



April 17, 2025

BY ELECTRONIC MAIL

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Re: *The United States of America and State of South Carolina by and through the
Department of Environmental Services vs. The City of Columbia*
Civil Action No. 3:13-2429-TLW
DOJ Case Number 90-5-1-1-09954

Dear Sirs or Madams:

Pursuant to Paragraph 19.a of the Consent Decree entered in the above-referenced civil action by order dated May 21, 2014 (Consent Decree), the City of Columbia (City) is informing EPA and SCDES of its belief that the deadlines for completion of the projects identified in the Infrastructure Rehabilitation Report (IRR) should be extended by 1823 days and the deadlines for completion of the projects identified in the Supplemental Infrastructure Rehabilitation Report (SIRR) should be extended by 727 days. As discussed more fully below, the City has completed 31 of the 62 projects identified in the IRR and SIRR and is on schedule to complete all of the 62 projects by the deadlines in Paragraph 16 of the Consent Decree. However, as previously discussed with EPA, the City, like other municipal utilities, is facing significant uncertainties regarding the costs of projects, federal funding for projects, and the availability of contractors to construct major rehabilitation projects. In anticipation of potential delays related to these uncertainties, the City is requesting EPA's concurrence that the City is entitled to these extensions under Paragraph 19 of the Consent Decree.



Under Paragraph 19.a of the Consent Decree, the 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 City submitted the IRR to EPA and SCDES on November 22, 2019, and the IRR was approved on March 18, 2025. As such, Paragraph 19.a entitles the City to an extension of 1823 days for the project deadlines which are dependent on the approval of the IRR. The City submitted the SIRR to EPA and SCDES on November 22, 2022, and the SIRR was also approved on March 18, 2025. Under Paragraph 19.a, the City is therefore entitled to an extension of 727 days for the project deadlines which are dependent on the approval of the SIRR. The deadlines for the IRR and SIRR projects are set forth in Paragraph 16 of the Consent Decree and established by EPA and SCDES approval of the IRR and SIRR on March 18, 2025. The following summarizes the current deadlines the IRR and SIRR projects under Paragraph 16 of the Consent Decree and the extended deadlines for these projects under Paragraph 19.a:

	<u>Current Deadline</u>	<u>Extended Deadline</u>
IRR Group 1 projects	March 18, 2028	PROJECTS COMPLETED
IRR Group 2 projects	March 18, 2030	March 15, 2035
IRR Group 3 projects	March 18, 2032	March 15, 2037
SIRR projects	March 18, 2030	March 14, 2032

As noted above, the City has made substantial progress in completing the IRR and SIRR projects with construction of half of the total projects already completed. All of the remaining IRR and SIRR projects are either in the design phase or the construction phase. Also, the City has prioritized projects to address portions of the City’s wastewater collection and transmission system with most critical need for rehabilitation. For example, once the two IRR Group 1 projects were identified based on repeat SSOs, the City fast-tracked these projects, and by early 2021, both were completed. The current status of the IRR and SIRR projects is summarized below:

	<u>Number of Projects</u>	<u>Current Status</u>
IRR Group 1 projects	2	Completed
IRR Group 2 projects	4	2 completed, 2 in design phase
IRR Group 3 projects	14	6 completed, 5 under construction, and 3 in design phase
SIRR projects	42	21 complete, 11 under construction, and 10 in design phase

Under the City’s current funding and project schedule, all of these projects would be completed within the current deadline set forth in Paragraph 16 of the Consent Decree. However, the impact of inflation on actual projects costs in recent years has resulted in a reallocation of annual funding such that the schedules for some projects could be completed beyond the deadline if there are unanticipated delays. The City is also concerned that proposed tariffs may have a negative impact on the rate of inflation and could result in high costs for project materials. Additionally, the City has already seen the impact of contractor availability as ARPA and other federal grants have resulted in fewer contractors bidding on projects and bids for some projects far exceeding the



engineer's estimate to the total project cost. Finally, the City has also been impacted by the current review of federal agency grants and funding. In early 2024, the City entered into an agreement with the South Carolina Emergency Management Division and FEMA for the award of a Building Resilient Infrastructure and Communities (BRIC) grant for the construction of new water supply intake to address the vulnerability of the current source which was compromised during the catastrophic flooding event in 2015. Earlier this month, FEMA announced that it was ending the BRIC program and cancelling all BRIC applications from fiscal years 2020-2023, which could include the current award to the City. Based on these challenges and uncertainties, the City is concerned that its current schedule for completion of the IRR and SIRR project may be impacted, and therefore, the City is requesting EPA's concurrence that the deadlines for the IRR and SIRR project under Paragraph 16 of the Consent Decree are extended in accordance with the terms of Paragraph 19.a.

If you have any questions or need additional information in support of this request, please feel free to call me at (803) 733-8682.

Sincerely,

A handwritten signature in blue ink, appearing to read "Clint E. Shealy".

Clint E. Shealy, P.E.
Assistant City Manager, Columbia Water

cc: Paul Schwartz, Esquire (via email only: schwartz.paul@epa.gov)
Teresa Wilson, City of Columbia, City Manager