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By E-mail

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Re: *Barbara Crow et al., v. Hometown America, LLC, et al.*, Case 18-cv-12149-LTS
**Oakhill Stormwater Operations & Maintenance Program
Annual Report for Year 2 (October 26, 2022- October 25, 2023)**

Dear Ethan:

On behalf of the Oakhill Defendants in the above-referenced matter, I am writing in connection with the Oakhill Stormwater Program that is incorporated into the parties' Stipulation of Settlement ("the Oakhill Settlement Agreement") (ECF 171-1), which was approved and incorporated by reference into Judge Sorokin's September 23, 2021 Partial Final Order and Judgment Pursuant to Rule 54(b) (ECF 217). This correspondence constitutes the second annual letter report required by Section III.C.2 of the Oakhill Settlement Agreement, which provides as follows:

On the first anniversary of the Final Settlement Date, and on each anniversary thereafter in which the Oakhill Stormwater Program remains judicially enforceable, the Oakhill Defendants shall submit a letter report to Class Counsel outlining all activities conducted at the Oakhill Manufactured Housing Community during the prior year pursuant to the Oakhill Stormwater Program, including the completion of outstanding stormwater management improvements or capital projects contemplated in Section III.C.3.

This second annual letter report addresses the activities performed pursuant to the referenced Oakhill Stormwater Program (the "O&M Program"), for the period from October 26, 2022 through October 25, 2023 ("Year 2"). The O&M Program is detailed in the Oakhill Stormwater Management System Operation & Maintenance Program Document (the "O&M Program Document"), which is incorporated into the Oakhill Settlement Agreement. *See* ECF

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171-1, Sub-Exhibit G, pp. # 115-22. The O&M Program Document was updated last year, as set forth in Supplement No. 1 to the O&M Program Document, provided as Tab A of the October 26, 2022 letter report for Year 1. A second supplement to the O&M Program Document is now presented by this annual report, based on guidance and advice received from Allen & Major Associates, Inc. (“A&M”) during Year 2 of the O&M Program, as described below. Supplement No. 2 to the O&M Program Document is attached hereto as **Tab A**.

1. Executive Summary – Year 2 of the O&M Program

Based on information received from Oakhill staff and Phil Cordeiro at A&M, I am authorized to report as follows, on behalf of the Oakhill Defendants, for Year 2 of the O&M Program:

- All previously-recommended repairs and/or improvements (based on the Year 1 system inspections) were confirmed to have been completed.
- A&M prepared and issued Revision No. 2 to the Oakhill Stormwater Management System Locus Plan, dated February 21, 2023. This updated Locus Plan has been incorporated into the O&M Program. *See Section 2* below; *see also* Supplement No. 2 to the O&M Program Document, attached at **Tab A**.
- All required inspections of the structural components of the Oakhill Stormwater Management System for Year 2 were completed by A&M staff. *See Section 3* below.
- A&M made several recommendations for maintenance, repairs, and/or replacements of system components, and all of these recommendations were implemented. *See Section 3* below.
- All required secondary stormwater management procedures were implemented by Oakhill staff. *See Section 4* below.
- No stormwater management complaints were received by the Oakhill Community Manager during Year 2.

2. Supplement No. 2 to the O&M Program Document

A&M issued Revision No. 2 to the Oakhill Stormwater Management System Locus Plan, dated February 21, 2023, to more accurately depict and label all system components, consistent with field verifications and observations made by A&M during a routine inspection in early 2023. Supplement No. 2 to the O&M Program Document reflects the Oakhill Defendants’ incorporation of this updated version of the Locus Plan into the O&M Program. *See Tab A*. Going forward, the Oakhill Defendants will consider themselves bound to implement the O&M Program as set forth in (1) the original O&M Program Document, (2) Supplement No. 1 (except to the extent that the May 17, 2022 revision of the Locus Plan attached to Supplement No. 1 is

now superseded by the February 21, 2023 revision); and (3) Supplement No. 2 (which attaches and incorporates the February 21, 2023 Locus Plan revision).¹

3. Year 2 Inspections and Maintenance Activities

All of the inspections required during Year 2 of the O&M Program were timely completed. A&M performed the four required rounds of inspections of the structural components on the following dates: (1) January 27, 2023; (2) April 25 and 27, 2023; (3) July 20 and August 5, 2023; and (4) September 29, 2023. Oakhill staff performed the required inspections of the drainage channels/swales on a weekly basis, which is more frequently than required by the O&M Program. A&M staff documented their field observations of the structural components, and confirmed any associated recommendations for maintenance work to Oakhill staff. Following receipt of A&M's recommendations, Oakhill staff arranged for the recommended work to be completed and documented the completion of that work. The following activities were performed for the Oakhill stormwater management system components:

- Drainage Channels/Swales
 - Hometown staff inspected all on-site drainage channels on a weekly basis throughout Year 2, and removed any debris if and as observed.
 - Oakhill staff tracked the Year 2 results and status of the re-seeding work that had been performed in an area surrounding Infiltration Chamber 7 during Year 1. The turf and landscape was found to have grown back at that location, and Oakhill staff did not identify any additional need for re-seeding during Year 2.
- Catch Basins
 - A&M inspected all catch basins identified on the enclosed Locus Plan on January 27, 2023, April 25, 2023, July 20, 2023, and September 29, 2023.
 - Based on its observations during these inspections, A&M did not recommend any maintenance work be performed on these structures. All catch basins were nonetheless cleaned by Soares Pumping, Inc. ("Soares") on July 6, 2023.
- Drain Manholes
 - A&M inspected all drain manholes identified on the enclosed Locus Plan on September 29, 2023.

¹ We understand that the Oakhill Class Members may reasonably rely upon this representation, and they are welcome to do so. Accordingly, the Oak Hill Defendants perceive no need for any affirmative judicial action to accomplish the effective incorporation of Supplement No. 2, like the prior Supplement No. 1, into the O&M Program for the Oakhill community.

- Based on its observations during this inspection, A&M did not recommend any maintenance work be performed on these structures.
- Infiltration/Retention Structures
 - A&M inspected all infiltration/retention structures identified on the enclosed Locus Plan on September 29, 2023.
 - Based on its observations during this inspection, A&M identified a broken cleanout cover (IC 1). Oakhill staff arranged for the replacement of that component on October 18, 2023.
 - A&M also recommended the installation of cleanouts for two components (IC 2 and IC 5). Oakhill staff arranged for this recommendation to be implemented on October 18, 2023.
- Outlet Structures
 - Oakhill staff inspected all outlet structures identified on the enclosed Locus Plan on a weekly basis, removing any noticeable debris weekly, as needed, and as weather permitted.
 - Oakhill staff arranged for Zumalt Tree Experts, LLC (“Zumalt”) to clear Outfall 3, based on the finding made in Year 1 that a root system located directly underneath the outlet pipe was making it difficult to clear that outfall pipe. This work was completed by Zumalt on September 11, 2023, by excavating the drainage area to improve the slope and adding drainage stones to improve the flow.
 - A&M also inspected all outlet structures identified on the enclosed Locus Plan on September 29, 2023.
 - Based on its observations during this inspection, A&M recommended the clearing out of rock/debris for Outfall 6. Oakhill staff completed this recommended maintenance task on October 3, 2023.
- Water Quality Units
 - A&M inspected all water quality units as shown on the enclosed Locus Plan on April 27, 2023, August 5, 2023, and September 29, 2023.
 - Based on observations made during the April 27, 2023 inspection, A&M recommended the cleaning of water quality units WQ 1-4. These components were cleaned by Soares Pumping, Inc. on July 6, 2023.

- A&M did not recommend any other maintenance work on the water quality units.
- Trench and Yard Drains
 - A&M inspected all trench and yards drains as shown on the enclosed Locus Plan on January 27, 2023, April 25, 2023, July 20, 2023, and September 29, 2023.
 - Based on its observations during these inspections, A&M did not recommend any maintenance work be performed on these structures.
 - Additionally, Oakhill staff inspected the trench and yard drains on a monthly basis, removing debris and sediment buildup if and as needed.

4. Secondary Stormwater Management Procedures

During the pertinent reporting period, the Oakhill Defendants complied with the expectations defined by the following secondary stormwater management procedures, which are part of the Oakhill Stormwater Program: (a) roadway sweeping; (b) mosquito control practices; and (c) compliance with the regulatory protocols for work in protected areas, if and as applicable. Specifically, during Year 2, roadway maintenance was performed by Oakhill staff on a monthly basis. As in the previous reporting period, no mosquito control measures were deemed necessary. Similarly, no state or local wetlands approvals for any stormwater program activities were required during this reporting period.

5. Conclusion

This correspondence satisfies the Oakhill Defendants' annual reporting obligation with respect to the Oakhill Stormwater Management System O&M Program, pursuant to Paragraph 15 of the Court's September 23, 2021 Partial Final Order and Judgment and Section III.C.2 of the Oakhill Settlement Agreement. This report covers Year 2 of the Court-mandated term of that program, from October 26, 2022 through October 25, 2023.

Sincerely,



Lisa C. Goodheart

Attachment: Tab A - Supplement No. 2 to the Oakhill Stormwater Management System
Operation & Maintenance Program Document