

# **EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA, )  
)  
and the STATE OF GEORGIA, )  
)  
Plaintiffs, )  
)  
)  
v. )  
)  
DEKALB COUNTY, GEORGIA )  
)  
Defendant. )  
\_\_\_\_\_ )

Civil Action No. 1:10-cv-04039-SDG

MODIFICATION  
TO CONSENT DECREE

**DECLARATION OF ZACHARY L. WILLIAMS**  
**PURSUANT TO 28 U.S.C. § 1746**

1. I, Zachary L. Williams, declare as follows:
2. I make this declaration pursuant to 28 U.S.C. § 1746 in connection with DeKalb County, Georgia’s (the “County”) DeKalb County’s Motion to Enter Revised Consent Decree Modification and Brief in Support of Motions to Enter Same.
3. I am over 18 years of age, and I am fully competent to execute this Declaration. I am a resident of the State of Georgia. I submit this Declaration solely for use in the above-captioned lawsuit and for no other purpose. The statements set

forth in this Declaration are true and correct and are based on my personal knowledge and upon my review of documents, records, and data compilations made and kept in the regular course of business activities of the County.

4. I am the Chief Operating Officer and Executive Assistant of the County, and I have been since January 2013. I manage the daily operations of County departments, including the Department of Watershed Management (“DWM”), and serve in a dual reporting role to the County’s Chief Executive Officer and the County’s Board of Commissioners.

5. **Initial Delay.** In the early years of Consent Decree implementation, there were a number of contributing factors that limited and delayed the County’s performance under the Consent Decree. These included: (i) the County’s governing body’s delays in hiring a Consent Decree program manager, (ii) significant leadership turnover and lack of proper oversight within DWM, and (iii) poor communication between DWM and other County departments and stakeholders.

6. As a result of these delays, the County only recently learned through the assessment of its wastewater collection and treatment system (“WCTS”) – undertaken as part of the Capacity, Maintenance, Operations and Management (“CMOM”) programs of the Consent Decree – that the extent of capacity limitations in the WCTS is greater than originally understood. The assessment also revealed

new challenges in areas not previously anticipated that now require additional attention.

7. **Progress from 2017 through July 2020 before an Agreement in Principle.** In 2016, voters elected Michael L. Thurmond as the County's new CEO, in a landslide victory (the CEO was reelected in 2020, unopposed). After taking office on January 1, 2017, CEO Thurmond moved to prioritize implementation of the Consent Decree and fixing the WCTS. The County increased oversight of DWM, installed new leadership to coordinate the Consent Decree implementation, developed plans to ensure effective communication between County departments, its consultants and stakeholders related to the Consent Decree, implemented policies and procedures to expedite procurement, and increased efforts to promote transparency and accountability with respect to issues related to the County's WCTS. These actions represented a significant pivot from efforts under prior administrations and evidenced the CEO's commitment to fix the WCTS and protect the environment. The pivot also enabled the County to address the County's burgeoning economic development, while protecting the environmental resources that are foundational to the County's ability to attract businesses and residents.

8. From 2017 through 2020, the County, under the CEO's leadership and with support from the County's Board of Commissioners, has:

- A. Identified and inspected all sanitary sewer creek crossings in DeKalb County, inspecting 2,179 in 2017, 2,580 in 2018, 1,044 in 2019, and 1,601 in 2020. The County now has in place an expansive creek crossings re-inspection program to ensure all creek crossings are inspected on a schedule. Under that program, all creek crossings have been prioritized for 1-year, 2-year and 5-year re-inspections.
- B. Completed condition assessment of the Priority Areas in accordance with the Priority Areas Sewer Assessment and Rehabilitation Program (“PASARP”).
- C. Expanded sewer cleaning efforts to include, for the first time in decades, major trunk lines to recapture capacity lost to sediment and debris. For example, in 2018, the County cleaned 661 miles of sanitary sewer (representing 25% of the system), 739 miles in 2019 (28% of the system), and 540 miles in 2020 (21% of the system).
- D. Enhanced tracking of cleaning activities to achieve a goal of cleaning 10 to 20% of the sanitary system annually, while identifying and routinely cleaning areas known to accumulate fats, oils, and grease (“FOG”).
- E. Prioritized removing infiltration and inflow (“I/I”) from the system to ensure cost effective solutions to re-capture capacity in the WCTS (*e.g.*,

by replacing 2,926 vented manhole covers through September 2019 and by utilizing PASARP data to partner with homeowners to eliminate I/I into the system by repairing private laterals).

- F. Increased social media FOG awareness campaign and expanded FOG education through partnerships with stakeholders including the DeKalb County School System and facilities that traditionally use a lot of grease products.
- G. Removed over 25 million gallons of FOG from the WCTS.
- H. Created GIS dashboards for CD data under the Sewer Mapping Program.
- I. Inspected and recalibrated approximately 280 sewer flow monitoring sites, including installation of additional flow and rainfall monitors under the Flow and Rainfall Monitoring Program to support the dynamic modeling data collection effort.
- J. Procured contract services for (1) chemical root control, (2) easement clearing, and (3) CCTV and manhole condition assessment for Ongoing Sewer Assessment and Rehabilitation Program (“OSARP”) areas.
- K. Completed 14 major lift station improvements or upgrades, including Hammer Mill I, Royal Atlanta III, Johnson Creek, Hearn Road, American Fare (turned into gravity line), Lewis Way, Stone Mill I,

Stone Mill II, Pennybrook, Fourth Street, Camp Creek, Leeshire, Kings Way, and New Gibraltar.

- L. Developed a hydraulic wet weather dynamic model for all sewer basins in the County.
- M. And rehabilitated significant lengths of gravity sewer under the PASARP, completing 147,676 linear feet by October 2019 and 401,884 linear feet by July 2020.

9. **Progress Since July 2020 Agreement in Principle.** Since reaching an agreement in principle with Plaintiffs in July 2020, the County has accomplished numerous activities in anticipation of entry of the Modification. For example, the County:

- A. Estimates that it has already adequately fixed over 40 of the original 103 PFL locations (Dkt. 61-4 at Table 1), including two (2) capacity-related PFL locations, and is working to confirm and document the exact number for the U.S. Environmental Protection Agency (“EPA”) and the State of Georgia Environmental Protection Division (“EPD”) in anticipation of entry of the Modification.
- B. Has moved forward with projects needed to address an additional 25 capacity-related PFLs.

- C. Submitted, on February 1, 2020, detailed requests for extensions of time for 20 of the 21 PFL locations that are eligible for extensions (Dkt. 61-4).
- D. Of these 20 PFL locations, for which the County has sought more than four (4) years from the Date of Entry to address because they require longer, more complex projects, three (3) have already been designed and the County has moved forward with an additional 13; the remaining four (4) require coordination with the City of Atlanta, which the County has initiated; this advanced work and planning is particularly important given potential contractor capacity limitations and the need for significant financing associated with these projects.
- E. And exceeded the minimum linear footage interim milestones established in Appendix E to the Modification for 2019 and 2020 (Dkt. 61-3, Table E-1).

10. **Estimated Remaining Linear-Feet of Rehabilitation within Priority Areas.** Based on the County's technical assessment of its WCTS, in 2020, the County estimated that approximately 1,093,000 linear feet of the WCTS required rehabilitation or must otherwise be addressed, in order to resolve issues within the Initial and Additional Priority Areas.



11. **Lift Stations.** Based on the County's technical assessment, as of December 18, 2019, all lift station rehabilitation projects had been completed; the County does not anticipate building additional lift stations to comply with the requirements of the Consent Decree or the Consent Decree Modification.

12. **County Request to Develop Static Model.** Due to the County's delays and performance issues during the early years of its Consent Decree implementation, the County proposed in February of 2015, in a revised System-Wide Hydraulic Model Program, the use of a static model because it could be developed more quickly and would allow for a faster assessment of the County's WCTS.

13. **County Request to Develop Dynamic Model.** Following EPA's approval of, and the County's development of, the revised System-Wide Hydraulic Model Program, the County requested approval to implement a new dynamic hydraulic model. The County's new hydraulic model has been developed, peer-reviewed, and is under review by EPA/EPD.

14. **Estimated Costs of Modified Consent Decree.** In 2020, the County evaluated the potential cost to comply with the modified Consent Decree, including completion of the PASARP, the Priority Fix List Program, and continuation of the other CMOM programs. Based on this evaluation, as of June 2020, the County estimated that it will cost over \$1,000,000,000 to implement the requirements of the modified Consent Decree, including almost \$750,000,000 in capital project costs

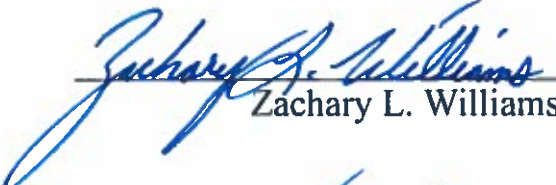
and several hundred million dollars in Consent Decree-related operation, maintenance, and management costs. These costs do not include sums spent prior to June 2020 and only reflect anticipated costs under the modified Consent Decree.


15. **Increase in New Connection Requests.** Over the four-year period from 2012 until 2015, the County received only 66 requests for capacity from developers and homeowners, having received 14 requests in 2012, 14 requests again in 2013, 19 requests in 2014, and 19 requests again in 2015. The County began to see a significant increase in 2017, when it received 571 capacity requests. The County received 626 requests in 2018, 674 in 2019, and 441 in 2020.

16. **Outstanding Requests for New Connections.** As of August 1, 2021, there were 480 outstanding requests for new connections that the County has not yet approved because (without private or County capacity improvements in the area) they do not meet the County's existing requirements under its existing connection protocols, which would be replaced by the provisions in the Modification and the CAP, when and if the Modification is entered and the EPA approves the dynamic model.

17. **Minor Sewer Connection Requests.** In 2020, the County received an average of 17 minor sewer connection requests each month, and the average request was for only 460 gallons per day. In 2020, the typical combined flow in the County's system was approximately 72,000,000 gallons per day.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

  
Zachary L. Williams

  
Date