



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

Scott A. Potter, P.E.
Director, Metro Water Services
c/o Ron Taylor
Metropolitan Government of Nashville and Davidson County
1600 2nd Avenue North
Nashville, Tennessee 37208
ron.taylor@nashville.gov

Re: Civil Action No. 3:07-cv-01056
CAP/ER and LTCP Project Schedule Adjustment Request

Dear Scott Potter:

The U.S. Environmental Protection Agency Region 4, has received and reviewed Nashville Metro Water Services' ("Metro") letter regarding *Request to Adjust CAP/ER and LTCP Project Schedules* (Letter), dated January 25, 2023 (enclosed). Upon consultation with the Tennessee Department of Environment and Conservation (TDEC), and pursuant to Section VI.D of the above referenced Consent Decree (CD), the EPA hereby approves the proposed project completion schedules as set forth on page three of the Letter. A condition of this approval is that Metro shall provide, in addition to reporting requirements set forth in Section XIX of the CD, detailed progress reports on the development of any related studies to revise the Corrective Action Plan/Engineering Report (CAP/ER) in its Quarterly Progress Reports and Annual Reports until such time that a revised CAP/ER is submitted to the EPA and TDEC for review and approval pursuant to Section VI of the CD.

If there are any questions for the EPA, you may contact Dennis Sayre at (404) 562-9756, or sayre.dennis@epa.gov or for TDEC, you may contact Angela Jones at (615) 762-7388 or angela.jones@tn.gov. Please confirm receipt of this letter to Dennis Sayre at the email provided above.

Sincerely,

Sayre, Dennis

Digitally signed by Sayre,
Dennis
Date: 2023.03.07
10:46:14 -05'00'

Dennis Sayre, Acting Chief
Wastewater Enforcement Section
Water Enforcement Branch

Enclosure

cc: Jennifer Dodd
Tennessee Department of Environment and Conservation

Angela Jones
Tennessee Department of Environment and Conservation

Patrick Parker
Tennessee Department of Environment and Conservation

Wilson Buntin
Tennessee Office of the Attorney General and Reporter

Karl Fingerhood
United States Department of Justice

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

January 25, 2023

Chief, Environmental Enforcement Section
Environmental and Natural Resources Division
U.S. Department of Justice
Post Office Box 7611
Washington, D.C. 20044-7611

Director, Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

United States Attorney
Middle District of Tennessee
110 Ninth Avenue, South, Suite A961
Nashville, TN 37203

Mr. Wilson Buntin
Assistant Attorney General
Office of the Tennessee Attorney General
Environmental Division
P.O. Box 20207
Nashville, TN 37202

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
Request to Adjust CAP/ER and LTCP Project Schedules

Dear Colleagues,

As a follow-up to our November 30, 2022, letter and our discussion on January 13, 2023, we request revisions to the completion dates for select projects included in the *Correction Action Plan / Engineering Report for Sanitary Sewer Overflows (CAP/ER)* and *Long-Term Control Plan for Combined Sewer Overflows (LTCP)*. Those projects and the requested milestone adjustments are listed in the attachment.

Request to Adjust CAP/ER and LTCP Project Schedules

January 25, 2023

Page 2

We propose to submit a *CAP/ER and Sewer Master Plan Update* no later than December 31, 2025. That updated report will include additional and/or enhanced projects to mitigate SSOs as well as an updated prioritized implementation schedule. During the same period Metro will also prepare a *Revised LTCP* for submittal by December 8, 2024, as mutually agreed to in our December 2020 correspondence.

Metro remains committed to addressing combined and sanitary sewer overflows as expeditiously and efficiently as possible, and the schedule adjustments and additional study will allow us to better prioritize our efforts given the current economic climate while continuing to evaluate the impacts of Metro's unprecedented growth on our prior planning. CAP/ER and LTCP projects not listed in the attachment will continue as currently planned. We plan to accelerate projects not sensitive to growth and those having the greatest benefit towards addressing overflows and protecting public health and the environment. That includes projects that may be identified through the development of the updates for the CAP/ER and LTCP.

As discussed, we will continue to keep you apprised of our progress related to the Consent Decree through our Annual and Quarterly Reports. Should you require other details, however, we are always happy to schedule additional discussions or provide supplemental information.

We greatly appreciate your understanding of the need to adjust the attached project schedules while we continue to implement numerous projects throughout the service area along with a major program performance reevaluation study. We look forward to sharing the results of the updates to both the LTCP and CAP/ER with you. In the meantime, please let me know if you have any questions or require additional information.

Sincerely,



[Scott A Potter \(Feb 1, 2023 12:57 CST\)](#)

Scott Potter, P.E.

Director, Metro Water Services

cc: Mr. David Tucker, Deputy Director, Metro Water Services
Mr. Cyrus Q. Toosi, P.E., Assistant Director / Chief Engineer, Engineering
Ron C. Taylor, P.E., Clean Water Nashville Program Director
Mr. Thomas G. Cross, Deputy Director, Metropolitan Department of Law
Mr. Paul Calamita, AquaLaw
Ms. Kim Martin, P.E., CDM Smith

Request to Adjust CAP/ER and LTCP Project Schedules

January 25, 2023

Page 3

Project	Current Completion Target	Affected Overflows	Proposed Completion Date*
28th Avenue Rehabilitation - Future Areas	2027 Q2	28 th Avenue Pump Station / Centennial	2028 Q3
Benedict & Crutcher Sewer Separation	2028 Q3	Benedict & Crutcher CSO	2031 Q4
Berwick Trail Pipe Improvements	2026 Q1	Berwick Trail Pump Station	2028 Q3
Berwick Trail Pump Station Upgrades	2025 Q3	Berwick Trail Pump Station	2028 Q3
Boscobel Sewer Separation	2029 Q2	Boscobel CSO	2031 Q4
Cowan Street Pipe Improvements	2026 Q2	Cowan Street Relief Bleeder / Pump Station, Riverside Drive Pump Station	2028 Q3
Cowan Street Pump Station Upgrades	2025 Q3	Cowan Street Relief Bleeder / Pump Station, Riverside Drive Pump Station	2028 Q3
Dodson Chapel - McCrory Creek Study	2023 Q2	Andrew Jackson Parkway, Dodson Chapel Pump Station, McCrory Creek Pump Station, Old Lebanon Dirt Road	2028 Q3
Dodson Chapel - McCrory Creek Study - Future Projects	2028 Q3	Andrew Jackson Parkway, Dodson Chapel Pump Station, McCrory Creek Pump Station, Old Lebanon Dirt Road	2028 Q3
Dry Creek Pipe Improvements	2027 Q1	Dry Creek Pump Station	2028 Q3
Hidden Acres Pump Station Upgrades	2025 Q4	Hidden Acres Pump Station	2028 Q3
Highway 100 & Tyne Boulevard Pipe Improvements	2028 Q3	Harding Place, Lynnwood Boulevard	2028 Q3
Loves Branch Pump Station Upgrades	2027 Q1	Loves Branch Pump Station	2028 Q3
Mill Creek Rehabilitation - Future Areas	2026 Q1	Barker Road, Bismark Drive, Browns Creek Pump Station / Visco Drive, Mill Creek – East Thompson Lane, Mill Creek – Hollydale Drive, Mill Creek – Old Glenrose, Mill Creek – Wimpole	2028 Q3
Mill Creek Trunk Improvements and Equalization Facility	2028 Q3	Barker Road, Bismark Drive, Browns Creek Pump Station / Visco Drive, Mill Creek – East Thompson Lane, Mill Creek – Hollydale Drive, Mill Creek – Old Glenrose, Mill Creek – Wimpole	2028 Q3
Neely's Bend Pump Station Upgrades	2025 Q3	Berwick Trail Pump Station, Neely's Bend Pump Station	2028 Q3
Norman Drive Pipe Improvements	2027 Q4	Norman Drive	2028 Q3
Peppertree Forrest Pump Station Upgrades	2028 Q3	Peppertree Forrest Pump Station	2028 Q3
Riverside Drive Pump Station Upgrades	2028 Q1	Riverside Drive Pump Station	2028 Q3
Rowan Cravath Gravity Sewer Upsizing	2025 Q1	Cravath Drive, Rowan Drive	2026 Q2
Rowan Cravath Rehabilitation	2025 Q1	Cravath Drive, Rowan Drive	2026 Q2
Schrader Sewer Separation	2028 Q1	Schrader CSO	2031 Q4
Shelby Park Rehabilitation - Future Areas	2027 Q4	Shelby Park Pump Station	2028 Q3
Smith Springs Rehabilitation - Future Areas	2026 Q3	Smith Springs Pump Station	2028 Q3
Vandiver Pump Station Upgrades	2027 Q1	Vandiver Pump Station	2028 Q3

*2028 Q3 and 2031 Q4 represent the respective CAP/ER and LTCP completion dates of August 10, 2028, and December 8, 2031.