



CITY OF RYE
City of Rye Law Department

December 12, 2025

Honorable Cathy Seibel
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601
Via ECF

Re: *Save the Sound et al v. Westchester County et al.* No. 7:15-cv-06323-CS
Response to Save the Sound's Pre-Motion Letter

Dear Judge Seibel,

Defendant City of Rye (the "City") is in receipt of Plaintiff's pre-motion (the "Pre-Motion Letter") to this court. As set forth in the Supplement to Amended Stipulated Order (ECF 298), the City of Rye was obligated to substantially complete its major sewer projects (Appendix A to the Supplement), among many other things, by December 31, 2024. The City submitted its reports in January 2025 evidencing substantial completion as of year-end. The total cost of the sewer infrastructure improvements to date is approximately fourteen million dollars (\$14,000,000). In addition, as part of its obligations under the Orders¹, the City worked with a third-party engineering firm - Barton & Loguidice ("B&L") to develop and implement a computerized maintenance management system through Cartegraph to assist the City in accurately documenting inspections, maintenance and repairs of all the manhole covers and sewer lines throughout the City.

In addition to 5 sewer pump projects over the course of five years, the City also completed 414 total manhole repairs and inspected and repaired 52,297 linear feet of pipe. As of December 31, 2024, all the repairs that the City agreed to address with Plaintiffs were completed, the City has a CMOM and computerized records system to retain and easily access records, has proactively taken steps to comply with the CMOM requirements for 2026, and continues to include a specific line item in its annual budget for on-going sewer improvements. In addition, since the City adopted the mandated Sewer Lateral local law in 2021, the City has inspected, reviewed, and issued 837 discharge compliance certificates confirming that private laterals are adequate and without inflow and infiltration issues.

¹ Unless otherwise defined, capitalized terms herein have the same meaning as set forth in Plaintiffs' Letter Request for Pre-Motion Conference dated November 21, 2025.

Notwithstanding the City's compliance with the Orders, over the last year, the City has addressed a variety of Plaintiffs' concerns regarding the City's alleged noncompliance. Below is the City's response to Plaintiffs' remaining issues regarding electronic record keeping and the written narrative within its CMOM.

I. Computerized Maintenance Monitoring System – Electronic Recordkeeping

Over the course of the last five years, video footage, pictures and other data of the various segments of the City's sewer system have been created and uploaded to Cartegraph. As part of the City's QA/QC process, the City determined that we are still waiting for approximately 18% of the video data and other documentation to be provided to the City from B&L. The size and amount of data created was not anticipated and, although the work was performed and the data was created, it has not been fully uploaded to Cartegraph. Based on the City's review of information uploaded to date, the City can commit to completing the transfer of records to Cartegraph by March 31, 2026.

In addition, per Plaintiffs' concerns regarding the City's "Hot Spots" and the updated list, the City has updated its Hot Spot list in Cartegraph and will incorporate the hard copy of the updated list into the CMOM (*see Point II below*). One of the City's goals of moving from paper copies of all inspection records to electronic recordkeeping was to provide a more efficient manner in which to maintain records and to have a "real time" update to a list rather than updating lists manually every year.

Importantly, in an effort to help Plaintiffs understand and appreciate the City compliance with the Orders, the City hosted a second "tutorial" with Plaintiffs' designated engineer in September to show Plaintiffs' engineer how to search for records, run reports and see the photographic evidence that the City is maintaining on each of its repair jobs. Although not required under the Orders, in an effort to reassure Plaintiffs that the City is complying, the City has provided Plaintiffs' consultant access to review all the data the City has.

II. CMOM

To date, the City has submitted four revisions to the CMOM and, as part of that process has agreed to make several amendments to different sections in a good faith effort to address Plaintiffs' concerns. By this letter, the City agrees to update its Hot Spot list in the CMOM and can amend the CMOM to reflect that the Hot Spot list will be updated in Caretgraph throughout the year as inspections occur in order to reflect an accurate and updated list. Although not specifically raised by Plaintiffs in their Pre-Motion Letter, the City also commits to clean and inspect any remaining Hot Spots on the current list by March 31, 2026. The cleaning matrix Plaintiffs proposed to the City in October 2025 is acceptable and the City remains willing to work with Plaintiffs to clarify any issues in the CMOM.

As far specific inspection frequencies related to manholes and pipe segments, the City is willing to discuss an inspection schedule that is based on the National Association of Sewer Service Companies (NASSCO) PACP Condition Grading System, the rating system under which all of the City's manhole and sewer lines were originally rated. If Plaintiffs continue to seek penalties regarding alleged noncompliance with the CMOM due to different inspection

frequencies, the City will detail why it believes its prior proposal accurately reflected the inspection frequency required.

III. Stipulated Environmental Benefits Payments

As set forth above, the City has invested millions of dollars in upgrading its sewer infrastructure and has committed to continuous compliance. On September 17, 2025, the City Council awarded Contract # 2025-01 to National Water Main Cleaning Company for \$263,780.20 to clean and reinspect the City's sewer system, including 289 manholes and 54,200 linear feet of pipe consistent with the CMOM. The City believes this approach could lead to a more pragmatic and comprehensive approach to maintaining the City's sewer infrastructure on a much more aggressive cycle than what is currently mandated by the Orders. The City is willing to meet with Plaintiffs to discuss how this work will meet what is currently required by the Orders.

As far as the additional penalties Plaintiffs are seeking, such penalties are based on Plaintiffs' unilateral declarations that the City is in violation of the Orders. The City disagrees with Plaintiffs' position and believes it has complied with the requirements of the Orders. The City's actions clearly show good faith and a commitment in time, money and resources to ensure compliance with its CMOM. The City has diligently progressed through the infrastructure work for several years and it is now complete. Furthermore, B&L has committed to completing the transfer of records to Cartegraph by March 31, 2026.

Given the City's above commitments and its willingness to discuss an appropriate inspection schedule, the City respectfully requests that the Court wait until March 31, 2026 to set forth a briefing schedule, if necessary, on any motions Plaintiffs are seeking to commence.

Respectfully submitted,



Kristen K. Wilson

Attorney for Defendant City of Rye