

KARL F. DEAN
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

January 27, 2010

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

Chief, Environmental Enforcement Section
Environmental and Natural Resources Division
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Middle District of Tennessee
110 Ninth Avenue, South, Suite A961
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Chief, Water Programs Enforcement Branch
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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
6th Floor, L & C Annex
401 Church Street
Nashville, TN 37243

Re: DOJ Case No. 90-5-1-1-09000
Submittal of Supplemental Environmental Project Periodic Report #2

Gentlemen:

In accordance with the provisions of the Consent Decree, Section VIII (Supplemental Environmental Project), Subsection F (Periodic Reports), herewith we are transmitting the Supplemental Environmental Project (SEP) periodic report which covers the time period from July 1, 2009 through December 31, 2009.

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



Cyrus Q. Toosi, P.E.
Assistant Director / Chief Engineer

Cc: Mr. David Tucker, Assistant Director, Operations
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

**Supplemental Environmental Project
Periodic / Semiannual Report
For period 7/1/2009 through 12/31/2009**

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.

A handwritten signature in blue ink, appearing to read "C. Toosi", is written over a horizontal line.

Cyrus Q. Toosi, P.E. – Assistant Director - Engineering

A handwritten date "1/27/10" in blue ink is written over a horizontal line.

Date

This project was undertaken in connection with the settlement of a civil enforcement action taken by the United States and the State of Tennessee for violations of the Clean Water Act.

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. The reporting requirements for Supplemental Environmental Projects (SEPs) (Section VIII., Subsection F., of the Consent Decree) includes furnishing EPA and TDEC (along with posting in the Public Document Repository for comments) a semiannual report describing the progress of the SEPs up to and during the most recent calendar quarter within one month after the end of the second and fourth calendar quarters following the Date of Entry (3/12/2009). Each periodic report shall relate to the information as noted in Appendix E of the Consent Decree.

Appendix E of the Consent Decree contains a description of two SEPs that were filed and entered as part of the Decree. These two SEPs are the Brandywine Farms sewer extension and the Sanitarium Rd. sewer extension.

Brandywine Farms Sewer Extension SEP

The Brandywine Farms subdivision is located adjacent to Old Hickory Lake in Hermitage, Tennessee. Old Hickory Lake is one of several lakes that along with the Cumberland River make up the Cumberland Lake Watershed.

The purpose of the Brandywine Farms SEP is to address water quality issues presented by septic tank failures in this unsewered subdivision. By extending public sewer lines into this subdivision, bacteriological impairments to Old Hickory Lake, land surface areas, streams within the subdivision, and contamination of the groundwater will be significantly reduced.

This project is highly supported by the Metro Public Health Department of Nashville and Davidson County and ranks as the second worst area in Metro's sewer service area needing public sewer extensions.

The scope of the project consists of laying approximately 33,000 liner feet of 1.5 to 4 inch pressure sewers in the Brandywine Farms subdivision including pressure service lines to the right-of-way line for each house that currently has a septic tank. The homeowners will later be responsible for installing their individual grinder pumps at close proximity to their home and running the individual service discharge lines to the service connection box at the right-of-way. This SEP will give approximately 330 residences that currently have septic tanks access to a public pressure sewer system.

Previous Progress Made (3/12/2009 – 6/30/2009)

Metro surveyed and designed this project in-house. The design specifications were sealed on April 7, 2009. Bids were issued on April 27, 2009 with the bids due back on May 28, 2009. The work for this project was awarded to the lowest evaluated bidder (W.L. Hailey & Company) on June 9, 2009.

The 2007 estimate for this project was \$2,600,000. The lowest evaluated bid was \$1,611,698 which does not include the paving restoration after the project is completed. The Department of Water and Sewerage Service will be contracting for the pavement of the streets with the Department of Public Works for an assignment under one of their Tier paving contracts. The last estimate the Department of

Public Works gave the Department of Water and Sewerage Services for the required paving was \$928,302. This would put the total project cost of the project around \$2.54 million.

Metro held a preconstruction meeting on July 15, 2009 with a notice to proceed to the contractor for August 3, 2009. There are approximately 240 calendar days stipulated in the contract barring any weather or disaster related occurrences that might occur. It is anticipated that this project / SEP may be completed as early as March 1, 2010. The Consent Decree deadline for this project / SEP is December 31, 2010. Metro does not foresee any problems in making this deadline. Future periodic report(s) will focus more on the actual construction progress of this SEP.

Progress Made During this Reporting Period (7/1/2009 – 12/31/2009)

As of December 31, 2009, Metro's contractor has completed approximately 88% of this project. In total, 5,149 feet of 4 inch, 13,079 feet of 3 inch, 8,426 feet of 2 inch, and 2,520 feet of 1.5 inch pressure sewer pipe has been installed. No connections have been allowed or made since the project has not been completed in whole and pressure tested for tightness and leakage. It is anticipated that connections will be started by individuals through private plumbers beginning Mid- February to early March.

As of December 31, 2009, Metro has expended \$1,243,926 towards the construction of this project. This includes retainage. As mentioned in the previous report (see previous progress made 3/12/2009 – 6/30/2009 above) paving will be done separately than from the current contract for installing the pressure sewer pipe. The Department of Water and Sewerage Services was going to originally contract the required paving with the Department of Public Works but has since elected to bid the project out separately. The current estimate for paving is still around \$1 million and will be in addition to what Metro spends with its contractor that is installing the pressure sewer pipes and appurtenances.

Metro will submit the final cost and documentation needed for the SEP completion report together with the Sanitarium Road project prior to the Consent Decree due date of December 31, 2010 and perhaps before the next periodic report is due (July 31, 2010).

Sanitarium Rd. Sewer Extension SEP

Sanitarium Road is located in the northeast portion of Metro's sewer service area inside Davidson County.

The purpose of the Sanitarium Rd. SEP is to address water quality issues presented by septic tank failures in this unsewered area. By extending public sewer lines into this area, bacteriological impairments to the streams and land surfaces within this area and contamination of the groundwater will be significantly reduced.

This project is also highly supported by the Metro Public Health Department of Nashville and Davidson County and ranks as the worst area in Metro's sewer service area needing public sewer extensions. This SEP will give approximately 12 residences that currently have septic tanks access to a public gravity sewer system.

Progress Made 3/12/2009 – 6/30/2009

Metro has also surveyed and designed this project in-house. The design specifications were sealed on February 24, 2009. Bids were issued on April 21, 2009 with the bids due back on May 15, 2009. The work for this project was awarded to the lowest evaluated bidder (W.L. Hailey & Company) on May 28, 2009.

The 2007 estimate for this project was \$200,000. The lowest evaluated bid was \$193,815.

Metro held a preconstruction meeting on June 24, 2009 and issued a notice to proceed to the contractor on July 13, 2009. The contractor has currently begun working on-site. There are approximately 45 calendar days stipulated in the contract barring any weather or disaster related occurrences that might occur. It is anticipated that this project / SEP may be completed as early as August 27, 2009. The Consent Decree deadline for this project / SEP is December 31, 2010. Metro does not foresee any problems in making this deadline. Future periodic report(s) will focus more on the actual construction progress of this SEP.

Progress Made During this Reporting Period (7/1/2009 – 12/31/2009)

Metro's contractor completed this project around the end of August, 2009. In total, 2,493 feet of 8" sewer line was installed. This was about 500 feet more than originally anticipated and committed in the Consent Decree and was a result of having to change the original sewer alignment out in the field. Sewer service lines were left for all thirteen connection points. As of December 31, 2009, 11 homes have connected to the public sewer. Two vacant lots remain to be served in the future as well.

As of December 31, 2009, Metro has expended \$217,132.51 towards the construction of this project. This includes retainage and \$23,400 for easements needed to be able to install the public sewer lines on private property, but does not include a change order needed to finalize the total construction project cost.

Metro will submit the final cost and documentation needed for the SEP completion report together with the Brandywine project prior to the Consent Decree due date of December 31, 2010 and perhaps before the next periodic report is due (July 31, 2010).