

KARL F. DEAN  
MAYOR



## METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

October 26, 2011

DEPARTMENT OF WATER AND SEWERAGE SERVICES  
1600 SECOND AVENUE, NORTH  
NASHVILLE, TENNESSEE 37208-2206

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

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

Denisse D. Diaz, Chief  
Clean Water Enforcement Branch  
Water Protection Division  
U. S. Environmental Protection Agency, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, GA 30303

Mr. Barry Turner, Deputy 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  
6<sup>th</sup> Floor, L & C Annex  
401 Church Street  
Nashville, TN 37243

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

Gentlemen and Madam:

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 July 1, 2011 through September 30, 2011.

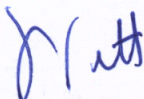


A copy of this report is concurrently being placed in the Public Document Repository (PDR).

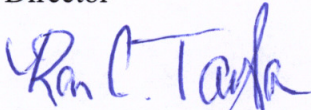
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage 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.

If you have any questions concerning this report 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



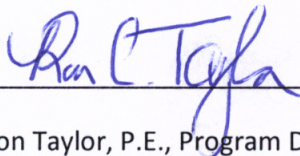
**Metropolitan Government of Nashville  
and  
Davidson County, Tennessee**

**Department of Water and Sewerage Services**

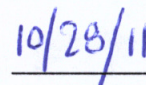
**Consent Decree  
Quarterly Progress Report**

**July 1, 2011 through September 30, 2011**

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 Taylor, P.E., Program Director



Date

## Introduction

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. To fulfill the reporting requirements as required by Section XIX.A. of the Consent Decree, Metro has prepared the enclosed Quarterly Progress Report.

As required by the Consent Decree, the report includes the following information:

1. A description of the work completed during the reporting period,
2. Quarterly Overflow Report,
3. The planned work for the upcoming quarter.

Work is defined as all activities Metro is required to perform under the Consent Decree and for the purposes of this Quarterly Progress Report includes the following:

1. Remedial measures for Sanitary Sewer Overflows (SSOs)
  - a. Corrective Action Plan/Engineering Report (CAP/ER) for SSOs
2. Capacity, Management, Operations, and Maintenance (CMOM) programs
  - a. Spill and Overflow Response Plan (SORP)
  - b. Inter-Jurisdictional Agreement Program
  - c. Capacity Assurance Plan
  - d. Pump Station Operation Plan for Power Outages
3. Remedial Measures for Combined Sewer Overflows (CSOs)
  - a. Nine Minimum Controls (NMC) Compliance Plan
  - b. Long Term Control Plan (LTCP)
4. Supplemental Environmental Project (SEP)

The Quarterly Overflow Report includes the information required by the Consent Decree (date, location, duration, volume, cause of each overflow, indication of permitted overflow, and indication if cause was a building backup). Both SSOs and dry weather CSOs are required for the report.

In addition to the information required by the Consent Decree, the report also includes a status summary of all Design/Construction Projects required by the Consent Decree and continuation projects from the current Overflow Abatement Program (OAP).

This is the tenth Quarterly Progress Report required under the Consent Decree. The report covers the period from July 1, 2011, through September 30, 2011.

The first Quarterly Progress Report covering the period from March 12, 2009, through June 30, 2009, was publicized in the Public Document Repository (PDR) and submitted to EPA and TDEC on July 28, 2009.

The second Quarterly Progress Report covering the period from July 1, 2009, through September 30, 2009, was publicized in the PDR and submitted to EPA and TDEC on October 29, 2009.

The third Quarterly Progress Report covering the period from October 1, 2009, through December 31, 2009, was publicized in the PDR and submitted to EPA and TDEC on January 27, 2010.

The fourth Quarterly Progress Report covering the period from January 1, 2010, through March 31, 2010, was publicized in the PDR and submitted to EPA and TDEC on April 27, 2010.

The fifth Quarterly Progress Report covering the period from April 1, 2010, through June 30, 2010, was publicized in the PDR on July 27, 2010, and submitted to EPA and TDEC on July 28, 2010.

The sixth Quarterly Progress Report covering the period from July 1, 2010, through September 30, 2010, was publicized in the PDR and submitted to EPA and TDEC on October 27, 2010.

The seventh Quarterly Progress Report covering the period from October 1, 2010, through December 31, 2010, was publicized in the PDR and submitted to EPA and TDEC on January 28, 2011.

The eighth Quarterly Progress Report covering the period from January 1, 2011, through March 31, 2011, was publicized in the PDR on April 27, 2011, and submitted to EPA and TDEC on April 28, 2011.

The ninth Quarterly Progress Report covering the period from April 1, 2011, through June 30, 2011, was publicized in the PDR and submitted to EPA and TDEC on July 22, 2011.

# **Section 1 – Summary of Work Completed During the Reporting Period**

## **Request for Force Majeure**

On May 14, 2010, as a result of the flooding event that occurred in the Nashville area on May 1-2, 2010, Metro requested an extension of several Consent Decree deadlines. Following the requested submittal of additional information by Metro, EPA, in consultation with TDEC, granted Metro's requests. This included a six (6) month extension for the submission of the CAP/ER and the LTCP, as well as a twenty-four (24) month extension for completion of the work required in the CAP/ER and the LTCP. Final compliance with all terms in the Consent Decree must now be achieved on or before eleven (11) years after the approval or modification of either the CAP/ER or the LTCP, whichever comes later.

## **Remedial Measures for SSOs**

### **CAP/ER**

**Progress this quarter:** Metro has completed preparation of the CAP/ER for the separate sewer system (SSS). A draft of this document was submitted to the PDR for public comment on July 27, 2011. One comment was received, which was addressed, along with other minor modifications prior to submitting the final document to EPA and TDEC on September 9, 2011.

One teleconference meeting was held between Metro, EPA, and TDEC this quarter. On August 29, 2011, final clarifications regarding the submittal, including the public comment received on the CAP/ER, were discussed.

**Consent Decree Completion Date for Report Submittal:** September 11, 2011

**1<sup>st</sup> PDR Publication Date:** July 27, 2011

**Revised PDR Publication Date:** September 9, 2011

**TDEC/EPA Submittal Date:** September 9, 2011

## **CMOM Programs**

### **Spill and Overflow Response Plan**

**Progress this quarter:** Changes included in the revised SORP, which was approved on August 18, 2009, have been implemented. No revisions or modifications to the SORP were requested in 2011.

**Consent Decree Completion Date:** Prior to June 1 each year if revisions are necessary or modifications are desired to be considered.

**Original Submittal Completion Date:** May 4, 2007

**1<sup>st</sup> Revision Completion Date:** May 27, 2009

**1<sup>st</sup> Revision PDR Publication Date:** May 27, 2009

**1<sup>st</sup> Revision Approval Date:** August 18, 2009

#### **Inter-Jurisdictional Agreement Program**

**Progress this quarter:** Negotiations for the final wholesale agreement contract have been completed, and this will go before the Metro Council for approval on October 18, 2011. The other five agreements have received the required approvals.

**Consent Decree Completion Date:** September 12, 2009

**TDEC/EPA Submittal Date:** September 4, 2009

**PDR Publication Date:** September 4, 2009

**TDEC/EPA Approval Date:** August 20, 2010

#### **Capacity Assurance Program**

**Progress this quarter:** The new Capacity Assurance Plan has been implemented since the Consent Decree has been entered and continues to be applied as a tool to track flows from new and existing customers to the SSS.

#### **Pump Station Operation Plan for Power Outages**

**Progress this quarter:** A total of twenty three (23) stationary backup generators and two (2) automatic transfer switches have been installed. A temporary generator has been placed at the Holiday Travel Park Pumping Station where, due to difficulties in obtaining property rights and delays in the start of construction by the developer / contractor, the trunk sewer which will take the pumping station out of service has not been constructed. The property rights have been acquired for this site. A temporary generator also continues to be utilized at the Munn Road Pumping Station where, due to difficulties in obtaining property rights, Metro has been unable to complete the stationary generator installation. Legislation to initiate the use of Eminent Domain for this property rights acquisition is under review by the Metro Council. In addition, the property owner at this location has filed a lawsuit against the Metropolitan Government related to both existing and proposed property rights at this location.

**Consent Decree Completion Date for Plan Submittal:** December 12, 2009

**TDEC/EPA Submittal Date:** December 8, 2009

**PDR Publication Date:** December 8, 2009

TDEC/EPA Approval Date: August 20, 2010

## **Remedial Measures for Combined Sewer Overflows**

### **NMC Compliance Plan**

**Progress this quarter:** All elements of the NMC Compliance Plan excluding the Washington CSO facility are operationally complete.

On August 8, 2011, a Notice to Proceed for construction was issued for modifications to the regulator structures at the 1<sup>st</sup> & Broadway and Van Buren outfalls. Modifications to the 1<sup>st</sup> & Broadway location were operationally complete on September 15, 2011, and modifications to the Van Buren location were operationally complete on September 28, 2011. These modifications eliminate those outfalls and direct all flows from those CSS basins to the wastewater treatment plant.

Construction continues for the improvements at the Washington CSO. This project will incorporate solids and floatables control at the regulator and will provide in-system storage to reduce CSOs.

**Consent Decree Completion Date:** September 12, 2009

**Original TDEC/EPA Submittal Date:** September 4, 2009

**Original PDR Publication Date:** September 4, 2009

**TDEC/EPA Approval in Part:** April 26, 2010

**TDEC/EPA Submittal Date for Revised Plan:** May 25, 2010

**TDEC/EPA Approval Date for Revised Plan:** July 22, 2010

**NMC Compliance Date (with exception of Washington CSO):** January 6, 2012

**NMC Compliance Date for Washington CSO:** June 30, 2012

### **LTCP**

**Progress this quarter:** Metro has completed preparation of the LTCP for the combined sewer system (CSS). A draft of this document was submitted to the PDR for public comment on July 27, 2011. No comments were received during the 30 day public comment period. Minor modifications were made to the report prior to submitting the final document to EPA and TDEC on September 9, 2011.

One teleconference meeting was held between Metro, EPA, and TDEC this quarter. On August 29, 2011, final clarifications regarding the submittal were discussed.



**Consent Decree Completion Date for Report Submittal:** September 11, 2011

**1<sup>st</sup> PDR Publication Date:** July 27, 2011

**Revised PDR Publication Date:** September 9, 2011

**TDEC/EPA Submittal Date:** September 9, 2011

### **Supplemental Environmental Projects**

**Progress this quarter:** The SEP completion report was submitted to EPA and TDEC on December 7, 2010. A copy was also submitted to the PDR at that time. Metro received approval of this report on March 8, 2011.

**Consent Decree Completion Date:** December 31, 2010

## Section 2 – SSOs and Dry Weather CSOs

### Quarterly SSO Report July 1, 2011 through September 30, 2011

Event Start Date	Event End Date	Rainfall	Duration (hours)	Overflow Volume (MG)	Overflow Cause	Location Manhole ID	Location	Unpermitted Discharge	Building Backup
06-Jul-11	06-Jul-11	0.16	0.50	0.00001	Blockage	07013003C	2130 Cliff Dr.	No	No
06-Jul-11	06-Jul-11	0	1.00	0.00001	Blockage	10513094C	1014 Caruthers Ave.	No	No
11-Jul-11	11-Jul-11	0	1.00	0.00001	Blockage	06014034	2710 Locust St.	No	No
22-Jul-11	22-Jul-11	0	5.00	0.01	Blockage	09503001	240 McGavock Pk.	Yes	No
25-Jul-11	25-Jul-11	0	10.50	0.0001	Line Break	WMN033G019	108 Ridgewood Pl.	No	No
01-Aug-11	01-Aug-11	0	11.00	0.017	Line Break	17315009	905 Barnes Rd.	Yes	No
02-Aug-11	02-Aug-11	0	0.50	0.0001	Blockage	16207032	150 Tusculum Rd.	Yes	No
02-Aug-11	02-Aug-11	0	0.33	0.003	Controller	09608006	McCroly Creek SPS	Yes	No
04-Aug-11	04-Aug-11	0	1.50	0.00001	Blockage	16206108	224 Old Tusculum Rd.	Yes	No
15-Aug-11	15-Aug-11	0	2.00	0.00001	Blockage	08602010	7002 Panama Dr.	No	No
16-Aug-11	17-Aug-11	0	5.00	0.001	Blockage	16204023	4157 Apache Trail	Yes	No
16-Aug-11	16-Aug-11	0	4.00	0.00001	Blockage	16510001	3959 Pin Hook Rd.	No	No
16-Aug-11	16-Aug-11	0	0.50	0.00001	Blockage	14810001	3939 Apache Trail	No	No
20-Aug-11	20-Aug-11	0	0.20	0.00003	Air Relief	16407009	152 Grovedale Ter.	No	No
26-Aug-11	26-Aug-11	0	0.50	0.0001	Blockage	05203003	434 Larkin Springs Rd.	No	No
28-Aug-11	30-Aug-11	0	45.00	0.05	Blockage	01416001	7305 Whites Creek Pk.	Yes	No
28-Aug-11	28-Aug-11	0	2.00	0.00001	Blockage	14816007	2315 Antioch Pk.	No	No
29-Aug-11	29-Aug-11	0	0.50	0.0001	Blockage	11704014	2916 Primrose Cir.	No	No
05-Sep-11	06-Sep-11	4.91	7.25	0.248	Rainfall	09409003	Browns Creek SPS / Visco Dr.	Yes	No
05-Sep-11	08-Sep-11	4.54	44.50	7.999	Rainfall	08410007	149 Barker Rd.	Yes	No
06-Sep-11	06-Sep-11	4.73	1.00	0.00001	Blockage	14903012	2510 Sleepy Hollow	No	No
06-Sep-11	06-Sep-11	4.54	2.00	0.001	Rainfall	09510050	501 Bismark Dr.	Yes	No
06-Sep-11	06-Sep-11	4.57	3.83	0.095	Rainfall	13609002	Smith Springs SPS	Yes	No
06-Sep-11	06-Sep-11	3.67	1.42	0.312	Rainfall	09105090	West Park SPS	Yes	No
06-Sep-11	06-Sep-11	3.67	1.42	0.004	Rainfall	09011002	516 Basswood Ave.	Yes	No

**Quarterly SSO Report  
July 1, 2011 through September 30, 2011**

Event Start Date	Event End Date	Rainfall	Duration (hours)	Overflow Volume (MG)	Overflow Cause	Location Manhole ID	Location	Unpermitted Discharge	Building Backup
07-Sep-11	07-Sep-11	0	0.50	0.0001	Blockage	08309109	1406 Woodland St.	No	No
08-Sep-11	08-Sep-11	0	1.25	0.0001	Blockage	14812054	117 Dowdy Ct.	No	No
10-Sep-11	12-Sep-11	0	34.00	0.04	Blockage	01416001	7305 Whites Creek Pk.	Yes	No
11-Sep-11	11-Sep-11	0	1.25	0.00001	Blockage	10511027	300 Rains Ave.	No	No
19-Sep-11	19-Sep-11	0.21	0.50	0.0001	Blockage	11802066	819 Horner Ave.	No	No
19-Sep-11	19-Sep-11	0.21	4.50	0.00001	Blockage	09208060	308 15th Ave. N.	No	No
20-Sep-11	20-Sep-11	0.30	1.25	0.0001	Blockage	09310147	314 Molloy St.	Yes	No
26-Sep-11	26-Sep-11	0	2.00	0.00001	Blockage	10415003	2607 Natchez Trace	No	No
27-Sep-11	27-Sep-11	0	1.25	0.00001	Blockage	10704055	83 Century Blvd.	No	No
28-Sep-11	28-Sep-11	0	1.00	0.0001	Blockage	14810013	3939 Apache Trail	No	No
29-Sep-11	29-Sep-11	0.03	1.00	0.001	Blockage	15014009	4101 Tea Garden Way	Yes	No

**Quarterly Dry Weather CSO Report  
July 1, 2011 through September 30, 2011**

Event Start Date	Event End Date	Rainfall	Duration (hours)	Overflow Volume (MG)	Overflow Cause	Location
There are no dry weather overflows to report during this quarter.						



## **Section 3 - Planned Work For Upcoming Quarter**

### **Remedial Measure for SSOs**

#### **CAP/ER**

**Planned work for upcoming quarter:** The CAP/ER was submitted to EPA and TDEC on September 9, 2011. Metro is preparing to implement the proposed projects according to the schedule presented in the CAP/ER.

### **CMOM Programs**

#### **Spill and Overflow Response Plan**

**Planned work for upcoming quarter:** Continue to operate under the revised SORP.

#### **Inter-Jurisdictional Agreement Program**

**Planned work for upcoming quarter:** Final approval of the agreement with the one remaining satellite community is anticipated in the coming quarter.

#### **Capacity Assurance Program**

**Planned work for upcoming quarter:** The new Capacity Assurance Plan will continue to be applied as a tracking / approval tool for new development / flow in the SSS.

#### **Pump Station Operation Plan for Power Outages**

**Planned work for upcoming quarter:** Construction of the trunk sewer to eliminate the Holiday Travel Park Pumping Station, which has been delayed due to developer / contractor issues, is anticipated to commence prior to the end of 2011. Condemnation Action for the property rights necessary for the installation of the stationary generator at the Munn Road Pumping Station will commence following the approval of the use of Eminent Domain by the Metro Council. The portable generators currently installed at these sites will receive priority attention for activation, as necessary, until the permanent improvements at each location have been completed.

### **Remedial Measures for Combined Sewer Overflows**

#### **NMC Compliance Plan**

**Planned work for upcoming quarter:** Construction of the improvements at the Washington CSO outfall will continue during the upcoming quarter. All other elements of the NMC Compliance Plan are operationally complete.

## LTCP

**Planned work for upcoming quarter:** The LTCP was submitted to EPA and TDEC on September 9, 2011. Metro is preparing to implement the proposed projects according to the schedule presented in the LTCP.

## Section 4 – Design/Construction Projects

Projects Required by Consent Decree						
Project Number	Project Name	Project Description	Design Start Date	Design End Date	Construction Start Date	Construction End Date
97-SG-8-2&3	Dry Creek Facilities Improvements	Improvements to existing WWTP for optimization of wet weather flows, solids handling, and odor mitigation	3/1/2004	11/19/2004	7/5/2005	12/4/2008
03-SC-136A	Barker Road / Omohundro EQ Basin	Construction of a 15 MG EQ basin and wastewater pump station (WWPS) for the separate sanitary sewer system	2/23/2006	10/2008	2/2/2009	12/21/2009 (operational)

Continuation Projects from Current OAP Program						
Project Number	Project Name	Project Description	Design Start Date	Design End Date	Construction Start Date	Construction End Date
94-SG-5F-1	Boscobel CSO – Village Court	Upsized CSS trunk sewer, rehabilitation of sanitary sewer, solids and floatable controls, and appurtenances	10/4/2005	7/1/2007	1/16/2008	10/27/2008
91-SC-36B	28 <sup>th</sup> Avenue North Sewer Rehabilitation Phases 1 & 2	Rehabilitation of sanitary sewer system	4/6/2006	8/30/2007	3/15/2008	3/12/2009
90-SC-75A	Hurricane Creek WPS Improvements	Replacement of pumps, controllers, and grinders at existing WWPS to improve reliability	12/1/2005	10/23/2006	11/12/2007	9/1/2008
05-SC-33	Basswood / West Park EQ Basin	Construction of a 10 MG EQ Basin and WWPS for the separate sanitary sewer system	6/21/2006	10/2008	2/18/2009	11/17/2010



### Continuation Projects from Current OAP Program

Project Number	Project Name	Project Description	Design Start Date	Design End Date	Construction Start Date	Construction End Date
94-SC-5B	Washington CSO Regulator	Construction of new replacement CSO Regulator to incorporate solids & floatables control and in system storage to reduce CSOs	12/18/2006	3/1/2010	12/1/2010	6/30/2012 (estimated)
90-SC-150H	Inglewood Sewer Rehabilitation Phase 4	Rehabilitation of sanitary sewer system	2/7/2006	10/30/2006	7/13/2009	1/8/2010
99-SG-9C	Hermitage Area Sewer Rehabilitation	Rehabilitation of sanitary sewer system	8/2/2006	11/10/2006	7/13/2009	2/7/2010
06-SC-188	Whites Creek WWTP Disinfection / Optimization	Improvements to existing WWTP for optimization of wet weather flows and increased capacity of disinfection system	12/12/2008	10/30/2010	12/1/2011 (estimated)	1/1/2013 (estimated)
93-SC-34T	Whites Creek WWPS	Improvements to the Whites Creek WWPS, including a new WWPS and force main	11/15/2009	3/25/2011	12/1/2011 (estimated)	12/1/2013 (estimated)
06-SC-185	Mill Creek 36" Trunk Sewer Repair	Repair / rehabilitation of separated sewer system	7/6/2007	10/6/2007	3/21/2011	9/30/2011
			Design revisions			
			9/1/2009	5/1/2010		