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Settlement approved between Franklin, Harpeth River group



Ray Howze, rhowze@tennessean.com 8:16 p.m. CDT August 17, 2016



(Photo: Mark Zaleski / File / The Tennessean)

A federal judge has approved the settlement of a lawsuit between the city of Franklin and the Harpeth River Watershed Association regarding pollution of the Harpeth River.

The lawsuit, initially filed in 2014, accused the city of illegally polluting the river through its sewage treatment facility.

Wednesday's announcement of the judge's approval comes three months after the city and the association announced the two parties had [reached the initial settlement](#).

Jim Redwine, director of HWRA's water quality protection and sustainability program, said they are working with the city on an agreement over the new permit for the water treatment plant's expansion. The city plans to expand the facility to handle 16 million gallons per day, up from 12 million.

"We're pleased with the cooperation we've been getting with the city," Redwine said. "While we do have some issues to work through, we're hopeful we can work with them."

The lawsuit led to a countersuit, input from federal regulators and costly legal fees, [including \\$300,000 to one firm](#), from the city. It is designed to bring the city into compliance with the state's permit for the sewage treatment plant.

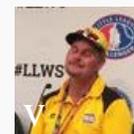
Eric Stuckey, city administrator for Franklin, said the city already started to move forward with permit plans with the Tennessee Department of Environment and Conservation after May's announcement. Wednesday's announcement, he said, officially "puts an end to the lawsuit."

"It's an opportunity to move forward and move past us trying to work through (the issues) in the court system," Stuckey said.

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THE TENNESSEAN

Franklin, Harpeth River group reach lawsuit settlement

Matthew Dobson, chairman of HWRA's board of directors, said their mission is to protect the river from pollution threats that have contributed to "toxic situations."

"This court-enforceable settlement, if faithfully implemented by Franklin, will improve the water quality of this very popular Tennessee state scenic river resource flowing through Nashville and one of the fastest growing regions of our state and country," Dobson said in the release.

According to the release, the settlement includes the following requirements for Franklin:

- To study and monitor the river's water quality, including fulfilling obligations that have been in Franklin's current permit since 2010.
- Participate along with HRWA and other agencies in the formulation of a new pollution reduction plan led by TDEC for the entire river. The Total Maximum Daily Load plan will "fairly determine (Franklin's pollution load allocation) in the context of the entire watershed."
- Fund up to \$150,000 to conduct studies in support of the TMDL pollution reduction plan.
- Conduct an "optimization study" for the current sewage treatment plant focused on reducing phosphorus and nitrogen inputs to the river to reduce the risk of harmful algal blooms. The city also agreed to prioritize the installation of portions of the new sewage treatment facility up front to have the ability to remove phosphorus to low levels.
- Spend \$10 million over five years as a part of Franklin's planned capital investment planning efforts to prioritize the upgrading of existing, aging sewer collection infrastructure. HRWA will have input in this process. Franklin also will use emerging technologies to identify and prioritize improvements in the sewer collection system.
- Develop a sewer overflow response plan, similar to those already implemented in many other Tennessee cities. This plan is designed to reduce public health risks from exposure to raw sewage and increase public transparency regarding sewer overflow issues.
- There will be no increases in sewer rates based on the lawsuit, counterclaims or the settlement.

Redwine said solving the river's pollution problems won't be done overnight, but will take time and plenty of study.

"It will require a lot of work to study the river and collect enough data," Redwine said.

"But it will determine who's contributing what pollution to the river and how they should



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be allocated and reduced in the future."

Reach Ray Howze at 615-664-2251 and on Twitter [@rayhowze1](#).

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