



## REGION 4

ATLANTA, GA 30303

**ELECTRONIC AND CERTIFIED MAIL**  
**CONFIRMATION OF EMAIL RECEIPT REQUESTED**

Mr. Clint Shealy, P.E.  
Assistant City Manager  
Columbia Water  
300 Laurel St.  
Columbia, South Carolina 29201  
Email: clint.shealy@columbiasc.gov

RE: The United States of America and State of South Carolina vs. The City of Columbia  
Civil Action No. 3:13-2429-TLW  
DOJ Case Number 90-5-1-1-09954

Dear Mr. Shealy:

The U.S. Environmental Protection Agency, Region 4 and the South Carolina Department of Environmental Services (SCDHEC) have reviewed your April 17, 2025 letter on behalf of the City of Columbia (City) requesting deadline extensions pursuant to Paragraph 19.a of the Consent Decree in the above-referenced civil action (Consent Decree). In your letter, you informed EPA and SCDES of the City's belief that the deadlines for completion of the projects identified in the Infrastructure Rehabilitation Report (IRR) should be extended by 1,823 days and the deadlines for completion of the projects identified in the Supplemental Infrastructure Rehabilitation Report (SIRR) should be extended by 727 days.

Under Paragraph 19.a of the Consent Decree, subsequent deadlines dependent on the approval of the IRR and SIRR are extended by the number of days beyond 120 days from the date of submittal of these deliverables to the date of the EPA decision or comments on the deliverables. The purpose of the provision, which is included in many EPA municipal consent decrees, is to avoid prejudicing the City's ability to meet deadlines when the City's time for compliance is truncated by a lengthy EPA/SCDES review period. This could occur, for example, if there is a fixed deadline under the Consent Decree but the City is delayed in commencing work necessary to meet the deadline because it is awaiting approval of a Consent Decree submittal. The provision is not applicable to deadlines that are not already fixed while awaiting EPA approval of a submittal. In this case, the IRR and SIRR deadlines were not fixed before the issuance of EPA approval; rather, the IRR and SIRR Project deadlines are themselves measured from the date of EPA/SCDES approval.

The IRR project deadlines are, for Group 1 Projects, 3 years after EPA approval of the IRR, for Group 2 Projects, 5 years after EPA approval of the IRR, and for Group 3 Projects, 7 years after EPA approval of the IRR. The SIRR projects deadlines are 5 years after EPA approval of the SIRR. Obviously, EPA's delays in approving the IRR and SIRR did not prejudice the City's ability to meet the deadlines. If anything, the EPA delay in approving the IRR and SIRR gave the City more time to prepare for implementation of IRR and SIRR projects and had the effect of extending the ultimate compliance deadlines. There was no truncation of the compliance period, which did not begin to run until EPA's approval was provided.

If you disagree with EPA's determination that Paragraph 19.a. does not provide relief in these circumstances, you may dispute this conclusion pursuant to the Dispute Resolution procedures in Section XII of the Consent Decree.

Your letter describes a variety of external events and factors, unrelated to EPA's delayed approval of the IRR and SIRR, that may later impact the City's ability to complete Consent Decree work on time. If you determine that your ability to meet deadlines is in jeopardy, we encourage you to contact us to discuss any issues.

If you have any questions, please have your attorneys contact Mr. Paul Schwartz, Associate Regional Counsel assigned to this matter, at (404) 562-9576.

Sincerely,

Jairo Castillo, Chief  
Wastewater Enforcement Section

cc: See Attached Mailing List

## **Mailing List**

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