

JOHN COOPER  
MAYOR



# METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF WATER AND SEWERAGE SERVICES  
ENGINEERING DIVISION  
1600 SECOND AVENUE NORTH  
NASHVILLE, TENNESSEE 37208

March 31, 2022

Chief, Environmental Enforcement Section  
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Mr. Wilson Buntin  
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Environmental Division  
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Mr. Patrick Parker  
Assistant General Counsel  
Tennessee Department of Environment and Conservation  
312 Rosa Parks Avenue  
Nashville, TN 37243

RE: DOJ Case No. 90-5-1-1-09000  
Notice of Possible Delay in Mill Creek Portion of the CAP/ER

Dear Colleagues,

As currently designed, the Mill Creek Tunnel and Equalization Facility project consists of 2.5 miles of tunnel, a 100 MGD wet weather pumping station, 60 MG of storage, and additional conveyance capacity to the Browns Creek pumping station. Project design began in February 2021, and a Construction Manager at Risk was selected and started pre-construction phase services in July 2021. Designs are currently 75% complete for the *Preliminary Engineering Report* with costs currently estimated in the range of \$410 – 470 million due in part to recommendations to utilize a

15-foot diameter tunnel boring machine (TBM) to mitigate unanticipated geotechnical conditions. Recently, new information has called into question whether the project as designed will meet the CAP/ER's performance requirements. Metro Water Services has received new population projections for 2045, and the associated flows have been incorporated in the hydraulic model. Utilizing projected future flows, the model indicates that, using the current project design, SSOs are likely to occur during a two-year 24-hour dormant-season storm. The model also indicates that under some conditions the system would not be able to drain the storage volume during back-to-back winter storms in part due to limitations with conveying wet-weather flows to the Central Wastewater Treatment Plant through the existing Browns Creek pumping station.

As a result of project performance concerns, Metro Water Services recently assembled a group of key stakeholders to share the status of the project and the resulting model results. The stakeholder group unanimously agreed that the project needs to be reassessed with additional alternatives analyzed to achieve the desired performance outcomes. Accordingly, this letter serves as notification under the Consent Decree provisions in Section XI.D that circumstances have arisen that may delay the completion of the Mill Creek portion of the CAP/ER beyond the deadline of August 2028.

Metro has immediately initiated an assessment of modifications to the existing project and identified additional project alternatives that will be analyzed to determine if they can meet the performance requirements for the CAP/ER. Based on the conclusions of the assessment and the consensus of key stakeholders, Metro will communicate the recommendation for moving forward to EPA and TDEC and identify the anticipated length for any potential delay in compliance.

In the meantime, Metro will share any additional information requested for the Mill Creek project, and we would be glad to facilitate a technical discussion for the basis for recommending a reassessment of the project.

If you have any questions concerning this information, please contact Ron Taylor at [ron.taylor@nashville.gov](mailto:ron.taylor@nashville.gov) or (615) 915-0526.

Sincerely,

  
Scott A. Potter (Mar 30, 2022 11:14 CDT)

Scott Potter, P.E., Director  
Metro Water Services

cc: Mr. Dennis Sayre, EPA Region 4  
Ms. Jennifer Dodd, Environmental Program Director, Division of Water Resources  
Tennessee Department of Environment and Conservation  
Mr. David Tucker, Deputy Director, Metro Water Services  
Mr. Cyrus Q. Toosi, P.E., Assistant Director / Chief Engineer, Engineering  
Mr. Thomas G. Cross, Deputy Director, Metropolitan Department of Law  
Mr. Ron Taylor, P.E., Director, Clean Water Nashville