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METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

January 30, 2013

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Re: DOJ Case No. 90-5-1-1-09000
Submittal of Annual Report and Quarterly Report

Gentlemen:

In accordance with the provisions of the Consent Decree, Section XIX (Reporting Requirements), Subsection B, herewith we are transmitting the 2012 Annual Report which covers the time period from January 1, 2012 through December 31, 2012.



If you need assistance or accommodations, please contact Metro Water Services,
William E. Coleman, Jr., at (615) 862-4862, 1600 Second Avenue North, Nashville, TN 37208



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In addition, in accordance with the provisions of the Consent Decree, Section XIX (Reporting Requirements), Subsection A, herewith we are transmitting the Quarterly Progress Report which covers the time period from October 1, 2012 through December 31, 2012.

A copy of each of these reports is concurrently being placed in the Public Document Repository (PDR).

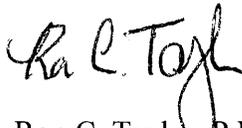
I certify under penalty of law that these documents and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering such information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

If you have any questions concerning these reports please contact me.

Sincerely,



Scott A. Potter, P.E.
Director



Ron C. Taylor, P.E.
Overflow Abatement Program Director
Engineering Division

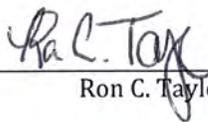
Cc: Mr. David Tucker, Assistant Director, Operations
Mr. Cyrus Q. Toosi, P.E., Assistant Director / Chief Engineer, Engineering
Mr. Gregory A. Ballard, P.E., Engineer 3
Mr. Thomas G. Cross, Associate Director, Metropolitan Department of Law

Clean Water Nashville Overflow Abatement Program

**Metropolitan Government of Nashville and Davidson County
Department of Water and Sewerage Services**

CONSENT DECREE 2012 ANNUAL REPORT

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering such information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



Ron C. Taylor, P.E., Program Director

1/29/13

Date

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Consent Decree 2012 Annual Report

On March 12, 2009, the Metropolitan Government of Nashville and Davidson County, Tennessee (Metro), entered into a Consent Decree with the United States and the State of Tennessee. As required by Section XIX.B. of the Consent Decree, Metro has prepared this *Annual Report* covering the period from January 1 through December 31, 2012, which includes the following information:

1. Summary of the Capacity, Management, Operation, and Maintenance (CMOM) programs implemented
2. List of projects required by the Consent Decree
3. Trend analysis of Sanitary Sewer Overflows (SSOs) for 2011 and 2012
4. Trend analysis of dry weather Combined Sewer Overflows (CSOs) for 2011 and 2012

Each of these items is discussed in the following sections.

1. CMOM Programs

As described in the Consent Decree, in addition to items identified through Metro's CMOM Self Assessment, the following programs are elements of Metro's CMOM program:

- *Spill and Overflow Response Plan* (Section VII.C.2) – Metro continues to operate under the current *Spill and Overflow Response Plan* (SORP). A review of the SORP is conducted annually with any proposed changes submitted for EPA review and approval by June 1 each year. No changes were requested in 2012.
- Inter-jurisdictional Agreement Program (Section VII.C.3) – All required inter-jurisdictional agreements are in place, and Metro will continue to operate under these agreements, including monitoring peak flows received.
- *Capacity Assurance Plan* (Section VII.C.4) – The *Capacity Assurance Plan* will continue to be applied as a tracking/approval tool for new development/flow in the sanitary sewer system (SSS).
- *Pump Station Operation Plan for Power Outages* (Section VII.C.5) – All projects identified in the *Pump Station Operation Plan for Power Outages* were completed prior to 2012 excluding projects at the Holiday Travel Park and Munn Road pumping stations. The gravity sewer line that was constructed to eliminate the Holiday Travel Park pumping station sanitary sewer overflow (SSO) became operational in July 2012. At the Munn Road pumping station, property rights required to allow the installation of the permanent generator were obtained in December 2012, and work is anticipated to begin in early 2013. Until that work is complete, the temporary generator located at the Munn Road site will continue to receive priority attention for activation, as necessary.

In addition to these programs, Metro's CMOM Self Assessment established multiple recommendations and performance measures that Metro continues to track. A summary of these activities, including a review of the actual performance over the previous year, is included in **Table 1**.

2. Project Updates

Milestone dates for projects and activities associated with the *Nine Minimum Controls Compliance Plan* (NMC Compliance Plan), the *Corrective Action Plan / Engineering Report* (CAP/ER), and the *Long Term Control Plan* (LTCP) achieved during 2012 and those anticipated to occur during 2013 are shown in **Table 2**.

All activities identified in the NMC Compliance Plan are now complete. The final project at the Washington CSO facility was completed in April 2012.

Metro continues to move forward with the implementation of projects identified in the CAP/ER and LTCP. However, the schedules presented herein are subject to the approval of the documents by the Environmental Protection Agency and the Tennessee Department of Environment and Conservation.

3. Sanitary Sewer Overflow Trends

The trend analysis for SSOs includes three graphs, each with the average rainfall from all the Metro rain gauges included. **Figure 1** shows monthly SSO events in the system as a result of the following causes:

- Excessive flow
- Blockage
- Repairs/Mechanical Problems
- Power Outage
- Rainfall Induced
- Other

The following months each experienced more than 40 SSO events: February 2011, April 2011, May 2011, January 2012, and July 2012. In each of these months, the majority of SSOs were the result of significant rainfall events. The majority of non-rainfall induced SSOs were caused by blockages from roots, grease, and debris.

Figure 2 shows monthly SSO volumes within the system from 2011 through 2012 reported in million gallons (MG), while **Figure 3** shows monthly SSO durations within the system from 2011 through 2012. The durations shown are a summation of the total amount of time overflows were occurring within the system at all overflow locations. This data is provided in the units of overflow equivalent hours, meaning that, for any month, the total number of hours for the duration of overflows could exceed the actual number of hours in a given month. For instance, if a rainfall event results in three overflows that occur concurrently for two hours each, the overflow duration for that day is six overflow equivalent hours.

The data in **Figures 2** and **3** indicates large overflow volumes and durations during months with significant rainfall events. The average rainfall, as measured within the Metro system, is included on both graphs to show the relationship between rainfall and overflow events.

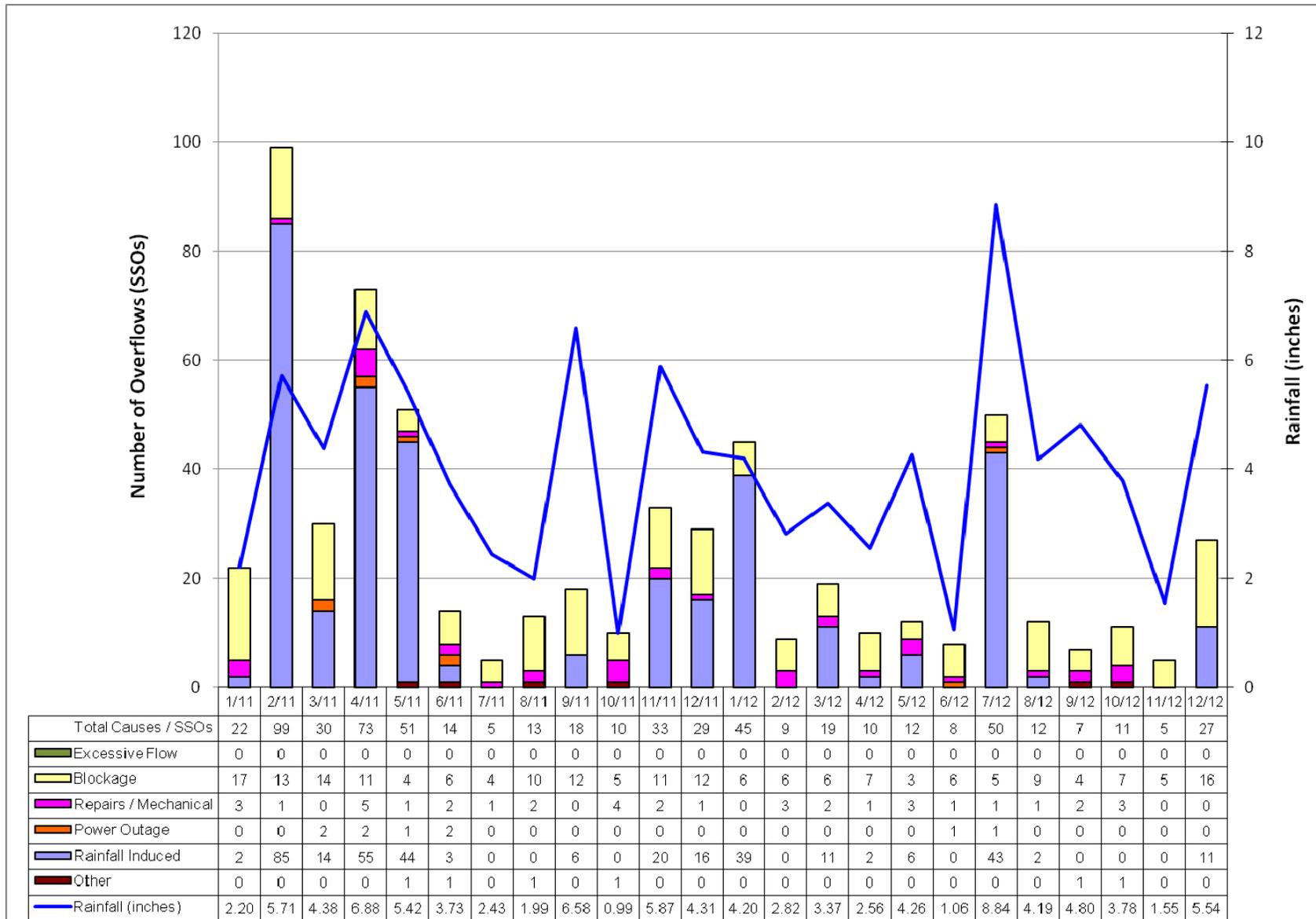


Figure 1 – SSO Events by Cause

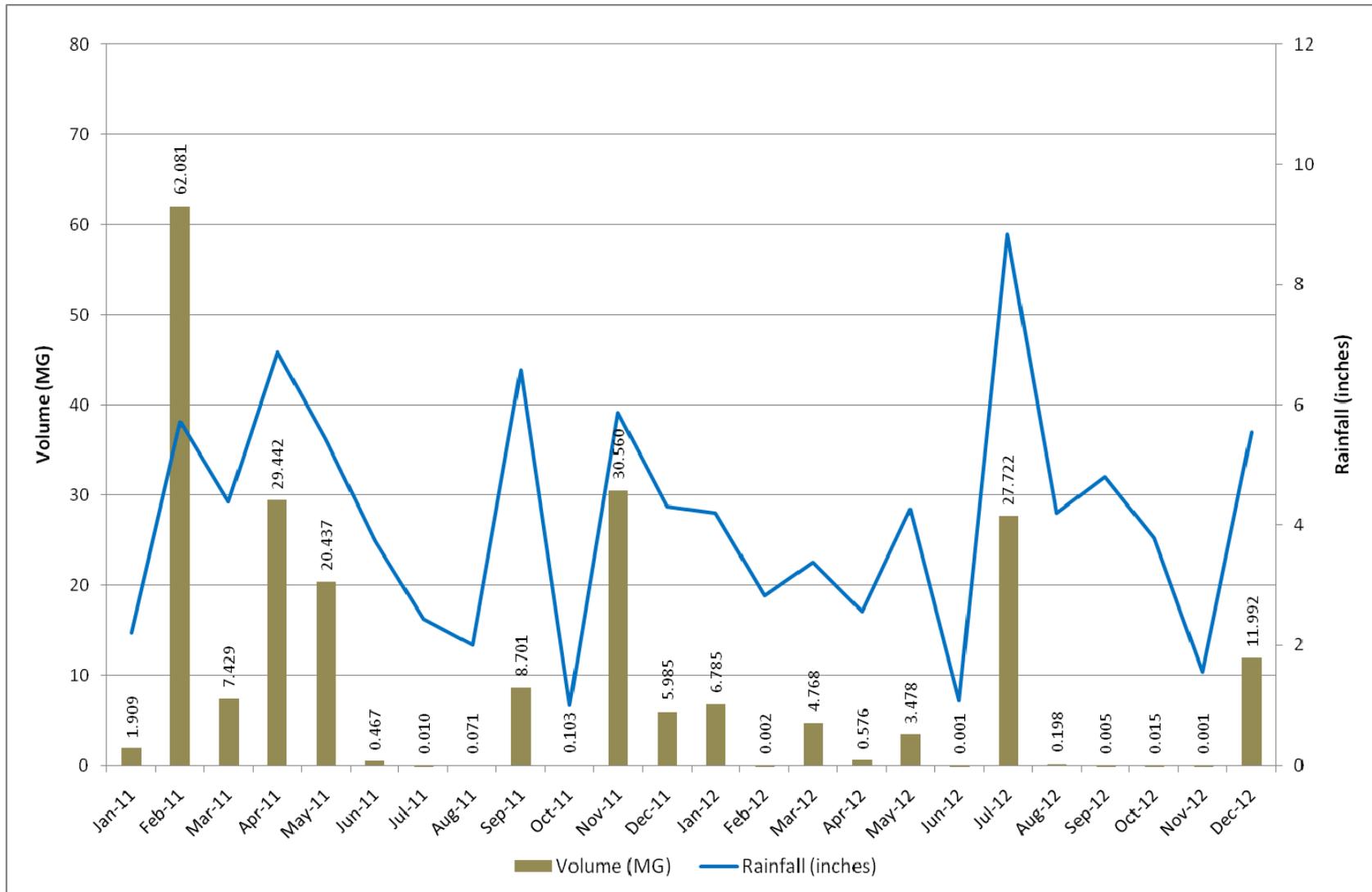


Figure 2 – Monthly SSO Volumes

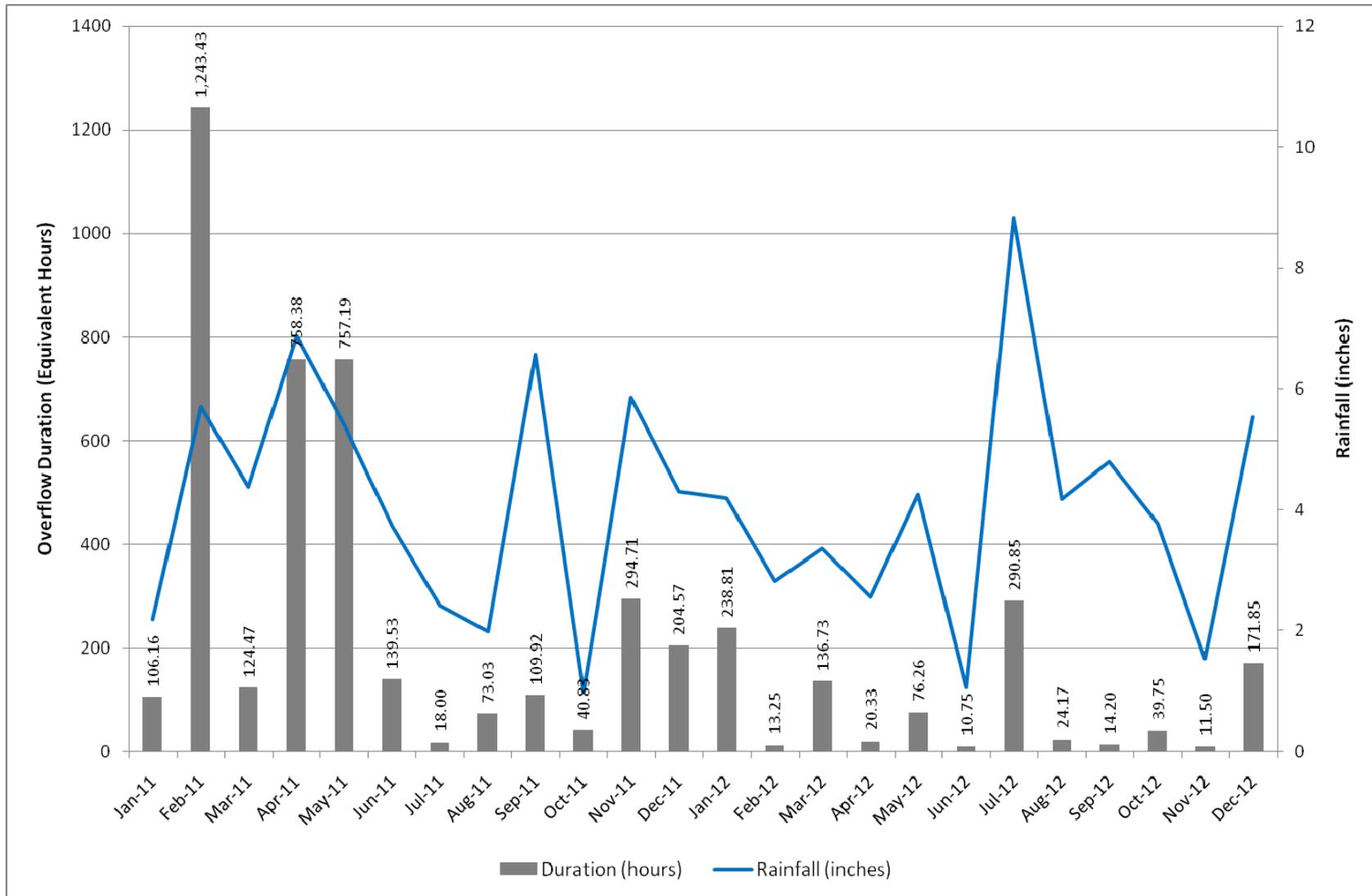


Figure 3 – Monthly SSO Durations

4. Combined Sewer Overflow Trends

There is not a trend analysis in this report for the dry weather combined sewer overflows (CSOs). No dry weather CSOs occurred in 2011 and 2012.

Table 1 – Summary of CMOM Programs

| CMOM Report Section | CMOM Program | Recommendation | Implementation Deadline | Status | Performance Measure | Actual Performance |
|---------------------|--|--|-------------------------|---|--|---|
| Section 4, II.b. | Skills Training | MWS will conduct periodic testing, drills and demonstrations of competency of skills. | 7/08 | Ongoing. Metro is tracking all required training for skills needed to perform duties related to CMOM. Reviewed the Spill and Overflow Response Plan (SORP) and determined no changes were needed. | In 2012, targeted 30 employees for promotion if competencies demonstrated. | All 30 employees were promoted. Rotated staff for broadening functional capability of repair crews to assist with other assignments. |
| Section 4, IV. | Information Management System | MWS will develop and implement a process for reviewing all inspection, maintenance, operations, and customer complaint records to identify recurring problems. A Corrective Action Plan to address recurring problems that develop will be included. | 1/08 | Sewer Service Requests have been reviewed and corrected as planned. Also, conducted monthly review of sewer problems and strategy to correct sewer deficiencies. Continued to use information sheet for customers regarding property damage and 48-hour checklist for use of supervisors in the event of property damage. MWS also utilizes complaints and/or discoveries of system irregularities (from CCTV) as a basis for preventive and scheduled maintenance activities. | Number of service requests received and reviewed and number resolved. | 100% received, reviewed, and resolved. |
| Section 4, V.d. | New Construction and Rehabilitation Inspection | MWS will develop standard operating procedures for conducting construction inspections that include methods for documenting inspections and maintaining the documentation. Include training requirements for all inspectors. Other means for managing data to closeout projects will be evaluated. | 6/08 | Handbook is developed and will be regularly updated. | No update necessary at this time. | Handbook in use. |
| Section 4, V.e. | Acquisition Considerations | MWS will develop and implement a standard policy for the acquisition of existing sewer systems. This policy will include a plan for bringing sewer systems to MWS's requirements, standards that must be met of the design of the existing sewer before acceptance by MWS, and the criteria that will be used for the determination of the financial aspects of the acquisition. | 1/08 | Policy has been developed. Implementation is pending acquisition activity. | N/A | No acquisition activities have occurred in 2012. |
| Section 4, V.f.vi. | Continuous Sewer System Assessment | MWS will develop and implement standard line condition codes (1 to 5) for use when televising sewer lines. These codes will be manually recorded on TV Inspection Reports. | 11/06 | Complete – GraniteXP software and PACP/MACP codes in use. Since this item is complete and no additional actions are required, it will not be included in future reports. | N/A | N/A |
| Section 4, V.f.vi. | Continuous Sewer System Assessment | MWS will implement modified data entry into CMMS to allow entry of the standard sewer line condition codes from the TV Inspection Reports. | 1/07 | Complete – GraniteXP software and PACP/MACP codes in use. Since this item is complete and no additional actions are required, it will not be included in future reports. | N/A | N/A |
| Section 4, V.f.x. | Continuous Sewer System Assessment | MWS will evaluate the software to enter standard defect codes from guidelines in to CMMS. | 4/07 | Complete – GraniteXP software and PACP/MACP codes in use. Since this item is complete and no additional actions are required, it will not be included in future reports. | N/A | N/A |

| CMOM Report Section | CMOM Program | Recommendation | Implementation Deadline | Status | Performance Measure | Actual Performance |
|---------------------|---|---|--------------------------------------|--|---|--|
| Section 4, V.f.x. | Continuous Sewer System Assessment | MWS will develop and implement standard operating procedures for all assessment practices including technical procedures for carrying out each practice and a means to ensure follow-up on information that is documented during any of the assessment practices. All current forms will be reviewed that are used to determine if the appropriate information is obtained and develop new forms as necessary. A written standard method of prioritization of all assessment practices will be developed. | 1/08 | Continued monthly meetings to discuss chronic or newly identified sewer defects. Continued to utilize the calibrated Mike Urban (SWMM) sewer system model to better evaluate observed overflows, as needed. | Review SOPs annually. | 2012 SOPs review completed. Also reviewed and updated list of sewers to check for overflows during wet weather. |
| Section 4, V.g. | Infrastructure Rehabilitation Program (OAP) | MWS will develop and implement a management plan to address wet weather conditions once the sewer model is completed. | 12/08* *will be updated by CAP/ER | Complete | CAP/ER must be completed by September 12, 2011. | CAP/ER was submitted on September 9, 2011. As part the Clean Water Nashville Overflow Abatement Program, a methodology to prioritize sewers (outside of CAP/ER rehabilitation areas) for repair has been established. Design of the first project under this Annual Rehabilitation Program will be initiated in 2013. |
| Section 4, V.h. | System Capacity Assurance | MWS will review and update the Wastewater Capacity Management Plan following completion of the conversion of the sewer model. | 12/08 | Complete and adopted. Since this item is complete and no additional actions are required, it will not be included in future reports. | N/A | In use. |
| Section 4, V.h. | System Capacity Assurance | MWS will complete the conversion of the sewer model into MIKE URBAN software. | 4/07 | Complete | Number of model runs since date of entry. | There were 70 model runs for capacity analysis for January 1 through December 31, 2012. |
| Section 4, V.h. | System Capacity Assurance | The Master Sewer Growth Plan will be renewed and updated every five years. | 12/08 | Complete | Update every 5 years. | Up to date with last update in December 2008. |
| Section 5 | Operations | MWS will develop and implement Standard Operating Procedures for critical operations programs. The SOPs shall include a means for follow-up on any items noted. | 12/08 | Complete | Review SOP's annually. | 2012 review completed. |
| Section 5, I.a.i. | Pump Station Monitoring | The integration of HSQ and Intrac into a consolidated system will be completed. | 10/07 | Citect SCADA system in operation. All pump station telemetry is now consolidated into one system. | Receive 100% information on all data points. | All critical data points are being received. The current system will continue to be reviewed and improved, as needed. |
| Section 5, I.a.iii. | Operation and Maintenance Manuals | The feasibility of implementing electronic O & M manuals will be investigated. If it is determined that this is feasible, a new goal will be established for implementation. | 12/07 | All new facility O&M manuals will be electronic. Operating parameters and equipment at all facilities are updated as modifications are made electronically. | Require all new O&M manuals to be submitted in electronic format. All modifications to be updated electronically. | All new O&M manuals are received in electronic format. Modifications have been updated. |
| Section 5, I.b.i. | Reactive Operations | MWS will develop and implement an SOP for tracking the inventory of spare pumps for the smaller pump stations. It will be determined if tracking through CMMS is possible. | 12/07 | Tracking through CMMS was determined to be impractical. A new spreadsheet-based system for tracking the inventory of spare parts for smaller pump stations has been developed. | Review SOP's annually. | 2012 review complete. |

| CMOM Report Section | CMOM Program | Recommendation | Implementation Deadline | Status | Performance Measure | Actual Performance |
|---------------------|---------------------------------------|---|-------------------------|--|--|---|
| Section 5, IV. | Fats, Oils and Grease Control | A mailing system will be implemented to distribute a notification to all residential customers in a specific area where FOG interference has been a problem. An English/Spanish notification is being developed currently. | 2/07 | Use Integrated Voice Response outbound calling for notification in problem areas, where warranted. Written notifications are provided in English and Spanish. | Notifications mailed, distributed, and/or called out as needed. | In 2012, 352 notifications were distributed due to grease blockages and/or overflows of the sanitary sewer. |
| Section 5, V. | Service Connection/ Disconnection | MWS will review current procedures for new service connections and for service disconnections to determine if the procedures need to be updated. | 5/07 | Process/procedures in place. Reporting on this item will cease in future reports. | N/A | N/A |
| Section 6, II.a. | Gravity Line Preventative Maintenance | MWS will develop a method to track the actual footage cleaned from manhole to manhole that does not include footage from multiple passes. This will provide a more accurate measure of the actual footage of the system being cleaned each year. | 10/07 | Modified cleaning goals based on cleaning as a result of discovered debris or locations on chronic grease/roots lists. Resources are focusing more on inspection. | 16,250 LF/month and 750 LF/day (actual footage) | In 2012, 540,000LF was cleaned, which included the removal of 2622 tons of debris. This includes cleaning completed by MWS and contractors. Continue to periodically inspect and clean sewer segments with previous problems with roots or grease and update lists. Currently have 72,000 LF on roots list and 68,000 LF on grease list for periodic inspection and cleaning. |
| Section 6, II.a. | Gravity Line Preventative Maintenance | MWS will develop goals of the actual footage to be cleaned that reflect an analysis of past CMMS cleaning data to determine the actual footage of sewers cleaned. | 11/07 | New goals established to emphasize quality and investigative cleaning and de-emphasize non-directed cleaning. | See above for performance measure under first recommendation for this program. | See above for actual performance under first recommendation for this program. |
| Section 6, II.a. | Gravity Line Preventative Maintenance | MWS will evaluate daily goals based on 210 working days per year or 17.5 days/month, which includes estimates for the many reasons crew members would not be available. Goals will be reviewed to reflect potential improvements in planning, scheduling, and record keeping, along with fundamentals of continuous improvement. Also, goals will consider that there are certain segments that require more frequent cleaning. | 1/08 | New goals established to optimize use of resources. | See above for performance measure under first recommendation for this program. | See above for actual performance under first recommendation for this program. |

| CMOM Report Section | CMOM Program | Recommendation | Implementation Deadline | Status | Performance Measure | Actual Performance |
|---------------------|---------------------------------------|--|-------------------------|---|--|--|
| Section 6, II.a. | Gravity Line Preventative Maintenance | MWS will evaluate ways to set priority on how often various groupings of sewer categories should be inspected with television. Examples, new PVC or recently lined sewers may not be inspected for another 5 to 10 years. However, clay or sewers older than 20 years or large diameter brick sewers would have priority to inspect them within the next five years. | 12/07 | Investigations are based on priorities for directing cleaning (restricted flow due to nonstructural issues), complaints, NPDES needs, flow monitoring irregularities, etc. In 2012, inspections were focused on needs of CAP/ER for Consent Decree work. In non-CAP/ER areas, inspections were focused on older pipe and pipe material such as clay. In 2010, contracted with two national firms to conduct inspections and cleaning of sewers affected by May 2010 Flood. In 2012, continued contractor inspections and cleaning in other areas of the system. Continued using Mobile Dispatch and Hansen Planning (Group Work Orders). This allows for standardization of process and reducing the risk of missing locations under review/report. | Original CMOM Self Assessment established a goal for inspection of 360,000 LF per year per crew. | A total of 2.40 million feet of sewer was inspected in 2012. This includes inspections completed by MWS and contractors. Based on structural deficiencies discovered, projects will be initiated to correct them. |
| Section 6, II.a. | Gravity Line Preventative Maintenance | MWS will purchase software for TV units that will allow priorities to be entered into the CMMS. | 6/07 | Complete. Since this item is complete and no additional actions are required, it will not be included in future reports. | N/A | N/A |
| Section 6, II.a. | Gravity Line Preventative Maintenance | MWS has recently purchased three new CCTV cameras to inspect and to televise the 224 miles of CSO lines and the other large diameter sewers. Three crews began using the cameras in August 2006. As experience is gained and the process refined of using these cameras, MWS will develop a plan and standard operating procedures (SOP) to inspect a certain amount of large diameter sewers over a projected period of time. The CSO and large diameter sewer televising will be incorporated into the goals for sewer televising for the entire system. | 1/08 | Large diameter sewer inspection contract established. In 2010, contracted with two national firms to conduct inspections and cleaning of sewers affected by May 2010 Flood. In 2012, continued contractor inspections and cleaning to other areas of the system. | Complete inspection of large diameter sewers in the next 5 years. | A total of 2.40 million feet of sewer was inspected in 2012. Of this, 51,500 feet of sewers 24-inch or greater in diameter were inspected. This includes inspections completed by MWS and contractors. |
| Section 6, II.b. | Root Control | MWS will consider development of a policy for resolving root intrusion in service lines with a customer | 10/07 | Updated in SORP. Submitted on May 27, 2009, to TDEC/EPA. Approved on August 18, 2009. When roots are observed in service lines from inspections of the main, we send the customer a letter with photo of the inspection, a sewer map, an illustrated copy of the Private Sewer Service line policy, including the customer's responsibility and how Metro Water will assist in removing the roots, if requested. | N/A | Over 37 "Roots Letters" were sent to customers in 2011 and 2012. |
| Section 6, III. | Air Valve Preventative Maintenance | MWS will develop standard operating procedures for inspection and replacement of air/vacuum valves. | 12/07 | Complete | Review SOPs annually. | Review of the ARV Program was completed on November 5, 2012. |
| Section 7, II. | Long-Term Control Plan | MWS will update the Long Term Control Plan on an as needed basis. | As needed. | Complete. Since this item is complete and no additional actions are required, it will not be included in future reports. | LTCP must be completed by September 12, 2011. | LTCP was submitted on September 9, 2011. |
| General | All | MWS will develop performance measures for all programs that do not have current measures in place. | 12/07 | Ongoing; pertinent items developed for all items above. | N/A | No new performance measures implemented in 2012. |

Table 2 – Design/Construction Project Updates

| Project Update 2012 Annual Report | | | | | |
|--------------------------------------|--|-------------------|-----------------|-------------------------|-----------------------|
| Project Number | Project Name | Design Start Date | Design End Date | Construction Start Date | Construction End Date |
| 94-SC-5B | Washington CSO Facility Improvements | 12/2006 | 3/2010 | 12/2010 | 4/2012 |
| 07-SL-113 | Holiday Travel Park Gravity Conversion | 6/2007 | 8/2011 | 3/2012 | 8/2012 |
| 06-SC-188 | Whites Creek Wastewater Treatment Plant (WWTP) Optimization and Disinfection Project | 12/2008 | 10/2010 | 11/2011 | 12/2012 |
| 93-SC-34T | Whites Creek Wastewater Pumping Station | 11/2009 | 3/2011 | 2/2012 | 8/2013 |
| 10-SG-83 | Lakewood Water and Sewer Replacement | 4/2010 | 2/2013 | 9/2013 | 6/2015 |
| 11-SC-067 | Driftwood Equalization Basin Expansion | 8/2011 | 4/2012 | 7/2012 | 5/2013 |
| 99-SC-009L | Dodson Chapel Equalization Tank and Wastewater Pumping Station Expansion | 9/2011 | 3/2012 | 5/2012 | 11/2013 |
| 11-SC-101 | West Park Equalization Facility Phases II and III | 5/2012 | 12/2013 | 9/2014 | 9/2016 |
| 11-SC-102 | Mill Creek/Opryland Equalization Facility Phase II | 8/2012 | 3/2013 | 4/2014 | 9/2015 |
| 11-SC-105A | Shelby Park Rehabilitation – Area 1 – Virginia Avenue | 9/2012 | 4/2013 | 1/2014 | 4/2015 |
| 11-SC-106 | Neely's Bend Rehabilitation | 9/2012 | 3/2013 | 12/2013 | 6/2014 |
| 11-SC-104 | Dodson Chapel Pipe Improvements | 10/2012 | 6/2013 | 7/2015 | 7/2016 |
| 11-SC-148 | Joelton Rehabilitation | 1/2013 | 7/2013 | 4/2014 | 7/2015 |
| 11-SC-103A | Cowan / Riverside Rehabilitation – Area 1 – Jones Avenue | 2/2013 | 8/2013 | 5/2014 | 8/2015 |
| 11-SC-144 | Brick Church Pike Pipe Improvements | 4/2013 | 4/2014 | 7/2016 | 1/2018 |
| 11-SC-105B | Shelby Park Rehabilitation – Area 2 – Norvel Avenue | 4/2013 | 10/2013 | 7/2014 | 10/2015 |
| 11-SC-121 | Apex Sewer Corrections | 4/2013 | 4/2014 | 1/2015 | 7/2016 |
| 11-SC-103B | Cowan / Riverside Rehabilitation – Area 2 – Dickerson Pike | 5/2013 | 11/2013 | 8/2014 | 11/2015 |
| 11-SC-147A | Highway 100 / Tyne Boulevard – Trimble Rehabilitation | 6/2013 | 12/2013 | 9/2014 | 12/2015 |
| 11-SC-111 | Davidson and Brook Hollow Rehabilitation | 7/2013 | 1/2014 | 10/2014 | 1/2016 |
| 11-SC-135A | 28th Avenue Rehabilitation - Area 1 | 9/2013 | 3/2014 | 12/2014 | 3/2016 |