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## Harpeth River pollution lawsuit settlement approved for Franklin

Posted by Corey Little

Date: August 18, 2016

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By EMILY R. WEST

After nearly two years, the Harpeth River Watershed Association closed the final chapter in a lawsuit after a federal judge approved the settlement this week.

Back in May, a 14-page settlement spelled out how Franklin and the HWRA would approach their future relationship.

The approved settlement now begins the next stage of a broad community effort to restore the State Scenic Harpeth River. Franklin and HRWA have already agreed on locations for water quality monitoring in the river as required. Franklin is also in the process of installing the equipment based on the state's approval. It's still unclear how much the lawsuit cost Franklin taxpayers.

“Protecting the Harpeth from threats of increasing pollution like those that have contributed to toxic situations around the country – and internationally — is central to HRWA’s mission,” said Matthew Dobson, Chairman of HRWA’s Board of Directors. “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.”

#### **Here’s how some of that breaks down:**

- The city will conduct bioassessments at five locations annually, including Cotton Lane Bridge, a site approximately 500 feet downstream of the Water Reclamation Facility outfall and both upstream and downstream of the City’s Water Treatment Plan intake;

- The city will conduct chemical assessments at four locations including the Water Reclamation Facility's outfall;
- The city will fund up to \$150,000 to conduct studies in support of the total daily maximum load;
- The city will commit to spend \$10 million over five years as a part of Franklin's previously planned capital investment planning efforts to prioritize the upgrading of existing, aging sewer infrastructure. HRWA will have input to this process, but will not control it. The city will also use emerging technologies to identify and prioritize improvements;
- The parties will retain their respective rights to appeal permit and total maximum daily load conditions if they are not satisfactory. The process of formulating the Total Daily Maximum Load plan will require several years of significant joint time and effort to determine how much pollutant the Harpeth River can receive and still meet water quality standards, and to allocate that pollutant load among the various sources.



Right now, the City of Franklin is already in the process of upgrades to the water drinking plant along Lewisburg Pike. The improvements will include ultra-violet treatment, better piping systems, large-sized gallon tanks full of carbon that are the industrial-scale equivalent to Brita home water filters, and the ability to use peroxide treatment to eliminate odors and germs.

If all goes as planned, the \$14 million plant upgrades will become fully operational with its new components as early as spring 2017. But it will take a lot longer for Franklin taxpayers to see any projected payback, anywhere from 13 to 17 years. Net savings don't start on the city's

chart until 2032.

In 2015, American Rivers named the Harpeth River among America's Most Endangered Rivers, highlighting the threat sewage pollution and excessive water withdrawals pose to clean water and public health. The report said the river's water quality is impaired from high levels of pollutants that feed harmful algae growth that can cause dangerous conditions for wildlife and public health.

"This successful settlement is one of many significant milestones over our 15 years that have already resulted in improving water quality in one of America's Most Endangered Rivers," HRWA's Executive Director Dorene Bolze said.

"Our efforts have led to the launching of the first comprehensive pollution reduction plan for an entire river system in the Southeast. We are also now working with Franklin and TDEC on establishing conditions for the new permit for the expansion of Franklin's sewage treatment plant, which needs to reduce pollution loads in the river."

Both the HRWA and Southern Environmental Law Center followed through on their offers to Franklin prior to the filing of the lawsuit and agreed not to collect any attorney's fees so that the city's financial resources would be directed toward restoring the river.

HRWA's and SELC's extended their offer and also agreed not to collect fees for the defense against Franklin's highly unusual counter-suit of abuse of process against HRWA.

Federal Judge Kevin Sharp dismissed Franklin's counter-suit against HRWA in November 2015. HRWA also agreed that it would not receive any money as a result of river study projects funded by Franklin.

*Emily West covers Franklin and schools for Home Page Media Group. Contact her at [emily@franklinhomepage.com](mailto:emily@franklinhomepage.com). Follow her on Twitter via [@emwest22](https://twitter.com/emwest22).*

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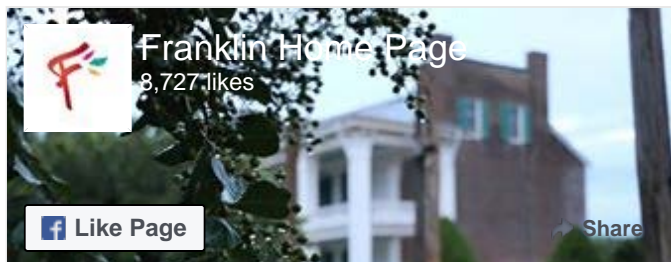
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