



February 21, 2018

William Bush
Associate Regional Counsel
USEPA, Region 4
61 Forsyth Street, SW
MC 9T25
Atlanta, GA 30303

Re: Violations of DeKalb County Consent Decree - Civil Action No. 1:10cv4039-WSD

Dear Mr. Bush:

With this letter, South River Watershed Alliance (SRWA) is requesting that the Environmental Protection Agency (EPA) investigate violations of the DeKalb County Consent Decree. The violations in question are as follows:

Violation #1 – Failure to develop a System-Wide Hydraulic Model

The Consent Decree requires the County to develop a Dynamic Peak Hydraulic Model for the County’s Wastewater Collection and Transport System no later than six (6) years after the date of entry of the Consent Decree. The model developed and submitted to EPA, to date, is a static model that does not meet Consent Decree requirements. Attached is a memo from Margaret Tanner, Deputy Director, Department of Watershed Management to Scott Towler, Director, Department of Watershed Management for DeKalb County, Subject: Static Maximum Monthly Average Day Modeling Approach, which supports the inadequacy of the model that has been developed and is being used.

Violation #2 – Integrity of System-Wide Hydraulic Model

The international engineering company that developed the County’s hydraulic model (CH2M-Hill) refused to certify the model. Additionally, engineers within the Department of Watershed Management will not certify the model even though the County claims that it can indemnify against personal liability. This calls into serious question the veracity of the model which was solely developed to allow hooks ups to a sanitary sewer system that does not possess adequate capacity. Also see Violation #4.

Violation #3 – The Priority Areas Sewer Assessment and Rehabilitation Program (PASARP) is not complete

The Consent Decree requires DeKalb County to complete the PASARP no later than eight and one-half (8 ½) years from the date of entry of the Consent Decree. The PASARP is only approximately 31 percent complete; however the County is claiming that the PASARP is “substantially” complete. It is reported that this erroneous assertion will be included in the

County's 2017 Consent Decree Annual Report. With such a small percentage of the priority sewer area completed to date, it is not possible to complete this requirement by June 2020, the date that the Consent Decree expires.

Violation #4 – No approved capacity assurance program

DeKalb County does not have an approved capacity assurance program which is required for the issuance of capacity certifications needed to connect to the County's Wastewater Collection and Transport System. The County does not have a definitive way to determine system capacity which begs the question why the County is certifying sewer connections to a system that belches spills in dry and wet weather. Additionally, the engineer that was recently hired by the County to certify capacity was being terminated by Scott Towler, Director of Watershed Management in 2016. See attached letter to Michelle Otts from Scott Towler and emails to DeKalb County, Human Resources from Scott Towler.

Violation #5 – Capacity certifications must be signed by a certified engineer

Capacity certifications have been issued without the signature of a certified engineer specifically Granite Crossing, 6887 Max Cleland Drive, Lithonia, GA. Residents have already moved into the property. See attached Granite Crossing Capacity Evaluation. The engineer that signed this document is the modeler and her signature only attests to following procedure. The Consent Decree requires flow monitoring and engineering judgement. Neither was done for this project. The Maximum Monthly Average Day Modeling Approach (MMADF) predicts less flows in the pipes than the dry weather model. It is supposed to represent a wet weather scenario. This is prevalent in the model. See attached Dunwoody run as well.

The Environmental Protection Agency has an obligation to ensure that DeKalb County meets the objective of the Consent Decree as stated below:

Consent Decree Objective: "The express purpose of the Parties entering into this Consent Decree is for the County to use its best efforts to prepare and implement all plans, measures, reports, and construction, maintenance, and operational activities called for under this Consent Decree to achieve the goals of: (1) full compliance with the CWA, the GWQCA, and the regulations promulgated there under, and (2) the elimination of all SSOs." (p.11, Consent Decree)

SRWA's sole interest is to ensure that the Consent Decree is being implemented in a manner that protects surface waters (streams, creeks, rivers), public health, and achieves the above stated objective. On behalf of SRWA, I ask that immediate action is taken to investigate this complaint and that I am provided the results of any investigation. Thank you.

Sincerely,

Jacqueline Echols, Ph.D.
President, SRWA