

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

**THE UNITED STATES OF AMERICA AND)
THE STATE OF SOUTH CAROLINA, by and)
through the DEPARTMENT OF HEALTH)
AND ENVIRONMENTAL CONTROL,)**

Plaintiffs,)

v.)

Civil Action No. 3:13-2429-TLW

THE CITY OF COLUMBIA,)

Defendant.)

_____)

FIRST MATERIAL CONSENT DECREE MODIFICATION

WHEREAS, on September 9, 2013, Plaintiff, the United States of America (“United States”), by the authority of the Attorney General of the United States and through its undersigned counsel, acting at the request and on behalf of the United States Environmental Protection Agency (“EPA”), filed a Complaint (the “Complaint”) alleging that Defendant, the City of Columbia, South Carolina (“Columbia”), has violated and will continue to violate Section 301 of the Clean Water Act, 33 U.S.C. § 1311 (“CWA”), and terms and conditions of its National Pollutant Discharge Elimination System (“NPDES”) permit issued under Section 402 of the CWA, 33 U.S.C. § 1342; and

WHEREAS, Plaintiff, the South Carolina Department of Health and Environmental Control (“DHEC”), on behalf of the State of South Carolina (“State”), joined in the Complaint seeking injunctive relief and civil penalties for Columbia’s alleged violations of the South

Carolina Pollution Control Act (“SCPCA”), S.C. Code Ann. §§ 48-1-10 et seq., and the regulations promulgated pursuant thereto; and

WHEREAS, also on September 9, 2013, the United States and DHEC lodged a Consent Decree resolving the claims alleged in the Complaint; and

WHEREAS, the Court entered the Consent Decree (“Consent Decree”) in this matter on May 21, 2014, requiring that certain injunctive relief be undertaken by Columbia with the goal of eliminating sanitary sewer overflows (“SSOs”); and

WHEREAS, the United States, DHEC, and Columbia (the “Parties”) have determined that there are provisions of the Consent Decree that need to be amended in this First Material Consent Decree Modification (“First Material Modification”); and

WHEREAS, the Parties agree that Columbia has materially complied with all of the requirements of the Consent Decree to date; and

WHEREAS, Columbia has identified two new remedial projects “Additional Projects” not required by the Consent Decree and two expanded remedial projects “Expanded Projects” that Columbia proposes to complete in order to ensure that the sewer basins affected by the Additional Projects and Expanded Projects will have adequate sewer capacity for anticipated growth over the long term. The Additional Projects and Expanded Projects are described in detail and a schedule for their completion is set forth in new Appendix J to the Consent Decree, which is attached hereto and shall be added as Appendix J to the Consent Decree;

WHEREAS, Columbia has demonstrated that it is appropriate to extend certain deadlines under the Consent Decree in light of the City’s voluntary agreement to perform the Additional Projects and the Expanded Projects, which were not originally required by the Consent Decree

but will enhance the long-term maintenance of compliance with the CWA following completion of work under the Consent Decree;

WHEREAS, Columbia has demonstrated that it is unnecessary to implement the Consent Decree's Capacity Assurance Program ("CAP") requirements in certain sewer basins where Columbia is implementing remedial projects that will provide sufficient additional capacity to accommodate any interim increases in flow and the Parties are satisfied after technical review that the City's existing capacity certification program will continue to provide adequate assurances of system capacity until the Additional and Expanded Projects enhancing system capacity are completed;

and

WHEREAS, the Parties agree, and the Court by entering this First Material Modification finds, that this First Material Modification is fair, reasonable and in the public interest;

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. The Court has jurisdiction over the subject matter of this action and over the Parties to this First Material Modification pursuant to Paragraphs 1 and 83 of the Consent Decree.
2. Pursuant to Paragraph 84 of the Consent Decree, material modifications of the Consent Decree may be made by written agreement of the Parties and shall be effective only upon approval by the Court.
3. The following Subparagraph 12(e)(ii)(E) of the Consent Decree is hereby substituted for the original Subparagraph 12(e)(ii)(E) of the Consent Decree:

(E) Capacity Certifications.

(1) Except as otherwise provided in Subparagraphs 12(e)(ii)(F), (G), (H), and (I), below, in all portions of the Sewer System other than those portions of Sewer basins depicted in the “Map of Deferred CAP Subbasins” attached hereto, which shall be added as Appendix K to the Consent Decree (hereinafter “Deferred CAP Subbasins”), after sixty (60) Days of EPA’s approval of the CAP, Columbia may authorize new sewer service connections, or additional flow from existing sewer service connections, only after it certifies that the analysis procedures contained in the approved CAP have been used and that Columbia has determined, based on those procedures, that there is Adequate Treatment Capacity, Adequate Transmission Capacity, and Adequate Collection Capacity. All certifications pursuant to this Paragraph 12.e.(ii)(E) shall be made by a registered professional engineer (P.E.) in the State of South Carolina and shall be approved by a responsible official of Columbia as defined by 40 C.F.R. § 122.22(b). Columbia shall maintain Capacity Assurance Program certifications, and all data on which the certifications are based, in its offices for inspection by EPA and DHEC. EPA and DHEC may request, and Columbia shall provide, any and all documentation necessary to support any certification made by Columbia pursuant to the approved CAP, and make available, to the extent possible, individuals providing such certifications to meet with EPA and DHEC.

(2) Except as otherwise provided in Subparagraphs 12(e)(ii)(F), (G), (H), and (I), below, in the Deferred CAP Subbasins, after the dates indicated in Appendix K to the Consent Decree for each Deferred CAP Subbasin, Columbia may authorize new sewer service connections, or additional flow from existing sewer service connections, only after it certifies that the analysis procedures contained in the approved CAP have been

used and that Columbia has determined, based on those procedures, that there is Adequate Treatment Capacity, Adequate Transmission Capacity, and Adequate Collection Capacity. All certifications pursuant to this Paragraph 12.e.(ii)(E) shall be made by a registered P.E. in the State of South Carolina and shall be approved by a responsible official of Columbia as defined by 40 C.F.R. § 122.22(b). Columbia shall maintain Capacity Assurance Program certifications, and all data on which the certifications are based, in its offices for inspection by EPA and DHEC. EPA and DHEC may request, and Columbia shall provide, any and all documentation necessary to support any certification made by Columbia pursuant to the approved CAP, and make available, to the extent possible, individuals providing such certifications to meet with EPA and DHEC.

(3) In the Deferred CAP Subbasins, until the dates on which Capacity Certifications pursuant to Paragraph 12(e)(ii)(E)(2) are required, Columbia shall continue to implement its current capacity program in the Deferred CAP Subbasins, to ensure that new sewer service connections, or increases in flow from existing sewer service connections, are authorized only if there will be adequate treatment, transmission, and collection capacity prior to the time such proposed additional flow is introduced into the WCTS. A copy of Columbia's current capacity program is attached hereto and shall be added as Appendix L to the Consent Decree.

4. The following Subparagraph 10.c. is added to Paragraph 10 of the Consent Decree:

c. Additional and Expanded Projects. Based on previous investigations and long-term planning for maintaining adequate capacity and ensuring compliance with the Clean

Water Act, Columbia has identified certain rehabilitation projects that are intended to ensure adequate capacity in the sewer system and maintain CWA compliance on a long-term basis, which shall be referred to as “Additional Projects” and “Expanded Projects.”

The Additional and Expanded Projects are identified and described in new Appendix J to the Consent Decree, which is attached hereto and shall be Appendix J to the Consent Decree. Columbia shall complete each of these Additional and Expanded Projects in accordance with the schedules set forth in Appendix J to the Consent Decree.

5. The following Paragraph is hereby substituted for Paragraph 94 of the Consent Decree:

The following appendices are attached to and part of this Consent Decree:

“Appendix A” is a Map of the Service Area for the Sewer System

“Appendix B” is the Lower Richland Sewer Service Agreement

“Appendix C” is the Map of Sewerbasins and Subbasins

“Appendix D” is the Sewer Overflow Response Plan, or SORP

“Appendix E” is the Capital Improvement Program for the WWTP

“Appendix F” is the Capital Improvement Program for the WCTS

“Appendix G” is the Fats, Oil and Grease (FOG) Management Program

“Appendix H” is the List of Pump Stations with Capacity Ratings Greater Than 1000 Gallons Per Minute

“Revised Appendix I” is the Description of the Supplemental Environmental Project (SEP) (Doc # 9-1)

“Appendix J” is the Description of, and Schedule for Completion of, the Additional and Expanded Projects

“Appendix K” is the Map of Deferred Subbasins

“Appendix L” is the Description of Columbia’s Current Capacity Program

6. This First Material Modification shall be lodged with the Court for a period of not less than thirty (30) days for public notice and comment in accordance with 28 C.F.R. § 50.7.

The United States reserves the right to withdraw or withhold its consent if the comments regarding the First Material Modification disclose facts or considerations indicating that the First Material Modification is inappropriate, improper, or inadequate. Columbia consents to entry of this First Material Modification without further notice and agrees not to withdraw from or oppose entry of this First Material Modification by the Court or to challenge any provision of the First Material Modification, unless the United States has notified Columbia in writing that it no longer supports entry of this First Material Modification.

7. The Effective Date of this First Material Modification shall be the date upon which this First Material Modification is entered by the Court or a motion to enter the First Material Modification is granted, whichever occurs first, as recorded on the Court’s docket.

Dated and entered this _____ day of _____, 2026.

HONORABLE TERRY L. WOOTEN
SENIOR UNITED STATES DISTRICT JUDGE

WE HEREBY CONSENT to the entry of this Consent Decree, subject to the public notice and comment provisions of 28 C.F.R. § 50.7:

FOR PLAINTIFF UNITED STATES OF AMERICA:

ADAM R.F. GUSTAFSON
Principal Deputy Assistant Attorney General
U.S. Department of Justice
Environment and Natural Resources Division

s/ Sheila McAnaney
SHEILA McANANEY
Senior Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
Telephone: (202) 353-5316
sheila.mcananey@usdoj.gov

ATTORNEYS FOR
UNITED STATES OF AMERICA

WE HEREBY CONSENT to the entry of this Consent Decree, subject to the public notice and comment provisions of 28 C.F.R. § 50.7:

ATTORNEYS FOR PLAINTIFF UNITED STATES OF AMERICA (Continued):

BRYAN P. STIRLING
UNITED STATES ATTORNEY

By: *s/Beth Drake*
Beth Drake (#5598)
Assistant United States Attorney
1441 Main Street, Suite 500
Columbia, South Carolina 29201
Phone: (803) 929-3061
Email: Beth.Drake@usdoj.gov

WE HEREBY CONSENT to the entry of this Consent Decree, subject to the public notice and comment provisions of 28 C.F.R. § 50.7:

FOR PLAINTIFF UNITED STATES OF AMERICA (Continued):

**SUZANNE
RUBINI**

Digitally signed by
SUZANNE RUBINI
Date: 2025.09.26 16:37:07
-04'00'

SUZANNE RUBINI
Acting Regional Counsel
United States Environmental Protection Agency
Region 4
61 Forsyth Street
Atlanta, GA 30303

**PAUL
SCHWARTZ**

Digitally signed by PAUL
SCHWARTZ
Date: 2025.09.23 08:36:12
-04'00'

PAUL SCHWARTZ
Associate Regional Counsel
United States Environmental Protection Agency
Region 4
61 Forsyth Street
Atlanta, GA 30303
Telephone: 404-562-9576
Fax: 404-562-9486

WE HEREBY CONSENT to the entry of this Consent Decree, subject to the public notice and comment provisions of 28 C.F.R. § 50.7:

FOR PLAINTIFF UNITED STATES OF AMERICA (Continued):

**JOSEPH
THEIS**

Digitally signed by
JOSEPH THEIS
Date: 2025.09.26
10:12:51 -04'00'

JOSEPH G. THEIS, Acting Director
Water Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency

**LAURA
WELLES**

Digitally signed by LAURA
WELLES
Date: 2025.09.26
10:48:37 -04'00'

LAURA WELLES
Attorney-Advisor
Water Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency
1200 Pennsylvania Ave., NW (2243A)
Washington, DC 20460
Telephone: 202-564-2754

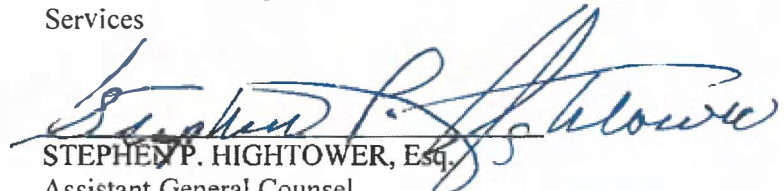
WE HEREBY CONSENT to the entry of this Consent Decree, subject to the public notice and comment provisions of 28 C.F.R. § 50.7:

FOR THE SOUTH CAROLINA DEPARTMENT
OF HEALTH AND ENVIRONMENTAL
CONTROL¹



ANN R. CLARK

Chief of the Bureau of Water
South Carolina Department of Environmental
Services



STEPHEN P. HIGHTOWER, Esq.

Assistant General Counsel
Office of General Counsel
South Carolina Department of Environmental
Services
2600 Bull Street
Columbia, South Carolina 29201
Tel: (803) 898-3350
Fax: (803) 898-3367

¹ Pursuant to South Carolina Act No. 60 of 2023 and South Carolina Code Ann. §1-30-140, all functions, powers, and duties of the environmental divisions, offices, and programs of the South Carolina Department of Health and Environmental Control were transferred to, incorporated in, and shall be administered as part of the Department of Environmental Services as of July 1, 2024.

WE HEREBY CONSENT to the entry of this Consent Decree:

FOR THE CITY OF COLUMBIA:



TERESA B. WILSON

In her capacity as City Manager

City of Columbia

P.O. Box 147

Columbia, SC 29217

APPROVED AS TO FORM



Legal Department City of Columbia, SC

12/23/2025



JOAN WASH HARTLEY

Federal ID No. 9548

Attorney for City of Columbia

Maynard Nexsen, PC

1230 Main Street, Suite 700

Columbia, SC 29201

Appendix J

Description of, and Schedule for Completion of, the Additional and Expanded Projects

APPENDIX J

Additional and Expanded Capital Improvement Projects

Columbia will complete the following capacity-enhancing capital improvement projects (Projects) prior to the deadlines indicated below (Project Deadlines). Prior to completion of a Project, but in no case after the Project Deadline, Columbia may implement its current capacity program (referenced in Paragraph 12.e.(iii)) to authorize new sewer service connections or additional flow from existing sewer service connections in the affected sub-basins identified below:

SS7562 Gills Creek Relief Sewer Phase 1: This Project consists of the installation of a new 48-inch diameter gravity relief sewer in the lower portion of the Gills Creek sewer basin (Sub-basin GC-17) for approximately 6,500 linear feet.

Project Completion Deadline: July 1, 2029

Affected Sub-basins: Sub-basins GC01-GC17 in Gill Creek Sewer Basin

SS7568 Saluda River Force Main Extension: This Project consists of the installation of a new 36-inch diameter force main for approximately 1,000 linear feet across the Saluda River, replacing an existing 30-inch diameter subsurface crossing of the river, as well as the upsizing of existing 42-inch gravity sewer with new 48-inch diameter gravity sewer, for approximately 2,500 linear feet. The portion of the new force main crossing the Saluda River will be constructed along a new pedestrian bridge pursuant to an agreement with the City of West Columbia.

Project Completion Deadline: January 1, 2029

Affected Sub-basins: All sub-basins in the Saluda River Sewer Basin and Sub-Basin WC02 in the West Columbia Sewer Basin

SS7589 Broad River Force Main Replacement and Gravity Sewer Capacity Improvements: This Project consists of the following:

- Upsizing of existing 15-inch diameter gravity sewer with new 24-inch diameter gravity sewer for approximately 4,000 linear feet;
- Upsizing of existing 30-inch diameter gravity sewer with new 42-inch diameter gravity sewer for approximately 5,000 linear feet; and
- Upsizing of the existing 16-inch diameter force main with new 24-inch diameter force main for approximately 4,000 linear feet.

Project Completion Deadline: January 1, 2029

Affected Sub-basins: All sub-basins in the Broad River Sewer Basin

Note: Portions of this Project will satisfy the rehabilitation requirement identified as a Group 3 rehabilitation project (SS7454 Broad River Force Main Replacement and Gravity Sewer Capacity Improvements) in the Infrastructure Rehabilitation Report submitted on November 22, 2019, pursuant to Paragraph (b)(iii) of the Consent Decree. Columbia is agreeing to complete this project by January 1, 2029, which is prior to the deadline for completion of Group 3 projects under the Consent Decree.

SS733701 East Rocky Branch SS Improvements Phase 1: This Project consists of the upsizing existing 20-inch and 24-inch diameter gravity sewers with new 30-inch and 36-inch diameter gravity sewer for approximately 8,000 linear feet. The project is located in the downtown area of the City and generally runs along the banks of Rocky Branch Creek.

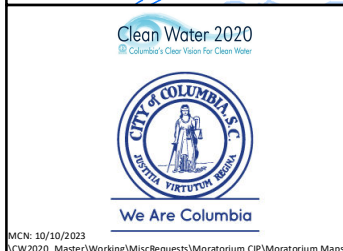
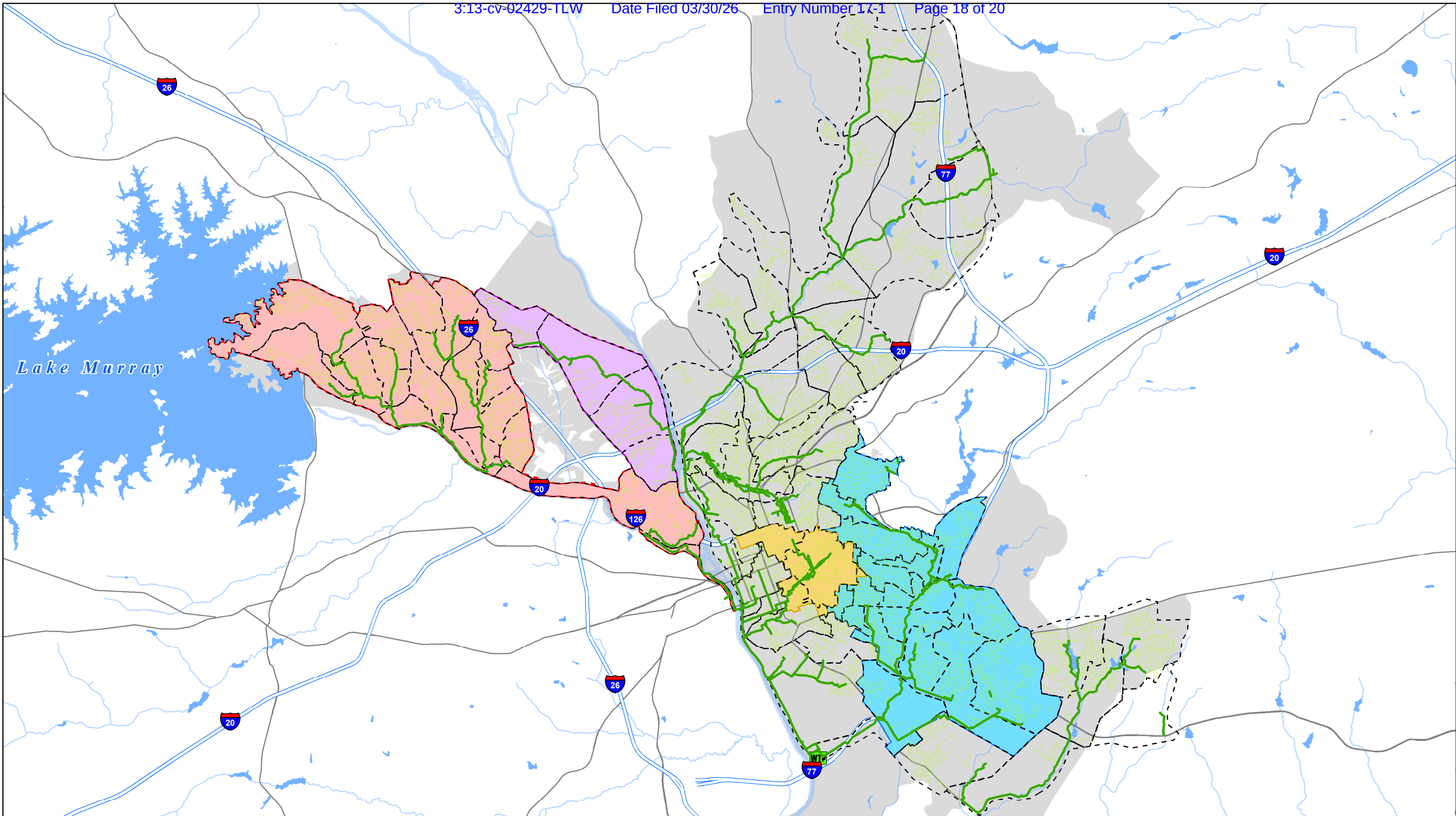
Project Completion Deadline: July 1, 2029

Affected Sub-basins: All of sub-basin RB01 and portions of RB02 and RB05 in the East Rocky Branch Sewer Basin and portions of GC06 and GC07 in the Gills Creek Sewer Basin

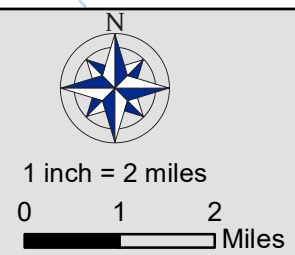
Note: Portions of this project will satisfy the rehabilitation requirement identified as a Group 2 rehabilitation project in the Infrastructure Rehabilitation Report submitted on November 22, 2019, pursuant to Paragraph (b)(ii) of the Consent Decree. Columbia is agreeing to complete this project by July 1, 2029, which is prior to the deadline for completion of Group 2 projects under the Consent Decree.

Appendix K

Map of Deferred Subbasins



- Sewer Gravity Mains ($\geq 15"$)
- Sewer Gravity Mains ($< 15"$)
- Subbasin Boundary
- COC Management Area
- SS733701
- SS7589
- SS7562
- SS7568

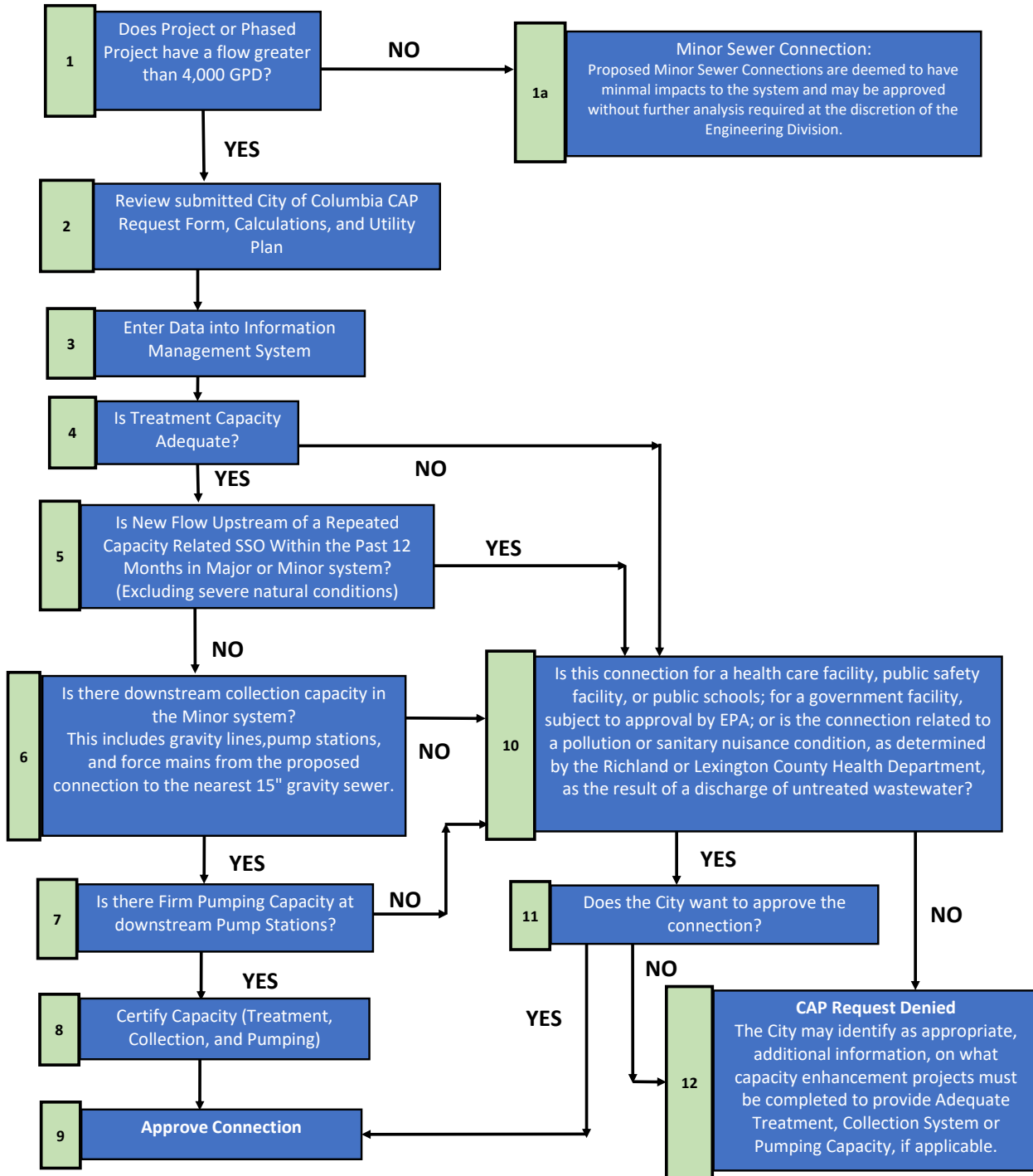


Appendix K - Map of Deferred Subbasins

Prepared For: Water 2020

Appendix L

Description of Columbia's Current Capacity Program



NOTES: (1) Major sewer system includes piping 15" diameter and greater. Minor sewer system includes pipes smaller than 15" in diameter.

(2) An approval or approval with conditions of a CAP Analysis Request expires three years from the approval date or SCDHEC's issuance of the approval to place into operation.

Existing City of Columbia, SC CAP Process