately fix all 103 initial PFL sites by September 22, 2025. Paragraph 8 of the Modified CD allows for DeKalb to request additional time to adequately fix up to 21 PFL sites, which must not extend beyond December 20, 2027, subject to EPA and EPD review and approval.

Status of Pending PFL Extension Requests

Under the modified Consent Decree, DeKalb's extension request was required to be submitted by February 1, 2021, and to include "a detailed description of the proposed project to Adequately Fix the location, a proposed timeline (including interim project milestones), and a technical justification for the proposed timeline, which must not extend beyond December 20, 2027." DeKalb submitted the first request for extension on the required due date, February 1, 2021. Additional written requests for extensions to adequately fix 22 PFL sites were submitted on October 7, 2021, and on June 30, 2022. Those requests were the subject of ongoing discussions during prior quarterly meetings with the agencies, and the agencies have sought additional details to evaluate the requests. Because DeKalb has yet to settle on a proposed project to address the locations, the requests are incomplete, and the agencies are unable to finalize reviews of the requests.

On June 16, 2023, DeKalb submitted a modified extension request, informing the agencies that it had completed repairs at three PFL sites, identified four PFL sites that are more properly under the responsibility of the City of Atlanta, and most notably, acknowledged the additional time it would need to further develop and evaluate three options to adequately fix the remaining PFL extension requested sites. On October 31, 2023, DeKalb submitted its 2023 3rd quarterly report which identified 1 site included in the PFL extension request to be adequately fixed, bringing the total remaining sites in the PFL extension request to 14. Final completion dates for those projects will not be adjusted until such time that the agencies approve the County's final proposal to extend such compliance dates, and final completion dates for these projects must not extend beyond December 20, 2027, as described in the Modified Consent Decree.

Given the incomplete nature of information provided thus far to support the extension requests for the remaining 14 PFL locations, the agencies ask that DeKalb provide the following information in advance of the next quarterly meeting on March 14, 2024, and that DeKalb be prepared to discuss this information at the meeting:

1. A description of the further technical evaluation that is necessary before adequate information will be available upon which to base a selection, and the timeline for completing that evaluation.
2. The estimated time necessary to implement each alternative, starting from the date of selection, with specification of estimated time frames for completing design and construction.

Based on the last two quarterly meetings (held on September 28, 2023 and December 12, 2023), the agencies now understand that full evaluation of two of the three remedial options being considered to address the 14 remaining PFL sites subject to extension requests will not be completed until October 2024. After October 2024, the DeKalb County Department of Watershed Management would need to present those options to County leadership for their consideration and ultimate adoption.

Nothing in this letter should be interpreted as implying that the agencies will support any extension of the ultimate Consent Decree deadline. Any such extension would be subject to the provisions governing material modifications to the Consent Decree, and we expect DeKalb to engage as early as possible with the agencies before making such a request.

Review of SSO Trends

During the September 28, 2023, quarterly meeting, DeKalb presented data to suggest that significant reductions in SSO occurrences and volumes have been achieved since 2020. A closer review of the data conducted by the agencies, indicates that 2020 is not an appropriate baseline given the extraordinary storm events that led to a spike in SSOs that year. Furthermore, when looking at a broader context and timeline, reductions in SSO events or volumes have not occurred, as explained below. We understand that the County has performed measurable work in recent years, but that work has not yet reduced SSO occurrence rates or volumes.

The CD requires DeKalb to submit quarterly reports detailing SSOs in the applicable 3-month period that are caused by issues in the WCTS and an annual report which analyzes SSO trends in the applicable 12-month period. On August 1, 2016, DeKalb submitted a supplement to previously submitted quarterly reports that acknowledged certain DeKalb staff did not properly report the volumes of SSOs in previous quarterly reports. Additionally, during the September 28, 2023, quarterly meeting, DeKalb verbally indicated that SSO data prior to 2019 may not be accurate. In consideration of these statements from DeKalb and based on the low total volume of SSOs reported from 2012-2016, the agencies have chosen to omit SSO data prior to 2017 from analysis to evaluate DeKalb's progress toward reducing the number and volume of SSOs, which are two of the main objectives of the CD and Modified CD.

In the annual reports covering 2017-2022, DeKalb has identified situations that have contributed to a significant number of SSOs and are referred to as outliers. These outliers were reported to have been caused by 2-year reoccurring storm events, specific, isolated SSOs of exceedingly high volume, and SSOs identified as being the responsibility of the City of Atlanta. Using the outlier criteria DeKalb has identified, the agencies have prepared the below comparison graphs, with "Actual" data representing the reported numbers and volumes of SSOs over the stated time period while the "Adjusted" data represents the numbers and volumes of SSOs adjusted per the criteria provided by DeKalb.

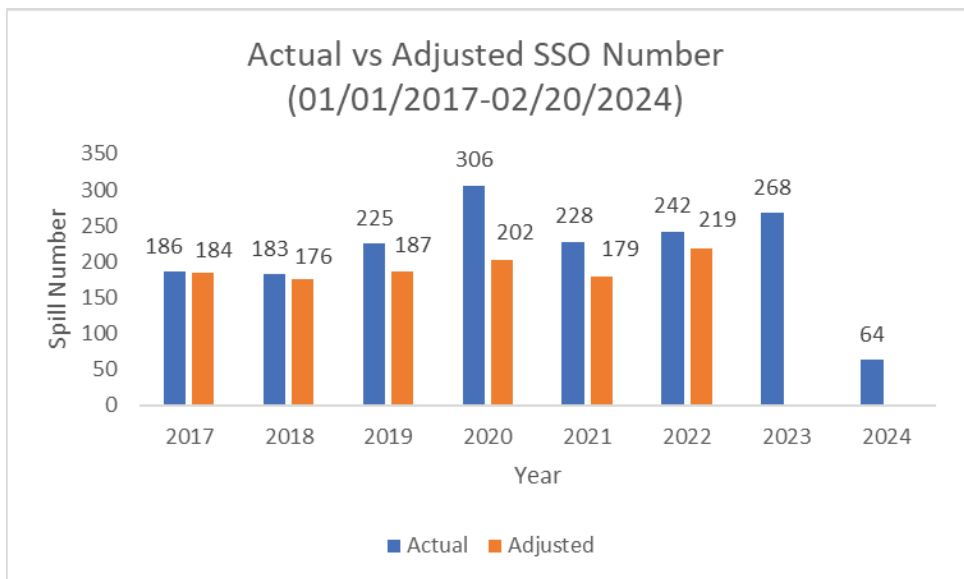


Figure 1. Number of SSOs in DeKalb

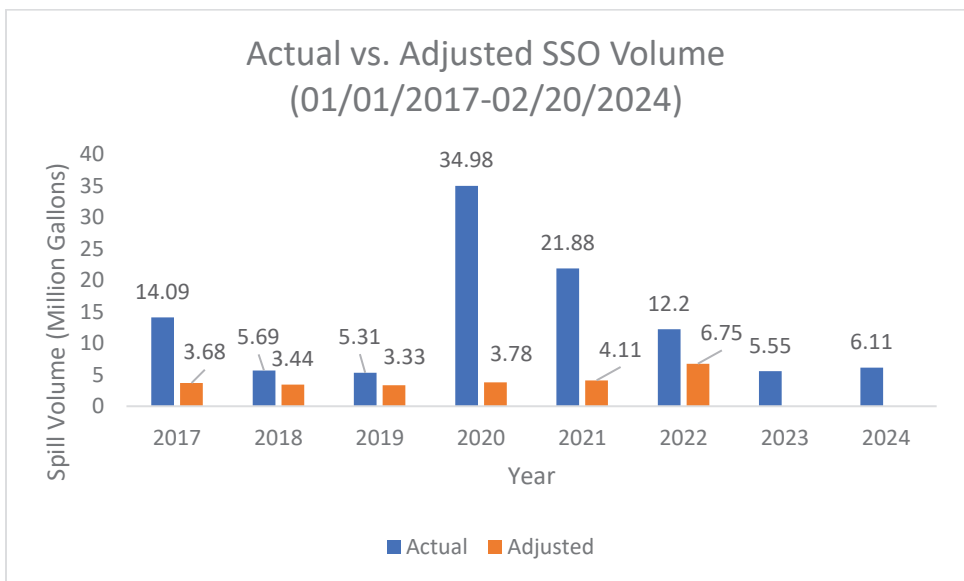


Figure 2. Volumes of SSOs in DeKalb

During the September 28, 2023, quarterly meeting with the agencies, DeKalb presented SSO data that appeared to indicate progress in reducing volume of SSOs, but only focused on the “Actual” data shown in Figure 2 from 2020 to 2023. In 2020, during a State of Emergency issued by Georgia’s Governor due to flooding, wet weather conditions in February and March contributed to 73 wet weather spills and over 19.8 million gallons of raw sewage discharging into waters of the State that are identified as outliers. An evaluation focused on the “Adjusted” data indicates an upward trend in both the number and volume of SSOs since 2017.

DeKalb also stated that inflow/infiltration caused from deficiencies in private laterals contribute significantly to its reported SSOs. In 2023, DeKalb reported 10 major spills caused by private lateral issues, of which 7 were reported to have discharged volumes greater than 100,000 gallons. DeKalb must provide clarification about how it classifies spills as private SSOs, ensure all private SSOs are reported to EPD, and work with entities to take enforcement action if needed as detailed in the Contingency and Emergency Response Plan. Additionally, DeKalb should identify private SSOs that may be impacted by capacity limitations in its collection system and prioritize projects to address those limitations accordingly.

Based upon the data so far for 2024, SSO volumes have already exceeded the total SSO volumes of 2023: 6,116,014 gallons in 2024 vs 5,554,296 gallons in 2023. The agencies would like to discuss this trend during the March 14, 2024, quarterly meeting.

PFL Locations with Overflows Attributed to Atlanta-Owned Infrastructure

As previously mentioned in this letter, DeKalb has listed 4 PFL sites under the City of Atlanta's responsibility. On February 8, 2024, EPD received a signed letter from the City of Atlanta stating that the indicated sites are in fact the responsibility of the City. However, the letter did not recognize the sewer lines in these locations as the cause of any specific SSOs, nor did it detail coordination between DeKalb and the City of Atlanta for reporting and repairing future SSOs or make any commitment to remedial action regarding ongoing or future SSOs. As these sites continue to pose problems with SSOs, the agencies require a written confirmation, signed by both DeKalb and the City of Atlanta, acknowledging that these sewer lines are directly responsible for the listed SSOs, how reporting of SSOs from these areas to EPD and EPA will be conducted, and clarification of whether DeKalb or City of Atlanta will conduct the necessary corrective actions to reduce and eliminate future SSOs in this area.

The agencies appreciate your attention to these matters. If you have questions, please contact Dillon Rodenbaugh of EPD at (470) 938-3371 or via email at Dillon.Rodenbaugh@dnr.ga.gov and Tristan Odekirk of EPA at (404) 562-9295 or via email at Odekirk.Tristan@epa.gov.

Sincerely,

Johanna
DeCotis Smith
Johanna Smith, P.E.
Program Manager
Watershed Compliance Program
Environmental Protection Division

Digitally signed by
Johanna DeCotis Smith
Date: 2024.02.26
09:47:26 -05'00'

JAIRO
CASTILLO
Jairo Castillo, P.E.
Chief, Wastewater Enforcement Section
Enforcement & Compliance Assurance Division
Environmental Protection Agency, Region 4

Digitally signed by JAIRO
CASTILLO
Date: 2024.02.26
08:28:02 -05'00'

cc: Ms. Maria V. Houser, Director
DeKalb County Consent Decree & Environmental Compliance
mvhouser@dekalbcountyga.gov

Ms. Marzieh Shahbazaz, Unit Manager
Municipal Compliance Unit
Georgia Environmental Protection Division
Marzieh.Shahbazaz@dnr.ga.gov

Exhibit 8

**Williams Letter dated June
24, 2024**



Office of the Chief Executive Officer

Zachary L. Williams
Executive Assistant, Chief Operating Officer

Chief Executive Officer
Michael L. Thurmond

Board of Commissioners

District 1
Robert Patrick

District 2
Michelle Long Spears

District 3

District 4
Steve Bradshaw

District 5
Mereda Davis Johnson

District 6
Edward "Ted" Terry

District 7

Via Electronic Mail

June 24, 2024

Johanna Smith, P.E.
Program Manager
Watershed Compliance Program
GA Environmental Protection Division

Jairo Castillo, P.E.
Chief, Wastewater Enforcement Section
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency - Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

**RE: Application of Projects Associated with Priority Fix List Locations Outside of Priority Areas Towards Annual Minimum Linear Footage Requirements
Civil Action No: 1:10-CV-04039-SDG**

Dear Ms. Smith and Mr. Castillo:

As you know, DeKalb County ("the County") participates in quarterly technical meetings with the U.S. Environmental Protection Agency and Georgia Environmental Protection Division. During several of these meetings, the County has indicated that, consistent with its interpretation of the Modification to the Consent Decree ("MCD"), the County wishes to count all rehabilitation completed to address Priority Fix List ("PFL") locations toward the annual Minimum Linear Footage ("MLF") requirements. This letter seeks to clarify the scope of projects that may be included toward the MLF when such projects extend beyond the Priority Areas Sewer Assessment and Rehabilitation Program ("PASARP").

Paragraph 35(i) of the MCD stipulates annual MLF requirements for project categories associated with rehabilitation of the Initial and Additional Priority Areas ("Priority Areas"). Additionally, Paragraph 35(j) of the MCD stipulates interim milestone dates for completion of projects to address PFL sites, some of which are located outside of Priority Areas referenced in Paragraph 35(i). In accordance with the MCD, the County continues to add and adequately fix PFL sites that are outside of Priority Areas.

Paragraph 35(i) of the MCD is ambiguous regarding whether completed projects outside of Priority Areas, which adequately fix PFL sites, may count toward annual MLF requirements. Project footage estimates that served as the basis for the annual MLF requirements included projects to address Sanitary Sewer Overflow ("SSO") sites located outside of Priority Areas. This is evidenced by Paragraph 35(i)'s reference to MCD Appendix E, Part 3, which provides a list of projects that count toward 2021 MLF requirements. This list includes nine projects to address SSO sites located outside of Priority Areas¹. Given that the MLF requirements stipulated in MCD Paragraph 35(i) and Appendix E included projects to address SSO sites located outside of Priority Areas, DeKalb County believes that completion of similar,

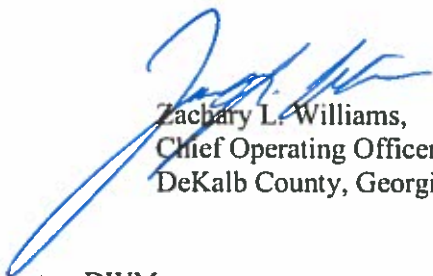
¹ See MCD Appendix E Table E-2 Task No.'s 3, 5, 6, 7, 13, 21, 23, 35 and 36 and Table E-3 Task No.'s 3, 5, 6, 7, 13, 21, 23, 32, and 33.

unlisted projects that address PFL sites outside of Priority Areas count toward annual MLF requirements. A table of current PFL projects meeting this criterion is presented below.

Projects to Adequately Fix Priority Fix List (PFL) Sites Located Outside of Priority Areas			
PFL No.	PFL Address	Project Name	Estimated Linear Footage
36, 98	3924 Roman Court, 3911 Roman Court	Roman Court Capacity Improvement Project	4,048
5	1440 Sowell Estate	DB 8 Project 8 Sowell Estate Capacity Improvement Project	4,471
18	2060 Keheley Drive	Keheley Drive Capacity Improvement Project	1,120
95	3496 Panthersville Road	Doolittle Trunk Sewer Capacity Improvement Project	11,754

We appreciate your consideration of this position. Please contact me if you have questions or comments regarding this submittal.

Respectfully,



Zachary L. Williams,
Chief Operating Officer and Executive Assistant
DeKalb County, Georgia

cc: David E. Hayes, Director, DWM
Maria V. Houser, Director of Consent Decree, CIP and Environmental Compliance
Viviane Ernstes, County Attorney
Matthew C. Welch, Deputy County Attorney
E. Fitzgerald Veira, Troutman Pepper
Byron W. Kirkpatrick, Troutman Pepper

Exhibit 9

**Demand Letter dated March
7, 2013**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 07 2013

CERTIFIED MAIL 7012 1010 0001 8097 4038
RETURN RECEIPT REQUESTED

Mr. William Rhinehart
Acting Director, DeKalb County Department
of Watershed Management
1580 Roadhaven Drive
Stone Mountain, Georgia 30083

RE: U.S. District Court Civil Action 1:10cv 4039-WSD
DeKalb County Consent Decree
Demand for Stipulated Penalties

Dear Mr. Rhinehart:

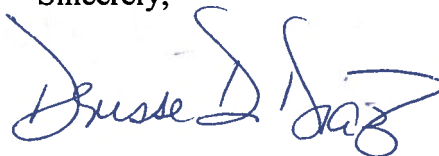
The U.S. Environmental Protection Agency, Region 4 is in receipt of the Quarterly Reports that DeKalb County has submitted from the First Quarter of 2012 (dated April 27, 2012) to the Fourth Quarter of 2012 (dated January 24, 2013) in compliance with Section IX, (Reporting Requirements) of the Consent Decree.

Pursuant to Section X.65.c. and d., of the Consent Decree, the EPA may assess a stipulated penalty for each spill in a dollar amount that is dependent on the size of the spill and when the spill occurred. The EPA could thus assess stipulated penalties totaling \$70,500 for the 141 spills that have occurred from January 1, 2012, to December 31, 2012. As a result of the circumstances surrounding some of the spills, the EPA has decided to exercise its enforcement discretion to not demand the full amount of stipulated penalties that could be assessed. Therefore, after review of the submitted documentation, the EPA hereby demands stipulated penalties, pursuant to Section X.65.c. and d. of the Consent Decree in the amount of \$63,000.00.

In accordance with Section X.67., of the Consent Decree, DeKalb County shall pay within 30 days of receipt of this letter \$31,500.00 (50%) of the stipulated penalty to the State of Georgia and \$31,500.00 (50%) of the stipulated penalty to the United States for a total stipulated penalty amount of \$63,000.00. The Financial Litigation Unit will provide DeKalb County electronic funds transfer wiring instructions for the payment to the United States.

If you should have any questions, please have your attorneys contact Mr. William Bush, Associate Regional Counsel assigned to this matter, at (404) 562-9538.

Sincerely,

A handwritten signature in blue ink, appearing to read "Denisse D. Diaz". The signature is fluid and cursive, with a large initial "D" and "D".

Denisse D. Diaz, Chief
Clean Water Enforcement Branch
Water Protection Division

cc: Mr. W. Benjamin Fisherow, Chief, Environmental Enforcement Section
United States Department of Justice

Ms. Valerie K. Mann
United States Department of Justice

Mr. William Phillips, Senior Assistant Attorney General
Department of Law

Ms. Audra Dickson
Georgia Environmental Protection Division

Ms. Marzieh Shahbazaz, Unit Manager
Georgia Environmental Protection Division

Mr. W. Burrell Ellis, Jr., Chief Executive Officer
DeKalb County Government

Ms. Lisa Chang, County Attorney
DeKalb County Law Department

Mr. E. Fitzgerald Veira
Troutman Sanders LLP

Exhibit 10

**Demand Letter dated
March 27, 2014**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 27 2014

CERTIFIED MAIL 7012 1010 0002 0759 7233
RETURN RECEIPT REQUESTED

Dr. James M. Chansler, P.E.
Director, DeKalb County Department
of Watershed Management
1580 Roadhaven Drive
Stone Mountain, Georgia 30083

Re: U.S. District Court Civil Action 1:10cv 4039-WSD
DeKalb County Consent Decree
Demand for Stipulated Penalties

Dear Dr. Chansler:

The U.S. Environmental Protection Agency, Region 4 is in receipt of the Quarterly Reports that DeKalb County has submitted from the First Quarter of 2013 (dated April 9, 2013) to the Fourth Quarter of 2013 (dated January 30, 2014) in compliance with Section IX, (Reporting Requirements) of the Consent Decree.

Pursuant to Section X.65.c. and d., of the Consent Decree, the EPA may assess a stipulated penalty for each spill in a dollar amount that is dependent on the size of the spill and when the spill occurred. The EPA could thus assess stipulated penalties totaling \$64,000 for the 127 spills that occurred from January 1, 2013, through December 31, 2013. As a result of the circumstances surrounding some of the spills, the EPA has decided to exercise its enforcement discretion to not demand the full amount of stipulated penalties that could be assessed. Therefore, after review of the submitted documentation, the EPA hereby demands stipulated penalties, pursuant to Section X.65.c. and d. of the Consent Decree in the amount of \$54,000.00.

In accordance with Section X.67., of the Consent Decree, DeKalb County shall pay (within 30 days of receipt of this letter) \$27,000.00 (50%) of the stipulated penalty to the State of Georgia and \$27,000.00 (50%) of the stipulated penalty to the United States for a total stipulated penalty amount of \$54,000.00. The Financial Litigation Unit will provide DeKalb County electronic funds transfer wiring instructions for the payment to the United States.

If you should have any questions, please have your attorneys contact Mr. William Bush, Associate Regional Counsel assigned to this matter, at (404) 562-9538.

Sincerely,

A handwritten signature in blue ink, appearing to read "Denisse D. Diaz".

Denisse D. Diaz, Chief
Clean Water Enforcement Branch
Water Protection Division

cc: Mr. W. Benjamin Fisherow
United States Department of Justice

Ms. Valerie K. Mann
United States Department of Justice

Mr. William Phillips
Department of Law

Mr. Hsin-Sheng Yeh
Georgia Environmental Protection Division

Ms. Marzieh Shahbazaz
Georgia Environmental Protection Division

Mr. Lee May
DeKalb County Government

Ms. Lisa Chang
DeKalb County Law Department

Mr. E. Fitzgerald Veira
Troutman Sanders LLP

Exhibit 11

**Demand Letter dated March
17, 2015**

Penalty Demand Letter

Date: 2/26/2015

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)		Initials	Date
1. S. Janovitz/B. Ammons <i>D. Savory for B. Ammons</i>		SSJ	2/26/2015 <i>outpost</i>
2. White/M. Horsey		<i>nc for 4/11/15</i>	<i>32-13</i> <i>3/5/15</i>
3. B. Bush		<i>[Signature]</i>	<i>3/11/15</i>
4. Ellis/Diaz		<i>copy 3/16/15</i>	
5. White (Mailing) & Copy to Mattox			
6. S. Janovitz			

Action	File	Note and Return
X Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	X Signature
Coordination	Justify	

From: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
	Phone No.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions.

REMARKS: Demand letter for 2014 stipulated penalties for DeKalb County, GA. DeKalb County has agreed to pay \$30,000 to GA and \$30,000 to the US.

Electronic Version Saved on: T:\NPEB\Conventional\Enf-Comp\GA\DeKalb Co, GA\Demand Letters for Stipulated Penalties\DeKalb Demand Letter_Feb 2015.doc

Route in green folder



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 17 2015

CERTIFIED MAIL 7012 1010 0002 0759 5048
RETURN RECEIPT REQUESTED

Dr. James M. Chansler, P.E.
Director, DeKalb County Department
of Watershed Management
1580 Roadhaven Drive
Stone Mountain, Georgia 30083

Re: U.S. District Court Civil Action 1:10cv 4039-WSD
DeKalb County Consent Decree
Demand for Stipulated Penalties

Dear Dr. Chansler:

The U.S. Environmental Protection Agency Region 4 is in receipt of the Quarterly Reports that DeKalb County has submitted from the First Quarter of 2014 (dated April 30, 2014) to the Fourth Quarter of 2014 (dated January 15, 2015) in compliance with Section IX, (Reporting Requirements) of the Consent Decree.

Pursuant to Section X.65.c. and d., of the Consent Decree, the EPA may assess a stipulated penalty for each spill in a dollar amount that is dependent on the size of the spill and when the spill occurred. The EPA could thus assess stipulated penalties totaling \$74,000.00 for the 136 spills that occurred from January 1, 2014, through December 31, 2014. As a result of the circumstances surrounding some of the spills, the EPA has decided to exercise its enforcement discretion to not demand the full amount of stipulated penalties that could be assessed. Therefore, after review of the submitted documentation, the EPA hereby demands stipulated penalties, pursuant to Section X.65.c. and d. of the Consent Decree in the amount of \$60,000.00.

In accordance with Section X.67., of the Consent Decree, DeKalb County shall pay (within 30 days of receipt of this letter) \$30,000.00 (50%) of the stipulated penalty to the State of Georgia and \$30,000.00 (50%) of the stipulated penalty to the United States for a total stipulated penalty amount of \$60,000.00. The Financial Litigation Unit will provide DeKalb County electronic funds transfer wiring instructions for the payment to the United States.

If you have any questions, please have your attorneys contact Mr. William Bush, Associate Regional Counsel assigned to this matter, at (404) 562-9538.

Sincerely,

A handwritten signature in blue ink, appearing to read "Denisse D. Diaz". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Denisse D. Diaz, Chief
NPDES Permitting and Enforcement Branch
Water Protection Division

cc: Mr. W. Benjamin Fisherow
United States Department of Justice

Ms. Valerie K. Mann
United States Department of Justice

Mr. William Phillips
Department of Law

Mr. Hsin-Sheng Yeh
Georgia Environmental Protection Division

Ms. Marzieh Shahbazaz
Georgia Environmental Protection Division

Mr. Lee May
DeKalb County Government

Mr. Overtis Brantley
DeKalb County Law Department

Mr. E. Fitzgerald Veira
Troutman Sanders LLP

Exhibit 12

**Demand Letter dated June 20,
2017**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUN 20 2017

CERTIFIED MAIL 7016 0600 0000 3846 8142
RETURN RECEIPT REQUESTED

The Honorable Michael Thurmond
Chief Executive Officer
DeKalb County Government
1300 Commerce Drive, 6th Floor
Decatur, Georgia 30030

Re: U.S. District Court Civil Action 1:10cv 4039-WSD
DeKalb County Consent Decree
Demand for Stipulated Penalties

Dear Mr. Thurmond:

The U.S. Environmental Protection Agency Region 4 and the Georgia Environmental Protection Division (EPD) have reviewed DeKalb County's (the County's) Quarterly SSO Reports that were submitted from the First Quarter of 2015 (dated April 20, 2015) to the Fourth Quarter of 2016 (dated January 30, 2017) under Section IX (Reporting Requirements) of the Consent Decree, as well as the County's November 1, 2016 Supplement to Previously Submitted Quarterly SSO Reports (Supplement Report).

Pursuant to Paragraph 65 of the Consent Decree, the United States and/or the State of Georgia may assess a stipulated penalty for each Spill (discharge of wastewater from the collection system which reaches waters of the United States or the State) in a dollar amount that is dependent* on the size of the Spill and when the Spill occurred. Stipulated penalties totaling \$69,000 for the 116 Spills that occurred from January 1, 2015, through December 31, 2015 could thus be assessed, and stipulated penalties totaling \$76,500 for the 135 Spills that occurred from January 1, 2016, through December 31, 2016 could also be assessed. Taking into account circumstances surrounding some of the Spills, and as permitted by the Consent Decree, the EPA and EPD have decided to not demand the full amount of stipulated penalties that could be assessed. Therefore, after review of the submitted documentation, the EPA and EPD hereby demand stipulated penalties in the amount of \$49,000 for Spills in 2015 and \$63,500 for Spills in 2016.

The County also found evidence of 48 previously-unreported Spills as documented in the Supplement Report. Because the volume of these Spills could not be determined, the EPA and EPD have assumed that all 48 Spills were greater than 10,000 gallons. These 48 Spills are subject to a stipulated penalty of \$34,000. The EPA and EPD hereby demand stipulated penalties in the amount of \$34,000 for these 48 Spills.

Pursuant to Paragraph 65 of the Consent Decree, the United States and/or the State of Georgia may assess stipulated penalties for failure to submit timely Quarterly SSO Reports and Annual Reports that is dependent on the number of days beyond the due date the required Report is submitted. The EPA and

EPD consider the 17 Quarterly SSO Reports submitted from the First Quarter of 2012 to the First Quarter of 2016 and the four Annual Reports submitted for 2012 to 2015 to be not consistent with the applicable criteria for such reports as set forth in Section IX of the Consent Decree because they failed to accurately report all Sanitary Sewer Overflows (SSOs) that occurred in the applicable reporting period. The EPA and EPD acknowledge the County's efforts to identify these previously unreported SSOs as reported in its November 1, 2016 Summary of DeKalb County's Discovery, Investigation, and Correction of Sanitary Sewer Overflows Reporting Concerns. After review of the submitted documentation, the EPA and EPD hereby demand stipulated penalties in the amount of \$147,500 for these inaccurate Quarterly SSO and Annual Reports.

The total amount of stipulated penalties due pursuant to this letter is \$294,000 (\$49,000 + \$63,500 + \$34,000 + \$147,500). In accordance with Paragraph 67 of the Consent Decree, DeKalb County shall pay within 30 days of receipt of this letter \$147,000 (50%) of the stipulated penalties to the United States and \$147,000 (50%) of the stipulated penalties to the State of Georgia. The County shall pay the stipulated penalties to the United States in the manner set forth in Paragraph 9 of the Consent Decree, except that the transmittal letter shall state that the payment is for stipulated penalties and shall state for which violations the penalties are being paid. The Financial Litigation Unit of the U.S. Attorney's Office will provide the County with electronic funds transfer wiring instructions for the payment to the United States. The County shall pay the stipulated penalties to the State of Georgia by submitting a check payable to the State of Georgia and tendered to the Georgia Environmental Protection Division; ATTN: Mr. Lewis Hays; Watershed Compliance Program; 2 Martin Luther King Jr. Drive; East Tower Floyd Building, Suite 1152; Atlanta, Georgia 30334. Note that these payment instructions to the State are different from the instructions set forth in Paragraphs 69 and 10 of the Consent Decree.

If you have any questions, please have your attorneys contact Mr. William Bush, Associate Regional Counsel assigned to this matter, at (404) 562-9538.

Sincerely,



Denisse D. Diaz, Chief
NPDES Permitting and Enforcement Branch
Water Protection Division



Richard E. Dunn, Director
Georgia Environmental Protection Division

cc: See Attached Mailing List

Mailing List:

Mr. Thomas Mariani, Jr.
United States Department of Justice

Ms. Valerie K. Mann
United States Department of Justice

Mr. James Coots
Georgia Department of Law

Mr. James Capp
Georgia Environmental Protection Division

Mr. Lewis Hays
Georgia Environmental Protection Division

Ms. Marzieh Shahbazaz
Georgia Environmental Protection Division

Mr. Hsin-Sheng Yeh
Georgia Environmental Protection Division

Ms. Overtis Brantley
DeKalb County Law Department

Mr. E. Fitzgerald Veira
Troutman Sanders LLP

Mr. Scott Towler
DeKalb County Department of Watershed Management

Exhibit 13

**Demand Letter dated October
22, 2018**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

OCT 22 2018

CERTIFIED MAIL 7017 1450 0000 7972 1612

RETURN RECEIPT REQUESTED

The Honorable Michael Thurmond
Chief Executive Officer
DeKalb County Government
1300 Commerce Drive, 6th Floor
Decatur, Georgia 30030

Re: U.S. District Court Civil Action 1:10cv 4039-WSD
DeKalb County Consent Decree
Demand for Stipulated Penalties

Dear Mr. Thurmond:

The U.S. Environmental Protection Agency Region 4 and the Georgia Environmental Protection Division (GAEPD) have reviewed DeKalb County's (the County) Quarterly Sanitary Sewer Overflow Reports that were submitted from the First Quarter of 2017 (dated May 1, 2017) to the Fourth Quarter of 2017 (dated January 30, 2018) under Section IX (Reporting Requirements) of the above-referenced Consent Decree.

Pursuant to Paragraph 65(c) and (d) of the Consent Decree, the United States and the State of Georgia may assess a stipulated penalty for each Spill (a discharge of wastewater from the wastewater collection and transmission system which reaches waters of the United States or the State) in a dollar amount that is dependent on the size and date of the Spill. The County reported 186 Spills that occurred between January 1, 2017 and December 31, 2017. These included 144 Spills less than 10,000 gallons, which are each subject to a stipulated penalty of \$500, for a total stipulated penalty of \$72,000 (144 x \$500). The County also reported 42 Spills greater than 10,000 gallons. Because these Spills occurred more than 5 years after the Consent Decree's Date of Entry, they are each subject to a stipulated penalty of \$2,000, for a total stipulated penalty of \$84,000 (42 x \$2,000).

Upon review of the submitted documentation and the circumstances of the Spills, and in light of the County's compliance history, the EPA and EPD hereby assess and demand stipulated penalties in the amount of \$156,000 (\$72,000 + \$84,000) for all 186 Spills that occurred in 2017.

In accordance with Paragraph 67 of the Consent Decree, DeKalb County shall pay within 30 days of receipt of this letter \$78,000 (50%) of the stipulated penalties to the United States and \$78,000 (50%) of the stipulated penalties to the State of Georgia. The County shall pay the stipulated penalties to the United States in the manner set forth in Paragraph 9 of the Consent Decree, except that the transmittal letter shall state that the payment is for stipulated penalties and shall state for which violations the penalties are being paid. The Financial Litigation Unit of the U.S. Attorney's Office will provide the County with confirmation of the electronic funds transfer wiring instructions for the payment to the United States, which are the same as the instructions previously provided to the County for the payment

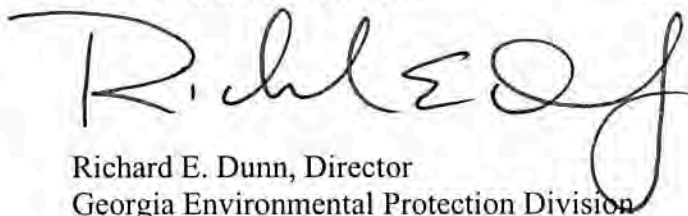
of prior stipulated penalties. The County shall pay the stipulated penalties to the State of Georgia by submitting a check payable to the State of Georgia, Georgia Department of Natural Resources and tendered to the Georgia Environmental Protection Division; ATTN: Mr. Lewis Hays; Watershed Compliance Program; 2 Martin Luther King Jr. Drive; East Tower Floyd Building, Suite 1152; Atlanta, Georgia 30334. Note that these payment instructions to the State are different from the instructions set forth in Paragraphs 69 and 10 of the Consent Decree.

If you have any questions, please have your attorneys contact Mr. Nathan Stopper, EPA Associate Regional Counsel, at (404) 562-9581, or Ms. Suzanne Osborne, Senior Assistant Attorney General, at (404) 656-7618.

Sincerely,



Gracy Danois, Acting Chief
NPDES Permitting and Enforcement Branch
Water Protection Division



Richard E. Dunn, Director
Georgia Environmental Protection Division

cc: See Attached Mailing List

Mailing List:

Mr. Thomas Mariani, Jr.
United States Department of Justice

Ms. Valerie K. Mann
United States Department of Justice

Ms. Suzanne Osborne
Georgia Department of Law

Mr. James Capp
Georgia Environmental Protection Division

Mr. Lewis Hays
Georgia Environmental Protection Division

Ms. Laura Williams
Georgia Environmental Protection Division

Ms. Marzieh Shahbazaz
Georgia Environmental Protection Division

Mr. Dillon Rodenbaugh
Georgia Environmental Protection Division

Ms. Viviane Ernstes
DeKalb County Law Department

Mr. E. Fitzgerald Veira
Troutman Sanders LLP

Mr. Reginald Wells
DeKalb County Department of Watershed Management

Exhibit 14

**Demand Letter dated April
15, 2019**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 15 2019

CERTIFIED MAIL 7017 1450 0000 7913 0551
RETURN RECEIPT REQUESTED

The Honorable Michael Thurmond
Chief Executive Officer
DeKalb County Government
1300 Commerce Drive, 6th Floor
Decatur, Georgia 30030

Re: U.S. District Court Civil Action 1:10cv 4039-WSD
DeKalb County Consent Decree
Demand for Stipulated Penalties

Dear Mr. Thurmond:

The U.S. Environmental Protection Agency Region 4 and the Georgia Environmental Protection Division (GAEPD) have reviewed DeKalb County's (the County) Quarterly Sanitary Sewer Overflow Reports that were submitted from the First Quarter of 2018 (dated April 30, 2018) to the Fourth Quarter of 2018 (dated January 30, 2019) under Section IX (Reporting Requirements) of the above-referenced Consent Decree.

Pursuant to Paragraph 65(c) and (d) of the Consent Decree, the United States and the State of Georgia may assess a stipulated penalty for each Spill (a discharge of wastewater from the wastewater collection and transmission system which reaches waters of the United States or the State) in a dollar amount that is dependent on the size and date of the Spill. The County reported 183 Spills that occurred between January 1, 2018 and December 31, 2018. These included 130 Spills 10,000 gallons or less, which are each subject to a stipulated penalty of \$500, for a total stipulated penalty of \$65,000 (130 x \$500). The County also reported 53 Spills greater than 10,000 gallons. Because these Spills occurred more than 5 years after the Consent Decree's Date of Entry, they are each subject to a stipulated penalty of \$2,000, for a total stipulated penalty of \$106,000 (53 x \$2,000).

Upon review of the submitted documentation and the circumstances of the Spills, and in light of the County's compliance history, the EPA and EPD hereby assess and demand stipulated penalties in the amount of \$171,000 (\$65,000 + \$106,000) for all 183 Spills that occurred in 2018.

In accordance with Paragraph 67 of the Consent Decree, DeKalb County shall pay within 30 days of receipt of this letter \$85,500 (50%) of the stipulated penalties to the United States and \$85,500 (50%) of the stipulated penalties to the State of Georgia. The County shall pay the stipulated penalties to the United States in the manner set forth in Paragraph 9 of the Consent Decree, except that the transmittal letter shall state that the payment is for stipulated penalties and shall state for which violations the penalties are being paid. The Financial Litigation Unit of the U.S. Attorney's Office will provide the County with confirmation of the electronic funds transfer wiring instructions for the payment to the United States, which are the same as the instructions previously provided to the County for the payment

of prior stipulated penalties. The County shall pay the stipulated penalties to the State of Georgia by submitting a check payable to the State of Georgia, Georgia Department of Natural Resources and tendered to the Georgia Environmental Protection Division; ATTN: Mr. Lewis Hays; Watershed Compliance Program; 2 Martin Luther King Jr. Drive; East Tower Floyd Building, Suite 1152; Atlanta, Georgia 30334. Note that these payment instructions to the State are different from the instructions set forth in Paragraphs 10 and 69 of the Consent Decree. The County shall also notify Ms. Sara Janovitz at janovitz.sara@epa.gov once the stipulated penalties have been paid.

If you have any questions, please have your attorneys contact Mr. Nathan Stopper, EPA Associate Regional Counsel, at (404) 562-9581, or Ms. Suzanne Osborne, Senior Assistant Attorney General, at (404) 656-7618.

Sincerely,



Jeaneanne M. Gettle, Director
Water Protection Division



Richard E. Dunn, Director
Georgia Environmental Protection Division

cc: See Attached Mailing List

Mailing List:

Mr. Thomas Mariani, Jr.
United States Department of Justice

Ms. Valerie K. Mann
United States Department of Justice

Ms. Suzanne Osborne
Georgia Department of Law

Mr. James Capp
Georgia Environmental Protection Division

Mr. Lewis Hays
Georgia Environmental Protection Division

Ms. Laura Williams
Georgia Environmental Protection Division

Ms. Marzieh Shahbazaz
Georgia Environmental Protection Division

Mr. Dillon Rodenbaugh
Georgia Environmental Protection Division

Ms. Viviane Ernstes
DeKalb County Law Department

Mr. E. Fitzgerald Veira
Troutman Sanders LLP

Mr. Reginald Wells
DeKalb County Department of Watershed Management

Exhibit 15

**Demand Letter dated June 25,
2020**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Michael Thurmond
Chief Executive Officer
DeKalb County Government
1300 Commerce Drive, 6th Floor
Decatur, Georgia 30030

Re: U.S. District Court Civil Action 1:10cv 4039-WSD
DeKalb County Consent Decree
Demand for Stipulated Penalties

Dear Mr. Thurmond:

The U.S. Environmental Protection Agency Region 4 and the Georgia Environmental Protection Division (GAEPD) have reviewed DeKalb County's (the County) Quarterly Sanitary Sewer Overflow Reports that were submitted from the First Quarter of 2019 (dated April 30, 2019) to the Fourth Quarter of 2019 (dated January 30, 2020) under Section IX (Reporting Requirements) of the above-referenced Consent Decree.

Pursuant to Paragraph 65(c) and (d) of the Consent Decree, the United States and the State of Georgia may assess a stipulated penalty for each Spill (a discharge of wastewater from the wastewater collection and transmission system which reaches waters of the United States or the State) in a dollar amount that is dependent on the size and date of the Spill. The County reported 225 Spills that occurred between January 1, 2019 and December 31, 2019. These included 161 Spills of 10,000 gallons or less, which are each subject to a stipulated penalty of \$500, for a total stipulated penalty of \$80,500 (161 x \$500). The County also reported 64 Spills greater than 10,000 gallons. Because these Spills occurred more than 5 years after the Consent Decree's Date of Entry, they are each subject to a stipulated penalty of \$2,000, for a total stipulated penalty of \$128,000 (64 x \$2,000).

Upon review of the submitted documentation and the circumstances of the Spills, and in light of the County's compliance history, the EPA and GAEPD hereby assess and demand stipulated penalties in the amount of \$208,500 (\$80,500 + \$128,000) for all 225 Spills that occurred in 2019.


In accordance with Paragraph 67 of the Consent Decree, DeKalb County shall pay within 30 days of receipt of this letter \$104,250 (50%) of the stipulated penalties to the United States and \$104,250 (50%) of the stipulated penalties to the State of Georgia. The County shall pay the stipulated penalties to the United States in the manner set forth in Paragraph 9 of the Consent Decree, except that the transmittal letter shall state that the payment is for stipulated penalties and shall state for which violations the penalties are being paid. The County can use the electronic funds transfer wiring instructions previously provided by the Financial Litigation Unit of the U.S. Attorney's Office to the County for the payment of

prior stipulated penalties. The County shall pay the stipulated penalties to the State of Georgia by submitting a check payable to the State of Georgia, Georgia Department of Natural Resources and tendered to the Georgia Environmental Protection Division; ATTN: Mr. Lewis Hays; Watershed Compliance Program; 2 Martin Luther King Jr. Drive; East Tower Floyd Building, Suite 1152; Atlanta, Georgia 30334. Note that these payment instructions to the State are different from the instructions set forth in Paragraphs 10 and 69 of the Consent Decree. The County shall also notify Mr. Richard Elliott at elliott.richard@epa.gov once the stipulated penalties have been paid.

If you have any questions, please have your attorneys contact Mr. Nathan Stopper, EPA Associate Regional Counsel, at (404) 562-9581, or Ms. Suzanne Osborne, Senior Assistant Attorney General, at (404) 656-7618.

Sincerely,

CAROL
KEMKER

 Digitally signed by CAROL KEMKER
Date: 2020.06.25 13:31:22 -04'00'

Carol L. Kemker
Director
Enforcement and Compliance Assurance Division



Richard E. Dunn, Director
Georgia Environmental Protection Division

cc: See Attached Mailing List

Mailing List:

Mr. Thomas Mariani, Jr.
United States Department of Justice

Ms. Valerie K. Mann
United States Department of Justice

Ms. Suzanne Osborne
Georgia Department of Law

Mr. James Capp
Georgia Environmental Protection Division

Mr. Lewis Hays
Georgia Environmental Protection Division

Ms. Laura Williams
Georgia Environmental Protection Division

Ms. Marzieh Shahbazaz
Georgia Environmental Protection Division

Mr. Dillon Rodenbaugh
Georgia Environmental Protection Division

Ms. Viviane Ernstes
DeKalb County Law Department

Mr. E. Fitzgerald Veira
Troutman Sanders LLP

Mr. Reginald Wells
DeKalb County Department of Watershed Management

DeKalb County Stipulated Penalties Demand Letter May 2020

bcc: Nathan Stopper, EPA/ORC/OWLS

_____ Janovitz _____ Elliott _____ X Castillo _____ Stopper _____ Bragan

Mailing List

Mr. Thomas Mariani, Jr., Chief
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Post Office Box 7611
Washington, D.C. 20044-7611
Reference DOJ Case No. 90-5-1-1-09497

Ms. Valerie K. Mann
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Post Office Box 7611
Washington, D.C. 20044-7611

Ms. Suzanne Osborne
Senior Assistant Attorney General
Department of Law
State of Georgia
40 Capitol Square, S.W.
Atlanta, GA 30334

Mr. James Capp, Chief
Watershed Protection Branch
Georgia Environmental Protection Division
2 Martin Luther King Jr Dr
East Tower Floyd Building, Ste 1152
Atlanta, GA 30334

Mr. Lewis Hays, Program Manager
Watershed Compliance Program
Georgia Environmental Protection Division
2 Martin Luther King Jr Dr
East Tower Floyd Building, Ste 1152
Atlanta, GA 30334

Ms. Laura Williams, Director
Legal Services
Georgia Environmental Protection Division
2 Martin Luther King Jr Dr
East Tower Floyd Building, Ste 1456
Atlanta, GA 30334

Mr. Dillon Rodenbaugh
Georgia Environmental Protection Division
2 Martin Luther King Jr Dr
East Tower Floyd Building, Ste 1152
Atlanta, GA 30334

Ms. Marzieh Shahbazaz, Unit Manager
Municipal Compliance Unit
Georgia Environmental Protection Division
2 Martin Luther King Jr Dr
East Tower Floyd Building, Ste 1152
Atlanta, GA 30334

Ms. Viviane Ernstes
Chief Legal Officer
DeKalb County Government
1300 Commerce Drive
Decatur, GA 30030

Mr. E. Fitzgerald Veira
Troutman Sanders LLP
Special Counsel to DeKalb County
Bank of America Plaza
Suite 5200
600 Peachtree Street, NE
Atlanta, GA 30308-2218

Mr. Richard E. Dunn, Director
Georgia Environmental Protection Division
2 Martin Luther King Jr Dr
East Tower Floyd Building, Ste 1456
Atlanta, GA 30334

Mr. Reginald Wells, Director
DeKalb County Department of Watershed Management
4572 Memorial Dr
Decatur, GA 30032

Exhibit 16

**Demand Letter dated July 13,
2022**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Michael Thurmond
Chief Executive Officer
DeKalb County Government
1300 Commerce Drive, 6th Floor
Decatur, Georgia 30030

Re: U.S. District Court Civil Action 1:10cv 4039-SDG
DeKalb County 2011 Consent Decree
Demand for Stipulated Penalties for period January 1, 2020-September 21, 2021

Dear Mr. Thurmond:

The U.S. Environmental Protection Agency Region 4 and the Georgia Environmental Protection Division (EPD) have reviewed DeKalb County's (the County) Quarterly Sanitary Sewer Overflow Reports that were submitted from the first quarter of 2020 (dated April 30, 2020) through the third quarter of 2021 (dated October 29, 2021). A review of all reported Sanitary Sewer Overflows from January 1, 2020, up to the date of entry (September 22, 2021) for the Modification to the above-referenced Consent Decree was also conducted. This letter addresses stipulated penalties demanded under the 2011 Consent Decree for Sanitary Sewer Overflows and failure to meet the Priority Areas Sewer Assessment and Rehabilitation Program (PASARP) deadline during the time period starting January 1, 2020, through September 21, 2021.

Pursuant to Paragraph 65(c) and (d) of the Consent Decree, the United States and the state of Georgia may assess a stipulated penalty for each Spill (a discharge of wastewater from the wastewater collection and transmission system which reaches waters of the United States or the state) in a dollar amount that is dependent on the size and date of the Spill.

The County reported 306 Spills that occurred between January 1, 2020 and December 31, 2020. After review of the submitted documentation and in consideration of the circumstances surrounding the Spills, the County is assessed stipulated penalties of **\$279,500** for spills in 2020.

The County reported 170 Spills that occurred between January 1, 2021 and September 21, 2021. After review of the submitted documentation and in consideration of the circumstances surrounding the Spills, the County is assessed stipulated penalties of **\$166,000** for Spills that occurred between January 1, 2021 and September 21, 2021. Therefore, the County is assessed a total penalty of **\$445,500** for Spills that occurred between January 1, 2020 and September 21, 2021.

The County failed to meet the PASARP rehabilitation completion deadline of June 20, 2020, a failure which is subject to stipulated penalties under Paragraph 65(b) of the original Consent Decree, with amounts per day of violation varying depending on the number of days that have passed beyond the completion deadline. This letter assesses a daily penalty for this violation from June 20, 2020 until

October 20, 2020, which is the day that the County signed the Modification to the Consent Decree that was later entered by the Court. The County PASARP missed deadline is assessed as follows:

Period Beyond Completion Date	Penalty Per Day (\$)	Period/Number of Days	Penalty Amount
1 – 30 Days	1,000	Jun. 20 to Jul. 20 = 30	\$30,000
31 – 60 Days	1,500	Jul. 21 to Aug. 19 = 30	\$45,000
61 – 120 Days	2,000	Aug. 20 to Oct. 18 = 60	\$120,000
More than 120 Days	3,000	Oct. 19 to Oct. 20 = 2	\$6,000
Sub-Total			\$201,000

Upon review of the submitted documentation, the circumstances of the Spills, and the missed PASARP deadline, the EPA and EPD hereby demand stipulated penalties in the total amount of **\$646,500** as outlined above.

In accordance with Paragraph 67 of the Consent Decree, DeKalb County shall pay within 30 days of receipt of this letter \$323,250 (50%) of the stipulated penalties to the United States and \$323,250 (50%) of the stipulated penalties to the State of Georgia. The County shall pay the stipulated penalties to the United States in the manner set forth in Paragraph 9 of the Consent Decree, except that the transmittal letter shall state that the payment is for stipulated penalties and shall state for which violations the penalties are being paid.

The County can use the electronic funds transfer wiring instructions previously provided by the Financial Litigation Unit of the U.S. Attorney's Office to the County for the payment of prior stipulated penalties. The County shall pay the stipulated penalties to the State of Georgia by submitting a check payable to the State of Georgia, Georgia Department of Natural Resources and tendered to the Georgia Environmental Protection Division; ATTN: Ms. Johanna Smith; Watershed Compliance Program; 2 Martin Luther King Jr. Drive; East Tower Floyd Building, Suite 1152; Atlanta, Georgia 30334. Note that these payment instructions to the State are different from the instructions set forth in Paragraphs 10 and 69 of the Consent Decree. The County shall also notify Mr. Richard Elliott at elliott.richard@epa.gov once the stipulated penalties have been paid.

If you have any questions, please have your attorneys contact Mr. Paul Schwartz, EPA Associate Regional Counsel, at (404) 562-9576, or Mr. Christopher Held, Senior Assistant Attorney General, at (404) 458-3569.

Sincerely,

CAROL KEMKER

Digitally signed by CAROL
KEMKER
Date: 2022.07.13 14:02:20 -04'00'

Carol L. Kemker
Chief

Enforcement and Compliance Assurance Division



Richard E. Dunn
Director

Georgia Environmental Protection Division

cc: Mr. Thomas Mariani, Jr., Chief, U.S. Department of Justice

Ms. Valerie K. Mann, U.S. Department of Justice

Mr. Christopher Held, Georgia Department of Law

Ms. Anna Truszczynski, Georgia Environmental Protection Division

Mr. Byron W. Kirkpatrick, Troutman Pepper

Ms. Laura Williams, Georgia Environmental Protection Division

Mr. Dillon Rodenbaugh, Georgia Environmental Protection Division

Ms. Marzieh Shahbazaz, Georgia Environmental Protection Division

Ms. Viviane Ernstes, DeKalb County Government

Mr. E. Fitzgerald Veira, Troutman Pepper

Ms. Johanna Smith, Georgia Environmental Protection Division

Mr. David E. Hayes, DeKalb County Department of Watershed Management

Ms. Maria V. Houser, DeKalb County Consent Decree & Environmental Compliance

Exhibit 17

**Demand Letter dated October
6, 2023**



October 6, 2023

VIA CERTIFIED AND ELECTRONIC MAIL RETURN
RECEIPT REQUESTED

The Honorable Michael Thurmond
Chief Executive Officer
DeKalb County Government
1300 Commerce Drive, 6th Floor
Decatur, Georgia 30030
MLThurmond@dekalbcountyga.gov

Re: U.S. District Court Civil Action 1:10cv 4039-SDG
DeKalb County 2011 Consent Decree, as amended
Demand for Stipulated Penalties for Spills that occurred between September 22, 2021, and December 31, 2022

Dear Michael Thurmond:

The U.S. Environmental Protection Agency, Region 4 and the Georgia Environmental Protection Division have reviewed DeKalb County's (the County) Quarterly Sanitary Sewer Overflow Reports covering the period between September 22, 2021, and December 31, 2022. Based on that review, we are issuing this stipulated penalty demand for SSOs that occurred during that period.

Pursuant to Paragraph 65(c) and (d) of the Consent Decree, the United States and the State of Georgia may assess a stipulated penalty for each Spill. A "Spill" is defined in Paragraph 7 of the Consent Decree as including discharges from the wastewater collection and transmission system which reach waters of the United States or the State, and including prohibited bypasses that reach waters of the United States or the State. The amount of stipulated penalty assessable for each Spill depends on the size of the Spill.

The County reported 300 Spills that occurred between September 22, 2021, and December 31, 2022. After review of the submitted documentation and in consideration of the circumstances surrounding the Spills, the EPA and Georgia EPD are assessing stipulated penalties in the amount of \$769,000 for Spills during the period from September 22, 2021, through December 31, 2022.

In accordance with Paragraph 67 of the Consent Decree, DeKalb County shall pay within 30 days of receipt of this letter \$384,500 (50%) of the stipulated penalties to the United States and \$384,500 (50%) of the stipulated penalties to the State of Georgia.

The County shall pay the stipulated penalties to the United States in the manner set forth in Paragraph 9 of the Consent Decree, except that the transmittal letter shall state that the payment is for stipulated penalties and shall state for which violations the penalties are being paid.

The County can use the electronic funds transfer wiring instructions previously provided by the Financial Litigation Unit of the U.S. Attorney's Office to the County for the payment of prior stipulated penalties. The County shall pay the stipulated penalties to the State of Georgia by submitting a check payable to the State of Georgia, Georgia Department of Natural Resources and tendered to the Georgia Environmental Protection Division to the following contact:

ATTN: Johanna Smith
Watershed Compliance Program
2 Martin Luther King Jr. Drive
East Tower Floyd Building, Suite 1470A
Atlanta, Georgia 30334

Note that these payment instructions to the State are different from the instructions set forth in Paragraphs 10 and 69 of the Consent Decree. The County shall also notify Tristan Odekirk at odekirk.tristan@epa.gov and Dillon Rodenbaugh at Dillon.rodenbaugh@dnr.ga.gov once the stipulated penalties have been paid.

If you have any questions, please have your attorneys contact Paul Schwartz, EPA Associate Regional Counsel, at (404) 562-9576, or Christopher Held, Senior Assistant Attorney General, at (404) 656-7618.

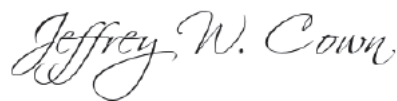
Sincerely,

**MARY JO
BRAGAN**

Digitally signed by
MARY JO BRAGAN
Date: 2023.10.06
11:31:30 -04'00'

for

Keriema S. Newman
Acting Director
Enforcement and Compliance Assurance Division



Jeffrey W. Cown
Director
Georgia Environmental Protection Division

cc: EES Case Management Unit, U.S. Department of Justice

Valerie K. Mann, U.S. Department of Justice

Christopher Held, Department of Law, State of Georgia

Anna Truszczynski, Georgia Environmental Protection Division

Byron W. Kirkpatrick, Troutman Pepper

Laura Williams, Georgia Environmental Protection Division

Dillon Rodenbaugh, Georgia Environmental Protection Division

Marzieh Shahbazaz, Georgia Environmental Protection Division

Viviane Ernstes, DeKalb County Government

E. Fitzgerald Veira, Troutman Pepper

Johanna Smith, Georgia Environmental Protection Division

Maria V. Houser, DeKalb County Consent Decree & Environmental Compliance

Jeffrey W. Cown, Georgia Environmental Protection Division

David E. Hayes, DeKalb County Department of Watershed Management

Peggy Eckrote, Department of Law, State of Georgia

Exhibit 18

**Demand Letter dated October
8, 2024**



ELECTRONIC AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Michael Thurmond
Chief Executive Officer
DeKalb County Government
1300 Commerce Drive, 6th floor
Decatur, Georgia 30030
MLThurmond@dekalbcountyga.gov

Re: U.S. District Court Civil Action 1:10cv 4039-SDG
DeKalb County Consent Decree
Demand for Stipulated Penalties for period January 1, 2023-December 31, 2023

Dear Mr. Thurmond:

The U.S. Environmental Protection Agency Region 4, and the Georgia Environmental Protection Division have reviewed DeKalb County's (the County) Quarterly Sanitary Sewer Overflow Reports that were submitted from the first Quarter of 2023 (dated May 1, 2023) through the fourth Quarter of 2023 (dated January 30, 2024). This letter demands stipulated penalties under the 2011 Consent Decree, as modified pursuant to the Modification entered by the Court on September 22, 2021, for the time period starting January 1, 2023, through December 31, 2023.

Pursuant to Paragraph 65(c) and (d) of the Consent Decree and Paragraphs 13 and 14 of the Modified Consent Decree, the United States and the State of Georgia may assess a stipulated penalty for each Spill (a discharge of wastewater from the wastewater collection and transmission system which reaches waters of the United States or the State) in a dollar amount that is dependent on the size and date of the Spill, as well as other noted violations of the Consent Decree and Modified Consent Decree.

The County reported 268 Spills that occurred between January 1, 2023, and December 31, 2023. After review of the submitted documentation and in consideration of the circumstances surrounding the Spills, the County is assessed stipulated penalties of \$651,000 for spills in 2023.

In accordance with Paragraph 67 of the Consent Decree, DeKalb County shall pay within 30 days of receipt of this letter \$325,500 (50%) of the stipulated penalties to the United States and \$325,500 (50%) of the stipulated penalties to the State of Georgia.

The County shall pay the stipulated penalties to the United States in the manner set forth in Paragraph 9 of the Consent Decree, except that the transmittal letter shall state that the payment is for stipulated penalties and shall state for which violations the penalties are being paid. The County can use the electronic funds transfer wiring instructions previously provided by the Financial Litigation Unit of the U.S. Attorney's Office to the County for the payment of prior stipulated penalties. The County shall pay the stipulated penalties to the State of Georgia by submitting a check payable to the State of Georgia, Georgia Department of Natural Resources and tendered to the Georgia Environmental Protection Division; ATTN: Ms. Johanna Smith; Watershed Compliance Program; 2 Martin Luther King Jr. Drive; East Tower Floyd Building, Suite 1470A; Atlanta, Georgia 30334. Note that these payment instructions to the State are different from the instructions set forth in Paragraphs 10 and 69 of the Consent Decree. The County shall also notify Tristan Odekirk at Odekirk.Tristan@epa.gov and Marzieh Shahbazaz at Marzieh.Shahbazaz@dnr.ga.gov once the stipulated penalties have been paid.

If you have any questions, please have your attorneys contact Mr. Paul Schwartz, EPA Associate Regional Counsel, at (404) 562-9576, or Christopher Held, Senior Assistant Attorney General, at (404) 656-7618.

Sincerely,
MARY JO
BRAGAN

Digitally signed by MARY JO
BRAGAN
Date: 2024.10.08 12:11:56 -04'00'

Mary Jo Bragan,
Chief
Water Enforcement Branch



Jeffrey W. Cown
Director
Georgia Environmental Protection Division

cc: EES Case Management Unit
Department of Justice
eesccopy.enrd@usdoj.gov

Patricia Hurst
Department of Justice
patricia.hurst@usdoj.gov

Christopher Held
Department of Law, State of Georgia
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Marzieh Shahbazaz
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Johanna Smith
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Viviane Ernstes
DeKalb County Government
vernstes@dekalbcountyga.gov

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Maria V. Houser
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Jeffrey W. Cown
Georgia Environmental Protection Division
Jeff.Cown@dnr.ga.gov

David E. Hayes
DeKalb County Department of Watershed Management
DEHayes@dekalbcountyga.gov

Peggy Eckrote
Office of the Attorney General
peckrote@law.ga.gov