



City of Santa Barbara

Public Works Department

www.SantaBarbaraCA.gov

March 28, 2013

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Santa Barbara ChannelKeeper
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Administration

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Fax: 805.897.2613

Lawyers for Clean Water
Mr. Drevet Hunt
1004 O'Reilly Avenue
San Francisco, CA 94129

Engineering

Tel: 805.564.5363
Fax: 805.564.5467

SUBJECT: TRANSMITTAL OF ANNUAL REPORTS

Dear Ms. Redmond and Mr. Hunt,

Facilities

Tel: 805.564.5415
Fax: 805.897.2577

I am writing to transmit the following reports:

- Annual Report on Collection System for 2012
- Exfiltration Abatement Plan for 2012
- SSO Reduction Action Plan for 2012

Street Maintenance

Tel: 805.564.5413
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Additionally, we would like to take this opportunity to respond to Ms. Redmond's letter of January 15, 2013. In her letter, Ms. Redmond asserts that the City failed to comply with the Consent Decree in two areas – failing to meet Sanitary Sewer Overflows (SSO) Reduction Performance Standards and failing to complete two miles of rehabilitation, replacement or repair on pipe segments that meet the criteria for High Risk Pipe (HRP) designation in the Consent Decree.

Transportation

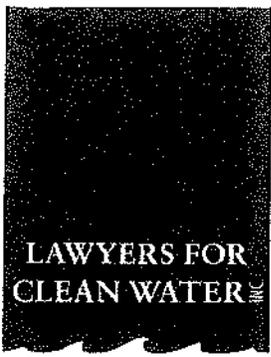
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Water Resources

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Contrary to Ms. Redmond's assertion, the City is in full compliance with the Consent Decree. In August of 2012, the City submitted to ChannelKeeper an initial Exfiltration Abatement Program Plan in which the City informed ChannelKeeper that it planned on rehabilitating, replacing or repairing 0.64 miles of HRP in 2012, and that, due to the overall Consent Decree expenditure cap, it did not anticipate completion of the full 2 miles of HRP in the calendar year. In recognition of an increased need for collection system improvements, the City had been focusing additional resources on Collection System Capital Improvement Plan (CIP) in 2010 and 2011. Some of that work carried into 2012; however, it had not been targeted at the specific programs described in the Consent Decree, such as the HRP program, especially given that the Consent Decree was not finalized until May 2012.

As City staff has done evaluations related to designating HRP segments, and as staff has analyzed information for the 2013 reports, additional information has allowed us to better characterize some of the pipe segments that were not previously identified as HRP, as well as capturing some rehabilitation, replacement and repair work that had not previously been captured. The actual accomplishment for 2012 is that 1.02 miles of HRP that were rehabilitated, replaced or repaired. Further, the overall amount of collection system pipe



LAWYERS FOR
CLEAN WATER

Via Email

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Attn: Public Works Director
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City of Santa Barbara
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Gregory Newmark
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Los Angeles, California 90071
gnewmark@meyersnave.com

9 April 2013

*Re: Annual Exfiltration Abatement Program 2012
SBCK v. City of Santa Barbara, Case No. CV 11-3624 JHN (AGRx) (C.D. Cal.)*

Dear Mr. Armstrong, Ms. Andersen, Ms. Knecht, and Mr. Newmark:

Santa Barbara Channelkeeper (“Channelkeeper”) is in receipt of the City of Santa Barbara’s (“City”) Annual Exfiltration Abatement Program 2012 (“Exfiltration Program”) dated March 31, 2013 submitted pursuant to the Consent Decree between Channelkeeper and the City. Channelkeeper’s staff and engineers have conducted an initial review of the Exfiltration Program. Based on this initial review, Channelkeeper has identified several areas of the Exfiltration Program about which further explanation is needed to allow Channelkeeper to conduct a fully informed evaluation of the planned 2013 work. Given Channelkeeper’s timeline for providing its comments to the City on the Exfiltration Program, we request that the City respond in writing to the below questions and provide any and all documentation in support of the City’s responses as soon as possible, but no later than 16 April 2013.

The areas of the Exfiltration Program about which Channelkeeper requests further explanation are as follows:

1. In the GIS table for high risk pipes repaired/rehabilitated in 2012, one of the 22 pipes has no elevation information. How did the City determine that the pipe was high risk without elevation information?

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Gregory J. Newmark
Attorney at Law
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April 16, 2013

Via E-mail and U.S. Mail

Daniel Cooper, Esq.
Drevet Hunt, Esq.
Lawyers for Clean Water, Inc.
1004-A O'Reilly Avenue
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Re: Responses to Channelkeeper's April 9, 2013 Letter, *Santa Barbara Channelkeeper v. City of Santa Barbara*, USDC, Central District, Case No. CV 11-03624

Dear Counsel:

This letter responds to Channelkeeper's April 9, 2012, request for clarification of information in the City's Annual Exfiltration Abatement Program 2012 submitted on March 28, 2013 (in accordance with Paragraph 45 of the Consent Decree). The City's responses to Channelkeeper's questions are provided below. As to questions 1 and 3, it is unclear which pipes are being referenced and the City requests that Channelkeeper provide the pipe identification numbers so that the City can properly respond.

1. Please provide the pipe segments being referenced.
2. CK's Question (2): In the GIS information provided for the planned 2013 high risk work, there are columns entitled "RISK_LOF," "RISK_COF," and "RISK_SCORE." What do these column titles mean? How were the column categories used in prioritizing work for 2013?

City's Response: The above terms are defined in Section 1.5 of the CCTV and Repair, Rehabilitation and Replacement Work Plan under the heading "Definitions and Acronyms," and are more fully explained in Section 2.4 labeled "Initial Inspection Prioritization." These terms represent risk factors (1) through (5), with (5) being the highest, and stand for the following: "LOF" means "Likelihood of Failure;" "COF" means "Consequence of Failure;" and "Risk Score" (also referred to as the criticality rating) is the product of the LOF and COF scores for a pipe.

3. Please provide the pipe segments being referenced.

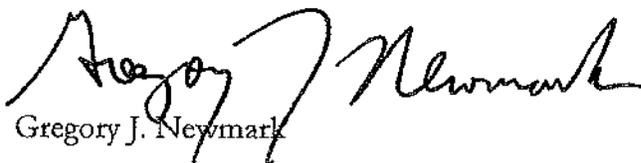
Daniel Cooper, Esq.
Drevet Hunt, Esq.
April 16, 2013
Page 3

condition). The total additional pipe is 0.21 miles, which equates to 2.19 miles for Calendar Year 2013.

We understand that Channelkeeper's letter was simply a request for clarification of information in the City's exfiltration report to facilitate its review of that report. Therefore, the City has provided clarification to Channelkeeper by its suggested deadline. To the extent Channelkeeper intends on providing comments to any of the reports submitted by the City on March 28, 2013, the deadlines for those reports are calculated from March 28, 2013, when Channelkeeper received same. Neither Channelkeeper's April 9, 2013 letter, nor the City's response thereto, affects the timeframe of when comments are due.

Please contact me if you wish to discuss this matter further. Also, we will reply promptly with the requested information once you provide us with the pipe identifications for questions 1 and 3.

Sincerely,



Gregory J. Newmark

cc: Sarah Knecht, Esq., City of Santa Barbara
Kira Redmond

2072055.1



LAWYERS FOR
CLEAN WATER

Via Electronic Mail

18 April 2013

City of Santa Barbara
Attn: Sarah Knecht
Post Office Box 1990
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sknecht@santabarbaraca.gov

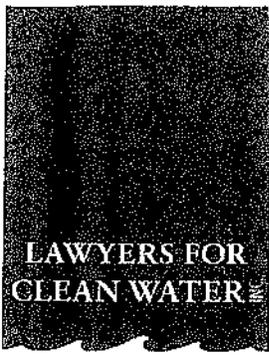
Gregory Newmark
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Dear Mr. Newmark:

This letter responds to your email from April 16, 2013 related to Channelkeeper's request that same day for further information in response to questions on the City's Exfiltration Abatement Program, which were first provided to the City on April 9, 2013. In my April 16 email I requested a phone call to streamline the information exchange. You suggested we provide questions in writing instead. We agree to your proposal, but specifically request the City respond quickly with a complete response to this letter. A quick response is necessary to ensure Channelkeeper has information it needs to provide comments on the City's plan in a timely manner.

Dr. Bell provided us with the following initial response to the City's April 16, 2013 letter (corresponding to the numbers from the City's letter):

1. The pipe is H7-33. The City should have been able to identify this.
2. The definition was helpful.
3. The pipes we questioned were H8-21 and H7-23. The City should have been able to identify this.
4. The table provided makes it appear that the City charged the cost of updating its GIS database as required by paragraph 37 of the CD to high risk pipe repair.
5. We asked for the analysis not the method. The City could not possibly identify high risk pipes repaired in 2012 or scheduled for 2013 without knowing which storm drains were below sanitary sewers that were crossing or within 5 meters of the sanitary sewers.
6. We understand.
7. We understand, however, we need the City's analysis to verify.



LAWYERS FOR
CLEAN WATER

Via Email and US Mail

April 29, 2013

City of Santa Barbara
Attn: City Administrator
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Gregory Newmark
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*Re: City of Santa Barbara Compliance with Requirements of Consent Decree;
Annual Report on Collection System for 2012; Annual Exfiltration Abatement Program
2012; and SSO Reduction Action Plan 2012
SBCK v. City of Santa Barbara, Case No. CV 11-3624 AGR (C.D. Cal.)*

Dear Mr. Armstrong, Ms. Andersen, Ms. Knecht, and Mr. Newmark:

Santa Barbara Channelkeeper ("Channelkeeper") is in receipt of the City of Santa Barbara's ("City") correspondence dated March 28, 2013 ("March 28 Letter"). The City submitted the following three reports pursuant to requirements of the Consent Decree with the March 28 Letter:

- Annual Report on Collection System for 2012, dated March 31, 2013 ("2012 Annual Report")
- Exfiltration Abatement Program for 2012, dated March 31, 2013 ("EAP")
- SSO Reduction Action Plan 2012, dated March 31, 2013 ("SSO RAP")

On April 9, 2013 Channelkeeper requested clarification of certain issues related to the EAP. The City responded by letter on April 16, 2013 ("April 16 Letter"). Channelkeeper requested further clarification of information related to the EAP on April 18, 2013. The City responded by email April 19, 2013. Channelkeeper's response to the City's March 28, 2013 letter and comments on the three reports are provided below.

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commitment, and is counterproductive to instilling confidence and trust in the City's efforts to meet (and hopefully exceed) the requirements of the Consent Decree.

Channelkeeper remains committed to working collaboratively with the City to improve the collection system, however this is only possible if the City demonstrates the ability and commitment to achieve both the spirit and letter of the Consent Decree. As Channelkeeper's comments on the EAP, SSO RAP, and Annual Report that follow demonstrate, this means producing planning and compliance reports that do more than the bare minimum required, and instead provide background and explanation necessary to evaluate compliance. It also means stepping up effort to ensure sewer operations, maintenance, and condition problems are identified and resolved so that the City will be able to meet the increasingly stringent SSO Reduction Performance Standards in coming years.

Comments on the Exfiltration Abatement Program

As originally submitted on March 28, the EAP only identified 1.98 miles of high risk pipe that the City intends to repair, rehabilitate, or replace in 2013. In follow up correspondence counsel for the City identified an additional 0.21 miles of high risk pipe to be included in the plan for 2013. Considering this additional mileage, and if taken on its face and implemented, the EAP for 2013 appears to identify the miles of pipe necessary to meet the minimum requirements of the Consent Decree. There are however a number of concerns that Channelkeeper has regarding the transparency of the EAP.

First, nowhere in the text of the EAP itself does the City identify the mileage it intends to repair, rehabilitate, or replace in 2013. Likewise, the EAP does not present any information on the projected budget for completing the pipe repair, rehabilitation, or replacement. Though this information is not technically required by the Consent Decree, it is essential to presenting the complete picture of what the City is proposing for this year. Channelkeeper specifically requests that the City include this information in a revised draft of the EAP for 2013 and in all future EAPs submitted pursuant to the Consent Decree.

Second, neither the text of the EAP nor the databases provided as appendices include complete information on the elevation of all the storm sewer drains used in determining which of the City's sewer pipes are high risk pipes. Channelkeeper notified City staff of this data gap and received the following response:

In instances where that information was not available in GIS record drawings were checked or survey data was collected. Because the analysis was conducted to identify collection system pipe segments, requested information regarding storm drain segments associated with the collection system pipe designation of HRP **was not logged and retained and would require considerable effort and time to create.**

Not only does this suggest that the City conducted a time consuming and resource intensive analysis and subsequently did not log the results in its database, it also makes it impossible for

specify the actions taken in the Year for which the Annual Report was submitted that were designed to achieve compliance with the SSO Reduction Performance Standards, and shall specify additional measures to be taken during the upcoming Year and thereafter to achieve compliance with the SSO Reduction Performance Standards. The SSO Reduction Action Plan shall include a proposed schedule for implementation of all actions proposed.

Consent Decree, ¶ 16. The SSO RAP does not meet these requirements and must be revised accordingly.

First, while the SSO RAP discusses collection system operations in 2012, it does not provide sufficient analysis to explain how these efforts were designed to achieve compliance with the 2012 SSO Reduction Performance Standard of 18. Likewise, the proposals for changes to operations in 2013 do not provide the analysis necessary to understand how the changes are designed to achieve compliance with the 2013 SSO Reduction Performance Standard of 15.

Second, the SSO RAP does not have sufficient information related to the changes in cleaning frequency to evaluate the City's efforts in 2012, or whether the proposed cleaning for 2013 is designed to achieve the SSO Reduction Performance Standards. Despite the lack of complete information in the SSO RAP, Channelkeeper has identified the following elements of the SSO RAP that require modification:

- According to the SSO RAP, "In general sewer mains with cleaning frequency changes have had their frequencies either reduced (1 to 6 months frequency pipes being changed to new 12 month cleaning intervals)..." Whether these changes were intended to achieve compliance with SSO Reduction Performance Standards, or whether these changes will in the future help achieve compliance is not explained. In Channelkeeper's consultant's opinion and the City's own documents, only pipes that are of a 6 month cleaning frequency should be decreased to a 12 month cleaning frequency. Pipes that are cleaned on a 4 month frequency should increase to a 6 month frequency and pipes cleaned on a 1 month frequency should be increased to a 4 month frequency (as shown on page 3-4 (PDF page 18) of the "Cleaning and Inspection Improvement Plan"). The SSO RAP should be revised to ensure the City takes action consistent with industry standards and its own plans.
- According to the SSO RAP, to address roots, the largest single cause of SSOs in 2012, the root control program will be updated to place pipes that have medium or heavy roots on a 6 month cleaning schedule. 31 pipes with medium or heavy roots are listed as having a cleaning frequency of less than or equal to 6 months. Pipes currently cleaned on a 1 month or 4 month frequency should not be arbitrarily changed to a 6 month schedule without having achieved 3 consecutive "clear" cleaning results (as required by the flow chart on page 3-5 of the "Cleaning and

the required two miles of high risk pipe. While the effort made on non-high risk pipes is commendable, it should not be made at the expense of other requirements of the Consent Decree.

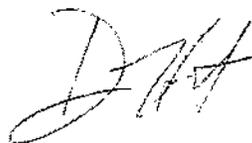
Similarly, the Annual Report explains that the City spent over \$5.9 million dollars in 2012 to manage its collection system and comply with the Consent Decree. Despite this, as Channelkeeper has previously explained, the City failed to meet its obligations with respect to high risk pipe repair, rehabilitation, or replacement in 2012. Channelkeeper does not agree that the overall spending cap excuses the City from meeting its exfiltration abatement program obligations, as these obligations are prioritized by the Consent Decree and have funding specifically earmarked.

Section 3 of the Annual Report identifies activities planned for 2013. Channelkeeper is hopeful that the City's plans, with the improvements recommended by Channelkeeper's comments in this letter, will bring the City into compliance with the SSO Reduction Performance Standard for 2013. In addition, Channelkeeper hopes that the City will follow through on its stated intention of catching up the repair, rehabilitation, and replacement of high risk pipes that was not completed in 2012.

Conclusion

Contrary to the City's position that "it is in full compliance with the Consent Decree", the City did not comply with the Consent Decree's SSO Performance Reduction Standards or high risk pipe repair, rehabilitation, or replacement mileage requirements in 2012. Rather than pursuing resource intensive dispute resolution to bring the City into compliance, Channelkeeper believes that all parties' interest are best served at this time by committing resources to bringing the City's SSO rate into compliance with the required standards and increasing effort to address high risk pipes. To this end, Channelkeeper requests that the City take action to address each of the specific comments presented in this letter. We look forward to your response.

Sincerely yours,



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

Cc: Kira Redmond, Santa Barbara Channelkeeper



City of Santa Barbara
Public Works Department

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May 14, 2013

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Via E-Mail and U.S. Mail

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Re: Responses to Channelkeeper's April 29, 2013 Letter, *Santa Barbara Channelkeeper v. City of Santa Barbara*, USDC, Central District, Case No. CV 11-03624

Dear Counsel:

This letter responds to Channelkeeper's April 29, 2013, comment letter related to the City of Santa Barbara's Annual Report on Collection System for 2012; Annual Exfiltration Abatement Program Plan 2012; and SSO Reduction Action Plan 2012. The City thanks Channelkeeper for the positive and encouraging comments made to the City both in its recent letter and in its subsequent presentation to the Santa Barbara City Council during an April 30, 2013 agenda item presentation regarding the City's 2012 Annual Report on Collection System document submittals. The City specifically commends Channelkeeper for its statements that:

- support the City's efforts to commit available resources to reduce the City's SSO rate;
- support the City's effort to address high risk pipes;
- commit to working collaboratively with the City to improve the collection system; and
- avoid pursuing resource intensive formal dispute resolution activities.

Statements made in the Channelkeeper April 29, 2013, letter that the City already has responded to in prior correspondence will not be further addressed here. Channelkeeper is referred to these earlier documents for the City's responses to its previously-raised statements. The City's responses to the remaining statements and questions raised in this most recent Channelkeeper letter are provided in the paragraphs below.

This letter shall serve to update the City's Annual Report on Collection System for 2012; Annual Exfiltration Program Plan 2012; and SSO Reduction Action Plan 2012. Please append this letter to these previously submitted documents so that the documents will have the latest updates included for future reference.

Response to the City's March 28 Letter

CK Statement 1: "Presumably the City inspected this pipe before 'accepting' it. The City's inspections should have revealed the plug prior to the SSO."

City Response 1: Failure of a mechanical plug would not have been prevented through inspection. Furthermore, City records show that this pipe was constructed several years prior to the Consent Decree being entered by the Court. During the life of the Consent Decree there was no feasible opportunity to avoid the circumstances associated with this sewage spill. The City will, however, review its sewer system construction project work practices to ensure that similar mechanical plug installation events are prevented in the future.

The City maintains that this SSO event represents exactly the type of situation contemplated during negotiation of the Consent Decree and is consistent with discussions regarding the provision to relieve the City of obligations for SSOs created by factors beyond the City's reasonable control. Regardless, it is a moot point as the City voluntarily has submitted the 2012 SSO Reduction Action Plan and has detailed additional steps it will take to reduce SSOs.

Comments on the Exfiltration Abatement Program

CK Statement 2: "First, nowhere in the text of the EAP itself, does the City identify the mileage it intends to repair, rehabilitate, or replace in 2013. Likewise, the EAP does not present any information on the projected budget for completing the pipe repair, rehabilitation, or replacement."

City Response 2: The City did provide the mileage it intends to repair, rehabilitate, or replace in the EAP document's Figure 3-1 and underlying Appendix A documentation. This mileage described in Figure 3-1 previously has been identified as being 1.98 miles. Subsequent letter communication with Channelkeeper has established that the City intends to complete an additional 0.21 miles of HRP in 2013 as well. By providing this updated 2013 mileage data in this letter, the City considers it appended to the 2012 EAP Plan.

Project budget for completing pipe repair rehabilitation or replacement is not a requirement of the EAP. The budget is relevant only with regard to tracking rollover money and if the required work cannot be achieved because of budgetary limitations. The City will include 2013 expenditures in the 2014 EAP and the 2014 Annual Report.

CK Statement 3: "Second, neither the text of the EAP nor the databases provided as appendices include complete information on the elevation of all the storm sewer drains used in determining which of the City's sewer pipes are high risk pipes."

City Response 3: The City will provide updated ESRI GIS Shapefile for the pipes identified by the City to be High Risk Pipes by June 30, 2013, as required by the Consent Decree.

CK Statement 4: "Fourth, because the City has not provided all necessary pipe elevation data with its EAP, there is no way to verify whether the 2.19 miles of pipe to be addressed in 2013 will in fact be high risk pipe."

City Response 4: The City appropriately has identified high risk pipe for Capital Improvement Program project construction in 2013 through a combinational review of existing elevation data, record drawings, and field analyses. All pipes for this 2013 construction project are located in the Laguna Channel watershed and comport with all

other criteria listed in the Consent Decree, ¶ 43. The project currently is under construction.

CK Statement 5: “Channelkeeper recommends that as the City completes its database and condition assessment of high risk pipes, it re-evaluates its prioritization to ensure that the pipes that present the highest risk are rehabilitated or repaired first, even if this means moving away from the watershed approach currently proposed.”

City Response 5: The City will work to consider that pipes presenting the highest risk may be rehabilitated or repaired first upon its completion of related database and condition assessment work. However, the City will also continue to evaluate water quality data and will consider that information as well as pipe condition, location and other relevant data in the prioritization of rehabilitation projects. This may result in a continued watershed based approach.

Comments on the SSO RAP

CK Statement 6: “First, while the SSO RAP discusses collection system operations in 2012, it does not provide sufficient analysis to explain how these efforts were designed to achieve compliance with the 2012 SSO Reduction Performance Standard of 18. Likewise, the proposals for changes to operations in 2013 do not provide the analysis necessary to understand how the changes are designed to achieve compliance with the 2013 SSO Reduction Performance Standard of 15.”

City Response 6: The City disagrees with Channelkeeper's comment that the SSO Reduction Action Plan allegedly does not include sufficient analysis to explain how efforts for 2012 and 2013 were designed to achieve compliance with SSO Reduction Performance Standards. The City's SSO Reduction Action Plan is a comprehensive document that thoroughly explains what measures the City implemented in 2012 to reduce SSOs and what measures will be implemented in 2013 to further reduce SSOs. The Plan includes an informative discussion of why the City has chosen the additional measures to be implemented in 2013 (see, e.g., section 3.2.1). We note, however, that the Consent Decree does not require the City to provide the “analysis” Channelkeeper suggests. The Consent Decree requires the City to “specify the actions taken” in 2012 and to “specify additional actions to be taken during the upcoming year” (Consent Decree, ¶ 16). The City's plan provides the required specification of actions and measures.

Moreover, it is inappropriate and maybe impossible to provide the additional analysis Channelkeeper requests. As Channelkeeper is well aware, SSOs cannot be reduced by pulling a lever or pressing a button in a control room. Rather, the City developed its SSO Reduction Action plan by evaluating all available data and designing program modifications that, in light of the decades of experience and best engineering judgment of City staff, are predicted to significantly improve SSO performance. In order to facilitate Channelkeeper's own analysis of these decisions during Consent Decree implementation, the Consent Decree required the City to pay Channelkeeper \$65,000 “[t]o compensate Channelkeeper for time to be spent by legal staff or technical consultants” (Consent Decree, ¶ 53). The City paid this amount, which we presume Channelkeeper is using to pay its own engineer with decades of experience, Dr. Bell, to analyze the available data and the City's program using his own best engineering judgment.

The City is encouraged that Channelkeeper and its consultants agree the SSO Reduction Action Plan should be guided by, and be consistent with, the City's Cleaning and Inspection Improvement Plan and industry standards. As explained below, that is the intent of the SSO Reduction Action Plan, and if Channelkeeper was led to believe otherwise, we have attempted to clarify how the plans work together.

CK Statement 7: "Second, the SSO RAP does not have sufficient information related to the changes in cleaning frequency to evaluate the City's efforts in 2012, or whether the proposed cleaning for 2013 is designed to achieve the SSO Reduction Performance Standards."

City Response 7: The City did provide sufficient information related to all the analyses and related results provided in the SSO RAP. This information is contained in Appendices A and B of the SSO RAP. The City's analyses and results have utilized these Work Plan principles and procedures as the technical basis for all resulting 2012 Annual Report's documentation development. Given the title of the document (SSO Reduction Action Plan), and its purpose, the City intended it to be apparent that the actions in the plan were designed to achieve the SSO Reduction Performance Standards.

CK Statement 8: CK makes several recommendations related to the SSO RAP involving the City's sewer main cleaning frequency changes on pages 5 and 6 of its April 29, 2013 Letter. These recommendations are summarized below:

- It is unclear whether cleaning frequency changes were intended to achieve compliance with SSO Reduction Performance Standards, or whether these changes will in the future help achieve compliance.
- Only pipes that are of a six month cleaning frequency should be decreased to a 12 month cleaning frequency. Pipes that are cleaned on a 4 month frequency should increase to a 6 month frequency and pipes on a 1 month frequency should be increased to a 4 month frequency.
- CK references industry standards and the "Cleaning and Inspection Improvement Plan" Work Plan for the City to use as guidance in updating its future actions.

City Response 8: The City has utilized its own "Cleaning and Inspection Improvement Plan" Work Plan documentation in developing and implementing strategies associated with bettering SSO reduction performance. The SSO RAP does reference reducing frequencies per the Work Plan, and as such, reflects an increased level of effort to achieve compliance with SSO Reduction Performance Standards. Moreover, the City has only reduced the cleaning frequency of sewer mains that have had the requisite number of "clear" cleaning events. The future cleaning schedule changes for root, grease, and debris control outlined in the 2012 SSO RAP address increasing sewer main cleaning frequencies, not decreasing these frequencies. The City and Channelkeeper are aligned on this important best industry standard through joint recognition that the City's activities implementing Work Plan documentation constitute activities which are designed to reduce spills, and as such, comport with necessary requirements to achieve compliance with SSO Reduction Performance Standards.

CK Statement 9: Pipes currently cleaned on a 1 month or 4 month frequency should not be arbitrarily changed to a 6 month schedule without having achieved 3 consecutive "clear" cleaning results and Channelkeeper references the "Cleaning and Inspection

Improvement Plan" Work Plan for the City to use as guidance in updating its future actions.

City Response 9: The City agrees with Channelkeeper that decrements in sewer main cleaning frequency should be made by computer algorithms or other acceptable methods outlined in the "Cleaning and Inspection Improvement Plan" Work Plan. In so doing, the City is making cleaning frequency changes that are intended to achieve compliance with SSO Reduction Performance Standards.

While the City has implied in Section 3.2.1 of the SSO RAP that changes outlined in the section only apply to sewer mains with current frequencies that are less frequent than 6 months, with this letter the City hereby incorporates Channelkeeper's comment into Section 3.2.1 of the SSO RAP as follows: in the sentence beginning with ... "Sewer mains that have been identified with "heavy" or "medium" root condition findings...", insert the following words " ...with current cleaning schedule frequencies less frequent than six months" immediately thereafter. Sections 3.2.2, 3.2.3, and 3.2.4 of the SSO RAP explicitly reference sewer mains with current frequencies that are less frequent than 6 months already.

CK Statement 10: "According to the SSO RAP, the debris control program will be updated to increase cleaning to once every 12 months. Tables 3-6 and 3-7 list pipes currently on a 12 month schedule as being kept at this frequency. Based on the flowchart on page 3-6 of the "Cleaning and Inspection Improvement Plan", cleaning results of heavy should be directly increased to the next higher frequency, and medium should be increased if the previous finding was medium or heavy. Pipes cleaned on a 12 month frequency should be increased to a 6 month frequency."

City Response 10: The City agrees with Channelkeeper that decrements in sewer main cleaning frequency should be made by computer algorithms or other acceptable methods outlined in the "Cleaning and Inspection Improvement Plan" Work Plan. In so doing, the City is making cleaning frequency changes that are intended to achieve compliance with SSO Reduction Performance Standards.

For the sewer mains referenced by Channelkeeper in Tables 3-6 and Table 3-7, the City has stated in Section 3.2.1 that "...For "heavy" or "medium" debris condition findings on smaller diameter sewer mains, cleaning frequencies will be increased if they are at less than 12-month intervals." Furthermore, Table 3-6 and Table 3-7 have been used to document cleaning frequency mileage changes resulting from increasing sewer main cleaning frequencies to a 12-month frequency. These Tables do not prescribe that current 12-month frequency pipes must remain stationary at this 12-month time interval nor do they imply that sewer mains being adjusted to this frequency from less frequent cleaning schedules must remain stationary at this 12-month time interval. Thus Table 3-6 and Table 3-7 do not imply that the City somehow is attempting to impede sewer main cleaning frequency decrements for sewer mains that already equal to or less than 12-month intervals.

CK Statement 11: "From Channelkeeper's review of available information, it appears that spill reporting in 2012 was not accurate. Three out of 20 (15%) of the SSOs had different causes reported in the SSO RAP than on CIWQS."

City Response 11: The City agrees with Channelkeeper and has updated the CIWQS data for these three SSO events so that they reflect SSO event information as shown in the 2012 SSO RAP and other related documentation.

Thank you again for Channelkeeper's comments related to these 2012 Annual Reports. Please append this letter to these previously submitted Annual Report documents so that the documents will have the latest updates included for future reference.

Sincerely,



Christine F. Andersen
Public Works Director

cc: Jim Armstrong, City Administrator
Sarah Knecht, Assistant City Attorney
Greg Newmark, Esq.

2081963.1



LAWYERS FOR
CLEAN WATER

Via Email and US Mail

June 7, 2013

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*Re: Annual Report on Collection System for 2012; Annual Exfiltration Abatement Program 2012; and SSO Reduction Action Plan 2012
SBCK v. City of Santa Barbara, Case No. CV 11-3624 AGR (C.D. Cal.)*

Dear Mr. Armstrong, Ms. Andersen, Ms. Knecht, and Mr. Newmark:

Santa Barbara Channelkeeper (“Channelkeeper”) is in receipt of the City of Santa Barbara’s (“City”) correspondence dated May 14, 2013 (“May 14 Letter”), which responded to Channelkeeper’s April 29, 2013 comments on the City’s Annual Report on Collection System for 2012, dated March 31, 2013 (“2012 Annual Report”), Exfiltration Abatement Program for 2012, dated March 31, 2013 (“EAP”), and SSO Reduction Action Plan 2012, dated March 31, 2013 (“SSO RAP”).

Channelkeeper appreciates the City’s effort to address Channelkeeper’s comments, including by revising its Annual Report, EAP and SSO RAP to incorporate some of Channelkeeper’s suggestions. While the parties’ still disagree on several points regarding the City’s overall compliance with the Consent Decree, as Channelkeeper noted in its April 29 letter, and without waiving any claims it may have, Channelkeeper will not pursue formal dispute resolution on these issues at this time. Rather, Channelkeeper looks forward to working collaboratively with the City to fulfill the requirements of the Consent Decree and improve the collection system.

Of particular interest to Channelkeeper moving forward is a commitment from the City to make up for miles of High Risk Pipe the City did not repair, rehabilitate, or replace as promised during 2012. As explained in Channelkeeper’s April 29 letter, Channelkeeper and the City agree that repair, rehabilitation, and replacement of high risk

pipes is a core element of the Consent Decree. Nevertheless, while the City states it “intends” to catch up, it simultaneously argues it has “no obligation” to do so. Channelkeeper previously explained that it finds these type of statements counter-productive to instilling confidence and trust in the City’s efforts to meet (and hopefully exceed) the requirements of the Consent Decree. Channelkeeper maintains that the City is behind on its obligations pursuant to 43 of the Consent Decree. And even using the City’s calculations regarding expenditures on High Risk Pipe remediation to date, the City possesses ample rollover funding to complete mileage not addressed in 2012. Channelkeeper therefore urges the City to stand by its stated intent and catch up on High Risk Pipe repair, rehabilitation, and replacement over the coming years.

Finally, the City seemed to agree with Channelkeeper’s recommendation that the City re-evaluate its prioritization (of High Risk Pipes for repair) to ensure the pipes that present the highest risk” are addressed first. The City added that it will continue to evaluate water quality data along with pipe condition, location, and other relevant data in prioritizing projects, and concluded through this process it may stick with its watershed based approach. Channelkeeper generally agrees with this approach. However, with mileage to make up in the coming years the City may well find that working solely in a particular watershed may unnecessarily limit the amount of progress the City can make. We urge the City to take an approach that involves attacking the highest risk pipes while concurrently working to address overall problems by watershed

Sincerely yours,



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

Cc: Kira Redmond, Santa Barbara Channelkeeper