



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER

61 FORSYTH STREET

ATLANTA, GEORGIA 30303-8960

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Scott A. Potter, P.E.
Director, Metro Water Services
Metropolitan Government of Nashville and Davidson County
1600 2nd Avenue North
Nashville, Tennessee 37208

Re: Agreement on EPA's Partial Conditional Approval of Metro's Long-Term Control Plan and Submittal of Updated Corrective Action Plan/Engineering Report pursuant to Consent Decree, *United States of America and the State of Tennessee v. Metropolitan Government of Nashville and Davidson County*, Civil Action No. 3:07-cv-01056

Dear Mr. Potter:

The U.S. Environmental Protection Agency Region 4 and Tennessee Department of Environment and Conservation (TDEC) appreciate your continued discussions regarding Metropolitan Government of Nashville and Davidson County's (Metro) compliance with the above-referenced Consent Decree (CD). This letter formally memorializes the agreement of the Parties to the CD negotiated during a meeting in Nashville on February 18, 2020, and through subsequent emails regarding the EPA's partial conditional approval of Metro's Long-Term Control Plan and Metro's commitment to update the CD's Corrective Action Plan/Engineering Report (CAP/ER) to perform additional corrective actions that address certain sanitary sewer overflow (SSO) locations.

Pursuant to the CD, Metro submitted a *Long-Term Control Plan for Metro Nashville Combined Sewer Overflows* (the Initial LTCP) dated September 2011, a first addendum dated June 12th, 2018 (First Addendum), and a second addendum dated July 24, 2020 (Second Addendum). Collectively, the Initial LTCP, the First Addendum and the Second Addendum are referred to as the Final LTCP. The Parties to the CD agree upon the following regarding the EPA's partial conditional approval of the Final LTCP:

1. The EPA, in consultation with TDEC, hereby approves the following parts of the Final LTCP:
 - a. The selected control measures and deadlines identified in the Second Addendum, section 1.1, for the Benedict & Crutcher Combined Sewer Overflow (CSO) Outfall.
 - b. The selected control measures and deadlines identified in section 1.2 of the Second Addendum for the Boscobel CSO Outfall.
 - c. The selected control measures and deadlines identified in Section 1.3 of the Second Addendum for the Driftwood CSO Outfall. Metro represents that it has already completed these control measures
 - d. The selected control measures and deadlines identified in Section 1.4.1 of the Second Addendum related to the Central Wastewater Treatment Plant (WWTP) Capacity Improvements and CSO Reduction.

- e. The selected control measures and deadlines identified in Section 1.5 of the Second Addendum for the Schrader CSO Outfall.
2. The EPA, in consultation with TDEC, hereby disapproves the following parts of Metro's Final LTCP:
 - a. All selected control measures identified for the Washington CSO Outfall.
 - b. All selected control measures identified for the Kerrigan CSO Outfall other than the improvements to the Central WWTP Capacity Improvements and CSO Reduction included in section 1.d above.
3. The EPA's partial approval of portions of the Final LTCP enumerated in Number 1 above is conditioned upon Metro's agreement herein to the following:
 - a. Within four years from the date of Metro's signature on this letter, Metro shall submit to the EPA and TDEC, pursuant to the CD, a "Revised LTCP" setting forth the necessary control measures designed to bring the Washington and Kerrigan CSO Outfalls into full compliance with the State of Tennessee's Water Quality Standards (WQS) criteria in effect at the time of submittal. The Revised LTCP shall be consistent with the requirements of Section VII.D.2 of the CD and the EPA's *Combined Sewer Overflow (CSO) Control Policy*, 59 Fed. Reg. 18,688 (Apr. 19, 1994).
 - b. Within 11 years from the date of Metro's signature on this letter, Metro shall complete all remedial measures pursuant to the approved portions of the Final LTCP and the Revised LTCP to bring each of Metro's CSOs (Boscobel, Driftwood, Benedict & Crutcher, Schrader, Washington, and Kerrigan) into full compliance with the State of Tennessee's WQS criteria.

The Parties to the CD also discussed at the February 19, 2020, meeting, and through subsequent emails, the need for Metro to update the CD's CAP/ER to perform additional corrective actions that address certain SSO locations included in Appendix A of the CD and certain new SSO locations not included in Appendix A. Metro's original CAP/ER was approved by the EPA on August 10, 2017, pursuant to the CD.

To accomplish the above, the Parties hereby agree to a revised Appendix A to the CD, which is attached to this letter. The revised Appendix A includes the addition of 46 new SSOs to the 27 previously identified SSO locations. The revised Appendix A has also been annotated with asterisks next to 21 of the previously identified SSO locations indicating that these are locations where SSOs are still occurring.

Metro also agrees to submit to the EPA and TDEC, pursuant to the CD, an update to the CAP/ER within six months of Metro's signature on this letter. The updated CAP/ER shall identify corrective actions to be taken to eliminate SSOs at the new SSO locations identified on the revised Appendix A and additional corrective actions to be taken to eliminate SSOs still occurring at those previously identified SSO locations that are annotated with an asterisk on the revised Appendix A. The updated CAP/ER shall include schedules for the completion of such corrective actions which shall not extend beyond 11 years from the date of the original approval (August 10, 2028). If Metro believes that it has already completed corrective actions that appropriately addressed any of these SSO locations, then Metro shall include in the updated CAP/ER a description of such actions taken along with supporting documentation such as SSO data. The updated CAP/ER shall comply with the requirements for CAP/ERs in Section VII.B.1 of the CD. The updated CAP/ER will not otherwise impact the corrective actions and deadlines approved in the original CAP/ER for those SSOs not addressed by the updated CAP/ER.

The Parties to the CD consider the terms and conditions set forth in this letter to be a non-material modification of the CD pursuant to Section XXI of the CD and agree that this letter shall serve as the Parties' written agreement to such terms and conditions. Except as otherwise specifically set forth in this letter, the terms and conditions of the CD shall remain in full force and effect. The Parties acknowledge that the U.S. Department of Justice will file a copy of this non-material modification with the Court for the record.

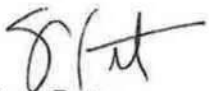
Please sign below signifying Metro's agreement to the terms and conditions of this letter and return the signed letter to Ms. Mary Jo Bragan of EPA's Water Enforcement Branch no later than 10 business days of your receipt of this letter. If you have any questions concerning this letter, please contact Ms. Bragan at (404) 562-9275 or at bragan.maryjo@epa.gov.

Sincerely,

Leif Palmer Digitally signed by Leif Palmer
Date: 2020.11.19 13:51:24 -0500

Leif Palmer
Regional Counsel
US EPA, Region 4

Jennifer Dodd Digitally signed by Jennifer Dodd
DN: cn=Jennifer Dodd, o=EPA, ou=OWB
email=jennifer.dodd@epa.gov, c=US
Date: 2020.12.04 12:53:43 -0500
Director of Tennessee Division of Resources
Tennessee Department of Environmental
Conservation

 8 Dec 2020
Scott Potter
Director, Metro Water Services
Metropolitan Government of Nashville and
Davidson County

cc: DOJ
Wilson Buntin, Tennessee Attorney General's Office

*	From original App A - expect that additional work is needed
**	From original App A - Work implemented, no new work expected

46 new locations

Appendix A (Amendment 1) - List of SSO Locations

Overflow #	Overflow Name	Location	Latitude	Longitude	Receiving Stream	WWTP Basin
101	Bordeaux Hospital Pump Station	1406 County Hospital Road	36.17733	-86.8502	Cumberland River	Whites Creek
102	Smith Springs Pump Station	2749 Smith Springs Road	36.08883	-86.6200	Hamilton Creek	Central
122	Cloverbottom Pump Station	541 Aly Cove	36.17394	-86.6553	Cumberland River	Central
125	Hopedale Pump Station	4807 Humber Drive	36.07890	-86.7144	Seven Mile Creek	Central
126	Cleeces Ferry Pump Station	1025 Cleeces Ferry Road	36.14284	-86.8904	Cumberland River	Whites Creek
128	Bordeaux Hills Pump Station	3187 LaGrange Drive	36.17910	-86.8379	Cumberland River	Whites Creek
131	Hurricane Creek Pump Station	5404 Hickory Woods Drive	36.02635	-86.5804	Hurricane Creek	Central
134	Riverside Pump Station	866 Youngs Lane	36.20461	-86.8031	Cumberland River	Central
138	Sunliner Pump Station	613 River Rouge Drive	36.15055	-86.8871	Cumberland River	Whites Creek
140	28th Ave Pump Station / Centennial	1901 Ed Temple Blvd	36.16814	-86.8364	Cumberland River	Central
145	Joelton Pump Station	7820 Old Springfield Place	36.32829	-86.8774	Long Creek	Whites Creek
151	Shelby Park Pump Station	1700 Sevier Street	36.16665	-86.7308	Cumberland River	Central
156	Bonnafair Pump Station	709 Linden Green	36.21110	-86.6346	Cumberland River	Central
158	Farmingham Woods Pump Station	700 Colchester Drive	36.18156	-86.5871	Dry Fork	Central
161	Long Hunter Chase Pump Station	7307 Ole Nottingham Drive	36.07010	-86.5738	Percy Priest Reservoir	Central
169	Villas of Lakemeade No. 2 Pump Station	3221 Lakeshore Drive	36.24231	-86.6252	Cumberland River	Dry Creek
172	Hillview Pump Station	5504 Hillview Drive	36.05013	-86.7926	Otter Creek	Central
179	Fairway Center Pump Station	665 Mainstream Drive	36.19519	-86.8180	Cumberland River	Central
183	Mill Creek Pump Station	2131 Lebanon Pike	36.16325	-86.6990	Mill Creek	Central
187	Peppertree Forrest Pump Station	4728 Greystone Drive	36.04179	-86.5785	Percy Priest Reservoir	Central
188	South Oak Hill Pump Station	5200 Franklin Pike	36.05837	-86.7741	Seven Mile Creek	Central
193	Gail Drive Pump Station	119 Gail Drive	36.23410	-86.6363	Cumberland River	Central
194	Germantown Hill Pump Station	5426 Clarksvill Highway	36.28205	-86.8772	Earthman Fork Creek	Whites Creek
327	Norman Drive	230 Beverly Drive / Norman Drive	36.25749	-86.7243	Gibson Creek	Dry Creek
328	Cooper Lane	2800 Cooper Lane	36.20581	-86.7005	Cumberland River	Central
330	Timber Ridge	177 Timber Ridge	36.09712	-86.6034	Percy Priest Reservoir	Central
340	Lynnwood Boulevard	718 Lynnwood Blvd	36.09336	-86.8477	Richland Creek	Whites Creek
346	Brick Church	3258 Brick Church Pk	36.23379	-86.7837	Ewing Creek	Whites Creek
374	Foster Avenue	2803 Foster Ave	36.11312	-86.7442	Mill Creek	Central
382	Mill Creek - Hollydale Drive	408 Hollydale Dr	36.12758	-86.7179	Mill Creek	Central
384	Bismark Drive	501 Bismark Dr	36.15813	-86.6976	Mill Creek	Central
Not assigned	Andrew Jackson Pkwy (Old Lebanon Dirt Road)	4120 Andrew Jackson Pkwy	36.19096	-86.6085	Stoner Creek	Central
Not assigned	Cooper Terrace	2301 Cooper Terrace	36.20136	-86.7060	Cumberland River	Central
Not assigned	Louise Drive (Foster Ave)	2932 Louise Dr	36.10817	-86.7471	Mill Creek	Central
Not assigned	Mill Creek - East Thompson Lane	431 E Thomson Ln	36.11772	-86.7214	Mill Creek	Central
Not assigned	Mill Creek - Old Glenrose	765 Old Glenrose Ave	36.11804	-86.7228	Mill Creek	Central
Not assigned	Mill Creek - Wimpole	381 Wimpole Dr	36.11921	-86.7250	Mill Creek	Central
Not assigned	Old Lebanon Dirt Road	428 Old Lebanon Dirt Road	36.18786	-86.6123	Stoner Creek	Central
Not assigned	Gallatin Pike	1442 Gallatin Pike	36.28402	-86.7063	Dry Creek	Dry Creek
Not assigned	Abbott Martin Road (Wallace Lane)	3504 Abbott Martin Rd	36.11052	-86.8343	Sugartree Creek	Whites Creek
Not assigned	Cravath Drive (Rowan)	3818 Cravath Dr	36.21914	-86.8090	Whites Creek	Whites Creek
Not assigned	Galbraith Drive	2000 Galbraith Dr	36.10058	-86.8118	Sugartree Creek	Whites Creek
Not assigned	Harding Road (Lynnwood)	4302 Harding Rd	36.09303	-86.8488	Richland Creek	Whites Creek
Not assigned	Henry Ford Drive	6303 Henry Ford Dr	36.15336	-86.8803	Sandy Creek	Whites Creek
Not assigned	Rowan Drive	701 Rowan Dr	36.22059	-86.8114	Whites Creek	Whites Creek

Not assigned	Wallace Lane	4012 Wallace Lane	36.10546	-86.8346	Sugartree Creek	Whites Creek
103*	McCrary Creek Pump Station	710 Jobee Creek	36.16313	-86.6302	McCrary Creek	Central
106*	Vandiver Pump Station	211 Rio Vista Drive	36.26633	-86.6815	Cumberland River	Dry Creek
107*	West Park Pump Station	6109 Morrow Road	36.16191	-86.8649	Richland Creek	Whites Creek
109*	Dry Creek Pump Station	Dry Creek WWTP - Edenwold Road	36.28804	-86.6895	Dry Creek	Dry Creek
110*	Loves Branch Pump Station	4435 Brush Hill Road	36.23784	-86.7155	Cumberland River	Dry Creek
112*	Gibson Creek Pump Station	864 Idlewild Drive	36.24779	-86.7045	Gibson Creek	Dry Creek
114*	Davidson Branch Pump Station	6924 Charlotte Pike	36.13127	-86.9023	Davidson Branch	Whites Creek
117*	Neely's Bend Pump Station	1218 Berwick Trail	36.23840	-86.6802	Cumberland River	Dry Creek
123*	Lakewood Pump Station	396 Ray Avenue	36.24014	-86.6418	Cumberland River	Dry Creek
124*	Williamson Ferry Pump Station	3600 Brush Hill Road	36.21831	-86.7084	Cumberland River	Central
127*	Madison Heights Pump Station	1329 Fernbank Drive	36.24138	-86.7119	Cumberland River	Dry Creek
130*	Brown's Creek Pump Station / Visco Dr.	898 Visco Drive	36.15876	-86.7431	Browns Creek	Central
132*	Berwick Trail Pump Station	720 Center Street	36.24857	-86.6908	Cumberland River	Dry Creek
136*	River Drive Pump Station	1830 River Drive	36.19072	-86.8303	Cumberland River	Whites Creek
150*	Hidden Acres Pump Station	597 Hidden Acres Drive	36.22884	-86.6754	Cumberland River	Dry Creek
176*	Dodson Chapel Pump Station	6024 Panama Drive	36.18862	-86.6217	Stoner Creek	Central
189*	Langford Farms Pump Station	5551 West Shady Trail	36.23634	-86.5684	Schutes Branch	Central
217*	Basswood	516 Basswood Avenue	36.15633	-86.8845	Sandy Creek	Whites Creek
222*	Barker Road	149 Barker Road	36.17777	-86.6988	Cumberland River	Central
226*	Cowan St. Relief Bleeder / Pump Station	1311 Vashti Street	36.19262	-86.7818	Cumberland River	Central
337*	Richland Creek (TDOT)	6601 Centennial Blvd	36.16702	-86.8742	Richland Creek	Whites Creek
104**	Whites Creek Pump Station	White Creek SPS - East Stewarts Lane	36.19498	-86.85221	Whites Creek	Whites Creek
133**	Holiday Travel Park Pump Station	2572 Music Valley Drive	36.23290	-86.70861	Cumberland River	Central
329**	Village Court	S of Davidson Street	36.16479	-86.74586	Cumberland River	Central
338**	Benita Dr.	Behind 425 Benita Drive	36.09401	-86.71659	Mill Creek	Central
339**	Richland Creek (23rd St.)	746 23rd Street	36.16577	-86.87096	Richland Creek	Whites Creek
379**	622 Davidson	622 Davidson Road	36.11746	-86.88490	Davidson Branch	Whites Creek