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July 30, 2012

Via U.S. Mail and Electronic Mail

**CONFIDENTIAL COMMUNICATION**

Daniel Cooper, Esq.  
Drevet Hunt, Esq.  
Lawyers for Clean Water  
1004 A O'Reilly Avenue  
San Francisco, CA 94129

**Re: Channelkeeper's July 9, 2012 Letter Commenting on City's June 2012 Plans**

Dear Messrs. Cooper and Hunt:

Thank you for providing Santa Barbara Channelkeeper's comments on the City of Santa Barbara's SSO Response Plan, Cleaning Plan, IT Governance Plan, and Known High Risk Pipe Evaluation. The City appreciates Channelkeeper's input, and has carefully considered Channelkeeper's comments in good faith. As provided in Paragraph 51 of the Consent Decree, the City's written response to Channelkeeper's comments is set forth below and in the attached documents, which are hereby incorporated by this reference.

Channelkeeper's overarching concern appears to be that Brown and Caldwell was not directed to design its recommendations to achieve the SSO Reduction Performance Standards, as required by Paragraph 14 of the Consent Decree. The City takes compliance with the Consent Decree very seriously, and we can assure you that no such oversight took place. The City provided Brown and Caldwell with a copy of the Consent Decree, and the City directed Brown and Caldwell to design its recommendations to achieve compliance with the SSO Reduction Performance Standards. The City requested that Brown and Caldwell provide a letter confirming this fact, and a copy of the letter is attached. Brown and Caldwell's letter also provides a basic explanation of how and why the recommendations are designed to achieve the SSO Reduction Performance Standards, as requested in your comments. There is, however, no requirement in the Consent Decree that Brown and Caldwell explain in its deliverables how and why the recommendations are designed to achieve the SSO Reduction Performance Standards. The City has agreed to accommodate Channelkeeper's request at this time to demonstrate its willingness to cooperate with Channelkeeper.

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The specific comments in Channelkeeper's comment letter are also addressed herein. Regarding Channelkeeper's comments on the SSO Response Plan, we identify sections of the Plan that already address Channelkeeper's concern, so the comments were not accepted. The City has updated its SSO Response and Analysis Report form to indicate when the MS4 has been reached as a part of this documentation. As to the Cleaning Plan, the requested explanation is set forth in this letter, and a revision to the Plan has been made to include reference to key metrics and the SSO Reduction Performance Standards. The City has amended its IT Governance plan to incorporate Channelkeeper's comments regarding the identification of critical data gaps. The City has provided the information requested in Channelkeeper's comments on the High Risk Pipe Evaluation.<sup>1</sup>

At the end, this letter also notes that Channelkeeper may not reserve some of its comments, as it purports to do. Under Paragraph 51 of the Consent Decree, all comments must have been provided within 30 days (by July 9, 2012).

**A. The City Directed Brown and Caldwell to Design Plans to Achieve The SSO Reduction Performance Standards**

The primary focus of Channelkeeper's comment letter is a concern that the City may not have directed Brown and Caldwell to design its recommendations to achieve the SSO Reduction Performance Standards and that the recommendations may not have been so-designed. To assuage this concern, the City requested that Brown and Caldwell provide a letter that confirms the required actions were taken. In the attached letter, Brown and Caldwell states that it received a copy of the Consent Decree from the City on March 26, 2012, and that the City discussed the Consent Decree requirements with Brown and Caldwell, and that Brown and Caldwell designed its recommendations to achieve compliance with the SSO Reduction Performance Standards. In addition, the Brown and Caldwell letter provides a basic explanation of how and why the recommendations are designed to achieve the SSO Reduction Performance Standards, as requested in Channelkeeper's comment letter.

Notwithstanding the fact that the City has provided information to address Channelkeeper's concern, we note that the Consent Decree does not require that the Reports and Plans developed in compliance therewith include an express reference to the SSO Reduction Performance Standards. The Consent Decree requires only that the City direct Brown and Caldwell "to design its recommendations . . . to achieve [the SSO Reduction Performance

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<sup>1</sup> The updated SSO Response and Analysis Report form (Appendix A), Cleaning Plan, IT Governance Plan, High Risk Pipe Evaluation Schedule, and GIS Database files are available for download at the following ftp site:

[ftp.meyersnave.com](ftp://ftp.meyersnave.com)  
username: ftpuser\_santabarbo  
password: 1535-002

Standards]” (Consent Decree, ¶ 14), which the City has done. To the extent Brown and Caldwell’s recommendations are designed to achieve compliance with the SSO Reduction Performance Standards, the Consent Decree does not require that the Response Plan directly reference those Standards.<sup>2</sup> The same applies to the Cleaning Program Plan,<sup>3</sup> the IT Governance Plan<sup>4</sup> and the Known High Risk Evaluation.<sup>5</sup> Channelkeeper’s allegation that “[a]bsent any mention of the SSO Reduction Performance Standards . . . each of the plans submitted fail to comply with the Consent Decree” is therefore unfounded.

Channelkeeper also contends that the City’s reports do not comply with the Consent Decree because they do not include an explanation describing why Brown and Caldwell recommendations will assist the City in meeting the SSO Reduction Performance Standards. The Consent Decree does not require that Brown and Caldwell and/or the City explain the basis for the Brown and Caldwell recommendations. Again, Channelkeeper’s allegation is unfounded.

**B. The City’s SSO Response Plan Complies With The Consent Decree**

**1. Spill Data for CY 2005 – 2010 Is Sufficient**

Channelkeeper alleges that the discussion of the City’s spill history in the Background section of the SSO Response Plan should include an analysis of spill data from 2011 and 2012. The analysis Channelkeeper requests is not listed as one of the seven requirements for the SSO Response Plan in Paragraph 21 of the Consent Decree, and Channelkeeper’s

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<sup>2</sup> Specifically, the City was required to “direct B&C to review and analyze the City’s existing SSO response, record keeping, notification and reporting program and to prepare an updated SSO Response and Reporting Plan that incorporates B&C’s recommendations for improvements to the City’s SSO response program.” (Consent Decree, ¶ 21.)

<sup>3</sup> The Consent Decree directs the City to “cause B&C to review and evaluate the City’s existing cleaning program and to recommend improvements, and prepare a Cleaning Program Plan setting forth the recommended cleaning program.” (Consent Decree, ¶ 26.) There is nothing that mandates the Standards be referenced as part of this program.

<sup>4</sup> The Consent Decree directs the City to “cause B&C to review and analyze the City Collection System pipe and manhole attribute data and identify data gaps that are critical to the operation and maintenance of the City Collection System.” (Consent Decree, ¶ 37.) There is nothing that mandates the Standards be referenced as part of the database plan.

<sup>5</sup> The City was required to designate sewer pipes meeting certain criteria specified in the Consent Decree as High Risk Pipes within 30 days of the effective date of the agreement. (Consent Decree, ¶ 42.) There is no requirement that this evaluation expressly reference the SSO Reduction Performance Standards.

comment does not disclose any basis upon which to conclude that the lack of the requested analysis makes the report technically insufficient.

2. The SSO Response Plan Describes “Reasonable Steps” for Recovery and Cleanup

Channelkeeper comments that the discussion on page 3-7 regarding the recovery of wash down water should include more detail. The City believes that the plan already provides the required amount of detail and that each section needs to be viewed in its broader context in the report. For example, spill containment would already be established to contain the wastewater before it can be cleaned up and washed down. The same containment techniques described in detail on page 3-6 must be understood to also apply to the wash down phase discussed on page 3-7. Similarly, Channelkeeper asserts that a statement towards the bottom of page 3-7 directing City staff to take reasonable steps to recover wash down water is insufficient. Channelkeeper has failed to acknowledge a section higher on the same page with three paragraphs describing methods for cleaning up spilled sewage, including wash down water. Those measures are listed more generally in the sections preceding the area-specific discussions that follow, and describe the types of measures that should be addressed to respond to spills occurring over “Hard Surface Areas,” *viz.*, estimating the spill volume, recovering spill sewage, and cleaning up and disinfecting the areas.

Furthermore, this comment addresses an issue that is not even embraced within the terms of the Consent Decree. While the SSO Response and Reporting Plan must require that the City “accurately describes all spill response measures, including clean up” (Consent Decree, ¶21(d)), it does not include any requirements regarding what clean up measures should be used. Channelkeeper cannot require the City to modify portions of reports not required by the Consent Decree just because the City went beyond what it was obligated to do.

3. City Staff Is Directed on Reporting Whether a Spill Reaches the MS4

In its comment letter, Channelkeeper expresses the concern that the SSO Response Plan does not provide for reporting of whether a spill reaches the MS4, as required by Paragraph 21(b) of the Consent Decree. This comment appears to have overlooked the “Final Spill Destination” box on the SSO Response and Analysis Report in Appendix A. This box includes a place for staff to circle words indicating that the spill reached the “street/curb and gutter,” the specific area of concern for Channelkeeper, as well as “storm drain” and “surface water.” Thus, the form Brown and Caldwell developed for City use implements the Consent Decree requirement in Paragraph 21(b). Section 3.4.1 also requires that the City document whether the MS4 was flowing, whether there was any rainfall during the spill event, and whether there was flow in the storm system or drainage ditch, and the remedial action undertaken in response to such occurrences—information that also assists the City in ensuring MS4-related SSO spill events are accurately recorded. In the spirit of cooperation

with Channelkeeper, the City has modified the SSO Response and Analysis Report form to include a reference to the MS4 when such infrastructure has been impacted by an SSO.

**C. The City's Cleaning Plan Complies With The Consent Decree**

**1. Spill Data for CY 2005 – 2010 Is Sufficient**

The Consent Decree requires that the City direct "B&C to review and evaluate the City's existing cleaning program and to recommend improvements, and prepare a Cleaning Program Plan setting forth the recommended cleaning program." (Consent Decree, ¶ 26.) Nothing in the Consent Decree requires that certain data be reviewed in preparing the cleaning plan. The 2005 through 2010 data provided Brown and Caldwell with the information it required to efficiently evaluate the systems, identify their strengths and weaknesses, and make recommendations to maximize their performance relative to reducing spills and achieving Consent Decree performance objectives.

Furthermore, the type of analysis of past spills and causes undertaken by Brown and Caldwell in formulating this Cleaning Plan is not a mandated component of the Plan.

**2. The SSO Analysis "Feedback" Process Is Explained in the Plan**

The Cleaning Plan describes how the SSO Analysis process is utilized to adjust sewer main cleaning schedules. As a routine matter, any sewer main causing a blockage so severe as to result in a maintenance-related SSO has a "heavy" finding. The feedback loop associated with a "heavy" sewer main condition discovered through emergency response activities is then communicated through regular Cleaning Plan activities set forth in Plan sections 3.3.1, 3.3.2, 3.5.4, and 3.7.1.1, as well as Figure 3-4 and Appendix D.

**3. The Plan's Performance Goals and Key Metrics Conform with the Consent Decree**

The Plan is designed to comply with the Consent Decree's SSO Reduction Performance Standards, as confirmed in Brown and Caldwell's letter. The Plan's performance goals are also designed to conform to the regulatory mandates that govern the management of the City's municipal wastewater collection system, which are listed in Section 1.4 of the Plan. The "key metrics" and "performance goals" relate to the SSO Reduction Performance Standards and have been designed to ensure compliance therewith. Nonetheless, a revision to the Plan has been made to include reference to key metrics and the SSO Reduction Performance Standards to assuage Channelkeeper's concerns.

**D. The City's IT Governance Plan Complies With The Consent Decree**

The City has updated its IT Governance Plan in response to Channelkeeper's comments. The updated Plan is attached hereto Section 3.8 and Appendix A of the updated Plan identify data gaps and related database deficiencies, as required by the Consent Decree.

**E. The City's High Risk Pipe Evaluation Complies With The Consent Decree**

**1. The City Will Provide a List of Information Required to Complete the High Risk Pipe Evaluation**

Channelkeeper has requested a list of the segments identifying what information is required in order for the City to complete its designation of High Risk Pipes. Although there is no provision in the Consent Decree obligating the City to do so, the City will accommodate Channelkeeper's request.

**2. The City Will Provide a Timeline for Completing its High Risk Pipe Evaluation**

Channelkeeper has also asked the City to provide a proposed timeline that would provide a schedule of the anticipated dates by which the City expects to have the information required to complete its high risk pipe evaluation. The City's obligation under the Consent Decree was to designate by June 13, 2012 as High Risk Pipe any of the sewer pipes within the City Collection System that corresponded to criteria (i) thorough (iv) of paragraph 42 of the Consent Decree (based on known information). The City has completed this task. All remaining High Risk Pipe designations are to be completed by June 30, 2013 as required by the Consent Decree. (See Consent Decree, ¶ 42.) There is no requirement that the City provide a timeline setting dates corresponding to the City's information gathering process. Nonetheless, the City will accommodate Channelkeeper's request.

Channelkeeper will note that the City does not possess the information needed to make a groundwater-related determination and cannot do so until it has all of the sewer elevation data required for the analysis. The City has not yet researched the availability of groundwater data and believes the High Risk Pipe groundwater criteria may only be applicable to a small population of City sewer mains. Based on the potential costs of a groundwater data-based criteria analysis, the City has determined that the High Risk Pipe candidate sewer mains meeting all other requisite criteria will be assessed and prioritized for subsequent pipe remediation work.

**3. The City Will Provide a Copy of the GIS Database**

The City will provide Channelkeeper with a current copy of the City GIS databases for gravity sewer system infrastructure and separate storm sewer infrastructure.

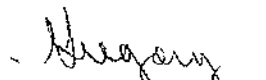
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Drevet Hunt  
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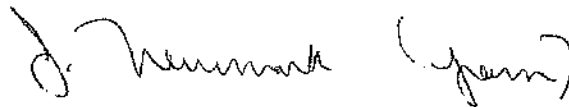
F. Channelkeeper's Right to Comment on Consent Decree Reports and Plans

Channelkeeper's right to comment on any reports or plans issued pursuant to the Consent Decree is defined by the terms of the Consent Decree. To that end, Section XXI provides Channelkeeper with a right to review and comment on any report or program within 30 days of receipt of same. The Consent Decree does not grant to Channelkeeper the additional right to reserve an opportunity for further comment on any report or program. Channelkeeper's attempt to do so is therefore without force and effect.

Additionally, any revisions by the City to any Reports or Plans in response to comments made by Channelkeeper pursuant to its right to comment under Paragraph 51 of the Consent Decree do not trigger a new 30-day right to comment on the modified Report(s) and/or Plan(s).

Sincerely,

  
Gregory J. Newmark



cc: Sarah J. Knecht, City of Santa Barbara

1933879.3

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July 27, 2012



Mr. Christopher Toth  
Wastewater System Manager  
City of Santa Barbara  
Public Works Department  
630 Garden Street  
Santa Barbara, California 93101

1012/142230

Subject: Conformance of Phase I Documents to Consent Decree Requirements and  
Compliance with SSO Reduction Performance Standards

Dear Mr. Toth:

Brown and Caldwell (BC) has reviewed the comments provided to you by Channelkeeper on July 9, 2012, generated from Channelkeeper's review of Brown and Caldwell's Phase I documents (the SSO Response Plan, the Cleaning Plan and the IT Governance Plan [collectively Plan Documents]). This letter addresses Channelkeeper's concerns regarding whether the Plan Documents conform with the City of Santa Barbara's (City) Consent Decree requirements and, specifically, if the recommendations therein are designed to achieve compliance with the SSO Reduction Performance Standards as defined in Paragraph 14 of the Consent Decree (item "A" in the Channelkeeper July 9 letter) by the City. As described below, and subject to the limitations, assumptions and conditions described in the Plan Documents, Brown and Caldwell confirms that the recommendations and conclusions contained in the Plan Documents, when fully implemented by the City, will achieve the requirements of Paragraph 14 of the Consent Decree.

As you know, although BC does not refer to the Consent Decree in the Planning Documents, BC received the proposed Consent Decree on March 26, 2012 and the final Consent Decree on May 15, 2012. BC performed a thorough review of these documents, including the SSO Reduction Performance Standards requirements, and has had multiple discussions with City staff regarding these requirements and the recommendations provided in our reports to help the City achieve said standards. Based on our review of the Consent Decree requirements, BC confirms that:

- BC has worked extensively with the City to align our recommendations with the City's Consent Decree requirements as well as provide other recommendations for improvement;
- The reports and associated recommendations have been prepared so that if fully implemented, the City will meet the Consent Decree requirements, including the SSO Reduction Performance Standards defined in Paragraph 14; and



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- BC is committed to continue its contract work for the City in order to assist the City in its commitment to achieve the Consent Decree SSO Reduction Performance Standards.

The recommendations provided in these plans are based on wastewater industry good engineering standard practices to minimize sewer system overflows and are designed to meet the SSO Reduction Performance Standards defined in the Consent Decree.<sup>1</sup> These recommendations have been formulated based on industry-leading research including:

- *Core Attributes of Effectively Managed Wastewater Collection Systems*, July 2010, produced by the American Public Works Society, the American Society of Civil Engineers, National Association of Clean Water Agencies, and the Water Environment Federation
- *Effective Utility Management, A Primer for Water and Wastewater Utilities*, June 2008, produced by the United States Environmental Protection Agency, Association of Metropolitan Water Agencies, American Public Works Association, American Water Works Association, National Association of Water Companies, Water Environment Federation, and the National Association of Clean Water Agencies.

Additionally, the recommendations are designed to enable the City to meet the California State Water Resources Control Board Order No. 2006-003 statewide general Waste Discharge Requirements (WDR). These requirements apply to all publicly owned sanitary sewer collection systems in California with more than one mile of sewer pipe. Agencies meeting these criteria must develop a Sewer System Management Plan (SSMP). The SSMP establishes goals and present objectives to minimize the number and impact of SSOs, provide sewer capacity to accommodate design storm flows, and maintain the condition of the collection system such that the City can continue to provide reliable service. The documents reviewed by Channelkeepers are components of the City's SSMP.

The written recommendations contained in the SSO Response Plan are designed to achieve the SSO Reduction Performance Standards. The plan is designed to meet the State general WDR referenced above and provides procedures to contain and control spills. The follow-up investigation and root cause analysis described in the plan will enable the City to make changes to the collection system or maintenance activities that will help prevent future SSOs and thus help the City achieve the SSO Reduction Performance Standards.

The written recommendations contained in the Cleaning Plan are designed to achieve the SSO Reduction Performance Standards. This plan contains three key strategies that should, when implemented effectively, significantly reduce operations and maintenance related SSOs (which historically have been as much as 98 percent of the City's total overflows in previous years). The cleaning strategy described enables the City to maintain focus on problem areas and continually adjust its cleaning schedules to clean these pipes before they become at risk for overflows. The City has already made progress in identifying and focusing on these pipes which has already significantly reduced the number of SSOs in recent years.

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<sup>1</sup> As acknowledged in the Consent Decree on page 10, Brown and Caldwell disclaims any guarantee or warranty that implementation of the recommendations contained in the Planning Documents will achieve the SSO Reduction Standards.

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Public Works Department  
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The written recommendations provided in the IT Governance Plan are designed to achieve the SSO Reduction Performance standards. This document describes the processes that the City must follow to maintain the systems and data used for collection system management. It describes the roles and responsibilities of each individual and group that must participate in the maintenance of this information, and details the steps that must be followed when data are changed in the system. By following these recommendations, the City will have accurate, timely and reliable information about its collection system and maintenance activities which will help the City efficiently maintain the collection system.

Thank you for the opportunity to clarify our Plan Documents and their applicability to the City's Consent Decree. Should you have further questions please do not hesitate to contact me.

Very truly yours,

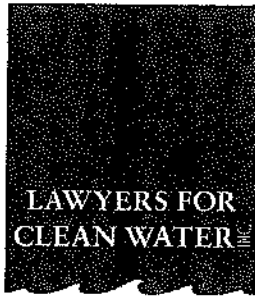
**Brown and Caldwell**



Allan Scott  
Project Manager

AS:re

cc: Project File  
Rob Goodson, Brown and Caldwell



*Via Electronic Mail and U.S. Mail*

9 July 2012

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Dear Ms. Andersen and Ms. Knecht:

Channelkeeper is in receipt of your letter dated 7 June 2012 and the following four enclosures:

- SSO Response Plan (enclosure 1)
- Cleaning Plan (enclosure 2)
- IT Governance Plan (enclosure 3)
- Known High Risk Pipe Evaluation (enclosure 4)

Brown and Caldwell ("B&C") prepared the SSO Response Plan, the Cleaning Plan, and the IT Governance Plan. The City prepared the Known High Risk Pipe Evaluation. Provided below are Channelkeeper's initial comments on each.

A. The SSO Response Plan, the Cleaning Plan, and the IT Governance Plan Are Not Designed to Achieve Compliance With SSO Reduction Performance Standards As Required

The Consent Decree requires B&C to prepare recommendations designed to achieve compliance with the SSO Reduction Performance Standards. Paragraph 14 of the Consent Decree provides:

The City will reduce its SSOs to comply with the following SSO Reduction Performance Standards and will direct B&C to design its recommendations referenced herein to achieve said standards.

Despite this clear requirement, the SSO Response Plan, the Cleaning Plan, and the IT Governance Plan do not mention either the Consent Decree or the SSO Reduction Performance Standards.

With no mention of the Consent Decree in any of the documents prepared by B&C, it is impossible to tell (a) whether the City even told B&C about the Consent Decree requirements, or (b) whether B&C provided the City with recommendations designed to achieve the SSO Reduction Performance Standards, as required. Further, the recommendations provided by B&C do not indicate whether B&C itself even considered the Consent Decree's requirements. The plans describe steps and measures the City "should" take. But, why should the City take the particular actions recommended? Under the Consent Decree, the City must take the actions recommended by B&C, and it must achieve the SSO Reduction Performance Standards. Absent any mention of the SSO Reduction Performance Standards, each of the plans submitted fail to comply with the Consent Decree.

Channelkeeper is not suggesting that simply referencing the SSO Reduction Performance Standards and the Consent Decree would result in satisfactory plans. To comply with the Consent Decree, B&C's recommendations must include an opinion and explanation of why, if implemented, the recommended measures will assist the City in meeting the SSO Reduction Performance Standards. The Consent Decree includes a two-step process for many of its required plans and programs, including the SSO Response Plan, the Cleaning Plan, and the IT Governance Plan. Step one is designing the plan to achieve the SSO Reduction Performance Standards. Step two is implementing the plan. The purpose of requiring step one to be undertaken with the intent of achieving the SSO Reduction Performance Standards is to ensure that the actions, when implemented in step two, will achieve the desired results. Without tying the recommendations in the various plans to the SSO Reduction Performance Standards, the plans do not meet the requirements of the Consent Decree.

As submitted, the SSO Response Plan, the Cleaning Plan, and the IT Governance Plan do not even provide adequate information to conduct a technical review of whether the proposed

actions can be expected to achieve the required results. Channelkeeper therefore requests that the City revise the SSO Response Plan, the Cleaning Plan, and the IT Governance Plan to include reference to the requirements of the Consent Decree, and to provide a basic explanation of how and why the recommendations provided are designed to achieve compliance with the SSO Reduction Performance Standards. Aside from the limited comments below, Channelkeeper reserves its comments on the technical aspects of the City's the SSO Response Plan, the Cleaning Plan, and the IT Governance Plan until this defect in the plans is corrected.

B. Specific Additional Comments Regarding the Individual Plans

1. Comments on the SSO Response Plan

On page 2-2, reference is made to SSOs from 2006-2010. SSOs occurring in 2011 and early 2012 are not included in the analysis. A complete analysis of recent SSOs and causes should be included. At a minimum, this will provide information on the successes and failures of the programs and actions implemented in the recent past as they relate to SSO response and reporting.

On page 3-7, describing measures to recover and clean up spills on hard surface areas, the plan directs personnel to "take reasonable steps to contain and vacuum up the wash down water and dispose of properly." The plan should explain what measures are required to be taken to complete the job, and what circumstances, if present, would make taking certain steps unreasonable.

On pages 3-9 through 3-12, the plan describes SSO Investigation and Documentation requirements. The Consent Decree requires the City report whether an SSO reaches the MS4. The MS4 includes streets, curbs, and gutters. 40 C.F.R. § 122.26(b)(8). The plan does not explain this, nor does it explain that when SSOs reach these features they reach the MS4. The SSO Response and Analysis Report (Appendix A to the Plan) also does not direct personnel to identify the spills to the MS4 as required by the Consent Decree. The plan and the SSO Response and Analysis Report template must be modified to provide direction to ensure SSOs that reach the MS4 are reported as required.

2. Comments on the Cleaning Plan

Like with the SSO Response Plan, on page 2-2, reference is made to SSOs from 2006-2010. SSOs occurring in 2011 and early 2012 are not included in the analysis. A complete analysis of recent SSOs and causes should be included. At a minimum, this will provide information on the successes and failures of the programs and actions implemented in the recent past as they relate to collection system cleaning.

On page 4-5, the Cleaning Plan refers to an SSO Analysis process, and indicates that this process provides feedback and adjustment to the cleaning procedures. No description of how this feedback loop works is provided. The document refers to other documents, including the SSMP,

but to the extent SSO analysis results in changes to the City's cleaning procedures, that information should be provided in the Cleaning Plan itself.

On page 5-1, the Cleaning Plan discusses "key metrics" and "performance goals." There is no discussion of the SSO Reduction Performance Standards that the City is required to achieve under the Consent Decree. This is an example of how the Cleaning Plan is not tied to the Consent Decree requirements, as it must be.

### 3. Comments on the IT Governance Plan

The City submitted the IT Governance Plan to comply with its obligations under paragraphs 36 and 37 of the Consent Decree. The IT Governance Plan does not mention the Consent Decree, making it difficult to discern whether any particular part of the IT Governance Plan is intended to meet the Consent Decree's requirements. Notably, while the IT Governance Plan appears to set forth a comprehensive method for managing the data City's collection system, it fails to identify data gaps and current deficiencies in the City's databases and database management. Paragraph 37 requires that the IT Governance Plan "identify any data gaps that are critical to the operation and maintenance of the City Collection System." The IT Governance Plan must be revised to include this information.

#### C. Comments on the High Risk Pipe Evaluation

Channelkeeper reviewed the high risk pipes identified in the High Risk Pipe Evaluation. It appears that the identified pipes do not match the pipes Channelkeeper previously identified as potential high risk pipes during settlement negotiations. Channelkeeper believes this may be because there is insufficient information about a particular pipe segment to analyze that pipe for each of the four factors required by paragraph 42 of the Consent Decree.<sup>1</sup> The City appears to have identified these pipes as the 1,203 segments that require additional evaluation. Channelkeeper requests that the City provide the databases listing the segments and identifying what information it must obtain in order to complete its determination regarding each segment.

Channelkeeper also requests that the City provide its proposed timeline for obtaining the information it needs in order to complete its system-wide evaluation for high risk pipes. The City states that, "it is anticipated that this field survey work will be completed prior to June 30, 2013." In fact, it is required by the Consent Decree that this data be collected by that date, as that is the date that each sewer pipe in the City must be designated as high risk pipe, or not. We hope the City has prepared a schedule for completing the required work and will provide Channelkeeper with it.

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<sup>1</sup> Channelkeeper prepared the attached table listing the pipe segments that it believes meet all criteria for high risk pipes except the groundwater criterion. Channelkeeper requests that the City identify which of these pipes are below groundwater year round (and thus are not high risk pipes), and which the City does not have the necessary information to make this determination.

Last, Channelkeeper assumes the City is continuously updating its GIS database, and that the version of the City's GIS database that Channelkeeper currently has is out of date. To facilitate future reviews of data intensive analyses, we request that the City provide Channelkeeper with the GIS database along with submission of the corresponding analyses.

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Channelkeeper looks forward to your response to the comments provided above.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hunt", written over a horizontal line.

Drevet Hunt  
Daniel Cooper  
Lawyers for Clean Water, Inc.  
Counsel for Channelkeeper

**Sanitary Sewer Segments Meeting All High Risk  
Criteria Except GW Criterion**

B5-23  
B5-28  
B5-32  
B5-39  
B5-41  
B5-50  
B5-51  
B5-52  
B5-53  
B5-62  
B5-85  
B5-89  
B5-96  
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C7-14



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C9-56  
C9-57  
C9-59  
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D4-110  
D4-112  
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D6-11  
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D6-44  
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D6-57  
D7-107  
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D8-116  
D8-124

D8-127  
D8-137  
D8-139  
D8-163  
D8-27  
D8-31  
D9-59  
D9-78  
E10-19  
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E12-59  
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E4-186  
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E5-82  
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E9-91  
F11-16

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F11-67  
F11-8  
F11-84  
F11-89  
F11-97  
F12-12  
F12-6  
F8-85  
F9-64  
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Analysis from GIS data 6/28/12

