



We Are Columbia

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October 13, 2015

BY U.S. MAIL TO:

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U.S Environmental Protection Agency,	Water Pollution Control Division
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AND BY ELECTRONIC MAIL TO:

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Re: *The United States of America and State of South Carolina by and through the Department of Health and Environmental Control vs. The City of Columbia*
Civil Action No. 3:13-2429-TLW
DOJ Case Number 90-5-1-1-00954

Dear Sirs and Madams:

By electronic mail on October 6, 2015, the City of Columbia notified the U.S. Department of Justice, the U.S. Environmental Protection Agency, and the South Carolina Department of Health and Environmental Control of a *force majeure* event which is expected to delay the City's performance of certain obligations under the Consent Decree. Specifically, the City experienced unprecedented rainfall which resulted in catastrophic flooding beginning on October 4, 2015. Pursuant to Paragraph 56 of the Consent Decree, the City is required to provide an explanation and description of the expected delay within seven days of the notification of a *force majeure* event. However, as discussed more fully below, the report provided herein is preliminary as this is an ongoing *force majeure* event. The emergency

response and recovery efforts associated with the flooding are continuing and have been further complicated by another significant rain event last Saturday, October 10, 2015. This letter serves to provide the 7-day report required under Paragraph 56 of the Consent Decree and will be supplemented with additional information regarding other expected delays in the City's performance under the Consent Decree once the emergency response and recovery efforts are concluded and a full assessment of the damage to the City's wastewater collection and transmission system can be undertaken.

A. Explanation and description of reasons for the delay

Preliminary analyses indicate that the October 3-5, 2015 rainfall event was an approximate "500 year storm" for the City of Columbia's metropolitan area. Additionally, the rainfall event was preceded by almost two weeks of substantial rainfall in the area. As a result, there have been numerous dam breaks, countless road and bridge wash outs, and unfortunately loss of life.

The City is just beginning to assess the severity of impacts and damage to the utility system as the flood waters begin to recede. The water utility system has experienced numerous distribution line breaks and has had difficulty providing adequate water pressure to a significant portion of the system. A boil-water advisory has been issued for approximately half of the service area. The major concern has been the intake at the larger of the City's two Water Treatment Plants. The intake canal was breached and the ability of the Water Treatment Plant to receive raw water continues to be at risk. City staff and contractors continue to work around the clock to construct a temporary repair to the dam and water reservoir serving the Water Treatment Plant. Additionally, system-wide condition assessment of the water distribution system continues.

The wastewater system is also experiencing major impacts. Unfortunately, condition assessment for much of the impacted wastewater infrastructure has been hampered by the slowly receding floodwaters. Preliminary inspections in accessible areas reveal broken lines at washed out roads, flooded and damaged pump stations, manholes with top frames and cones washed away, and surcharged lines. This preliminary inspection of the system identified impacts to half of the City's pump stations, including the five largest. Additionally, since flood waters remain in the area around the Wastewater Treatment Plant, plans are being developed to airlift needed chemicals into the Plant if necessary.

Additionally, the City's basic operations have also been impacted by the flooding and widespread damage to infrastructure in the City and surrounding areas. Last week, all City offices were closed, and all non-essential employees were advised to stay home due to public safety concerns and water damage to certain City offices. Additionally, for much of last week, some City buildings were without water service. The City employees and leaders who were essential to the emergency response efforts have worked long hours to restore basic services in the City. City Council is meeting frequently as needed to address emergency issues only, and cancelled its scheduled Council meeting set for October 13th. Even after City services are

restored and the initial cleanup is concluded, the efforts of City Council and City staff will be focused on the long-term recovery and related financial issues.

B. The Anticipated Duration of the Delay

With respect to the delay in performance of the City's obligations under the Consent Decree, the City anticipates significant delays in a number of the implementation schedules outlined in program deliverables already submitted to EPA and SCDHEC. However, the City is not yet able to conduct the assessment of the wastewater system necessary to determine the impacts to those implementation schedules from the damage caused by the flooding. As stated above, the City will supplement this report once that assessment is concluded and estimated delays for specific deadlines have been determined.

With respect to upcoming deadlines for program deliverables, the diversion of the City personnel and resources during the flooding and aftermath will result in a delay in the submittal of certain deliverables under the Consent Decree. As discussed above, the City leadership and staff continue to be fully engaged in emergency response, restoring basic services, and initial damage assessment. At the present time, it is unclear when the City leadership and staff will return to their normal routines. As a result, the development and approval of certain Consent Decree deliverables will be delayed.

Under the terms of the Consent Decree, the following deliverables are currently due to be submitted to EPA and SCHDEC on or before November 21, 2015:

- Gravity Sewer System Operations and Maintenance Program (GSOMP) - Paragraph 12(i)
- Contingency and Emergency Response Plan (CERP) – Paragraph 12(b)
- Wastewater Collection and Transmission System Training Program (WCTS Training Program) – Paragraph 12(c)
- Information Management System (IMS) Program – Paragraph 12(d)
- Wastewater Treatment Plant Operations Program (WWTP Operations Program) – Paragraph 11(b)
- Financial Analysis Program – Paragraph 12(j)

Pursuant to Paragraph 18 of the Consent Decree, the GSOMP and the CERP have been approved by City Council and noticed for a 30-day public comment period which ended on October 11, 2015. Accordingly, the City will be able to submit the GSOMP and the CERP by the November 21, 2015 deadline. However, the other deliverables due on November 21st are not subject to the 30-day public comment requirement in Paragraph 18. The WCTS Training Program, IMS Program, WWTP Operations Program and Financial Analysis Program have not been finalized by City staff. Additionally, once finalized, these program deliverables must be approved by

City Council prior to submittal to EPA and SCDHEC. As noted above, City staff and City Council are fully engaged in the emergency response and recovery efforts. The City therefore requests a 45-day extension to January 5, 2016, to submit these four deliverables.

C. Actions to Prevent or Minimize the Delay and an Implementation Schedule for those Actions

As stated above, the emergency response and recovery associated with the flooding are continuing as this is an ongoing *force majeure* event. Once services are restored and initial recovery efforts are concluded, City staff and resources will be available to focus on efforts to minimize any resulting delays in the City's performance of its obligations under the Consent Decree. The City will provide additional information on these efforts and an implementation schedule in a supplemental report.

D. Rationale for Attributing Delay to a *Force Majeure* Event

The basis for expected delays as a result of the flooding are provided herein. Additional support for those delays will be provided in supplemental reports after further assessment of the condition of the wastewater system is conducted.

E. Endangerment to Public Health, Welfare or the Environment

The City does not believe that delays in the performance of its obligations under the Consent Decree will endanger public health, welfare or the environment. In fact, the diversion of available resources to the emergency response and recovery efforts are necessary to preserve public health, welfare and the environment. The City continues to prioritize those efforts to meet the immediate needs of citizens affected by the flooding and to restore the basic services on which all of its citizens rely.

We appreciate your consideration of our request for the 45-day extension on the deadlines for the WCTS Training Program, IMS Program, WWTP Operations Program and Financial Analysis Program. Again, the City anticipates additional delays in the performance of its obligation under the Consent Decree and will supplement this report as soon as the effect on current implementation schedules can be fully assessed and resulting delays estimated. If additional information is needed in support of this request, please do not hesitate to contact me.

Sincerely,



Teresa B. Wilson
City Manager