



## **HRWA and Two Small Sewer Plants Have Agreed to Settle- Includes Launching Needed River Water Quality Studies**

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*Nashville, TN (September 3, 2014)*– Cartwright Creek, LLC, and Harpeth Wastewater Cooperative (formerly Berry’s Chapel Utility and Lynwood Utility) have expressed strong interest in cooperating towards a healthy Harpeth River and have worked quickly to negotiate with the Harpeth River Watershed Association (HRWA) concerning the permit violations detailed in HRWA’s Clean Water Act 60 day notice sent in January 2014. Both utilities filed settlement agreements in federal district court on August 28, 2014.

Both utilities are confirming their obligation to meet their permit conditions and are agreeing to participate in supplemental environmental projects focused on understanding and restoring the Harpeth River. The terms of the settlement agreement include:

- **In-stream Water Quality Monitoring**: both utilities will provide \$40,000 (\$80,000 total) over four years to fund needed water quality monitoring in the Harpeth River during summer low flow conditions. The monitoring will be conducted in partnership with the U.S. Geological Survey.
- **Nutrient Management Plan**: both utilities have agreed to develop and implement a Nutrient Management Plan sufficient to satisfy the requirement in their current and pending Clean Water Act permits.
- **Stakeholder Group Participation**: both utilities agree to participate in a Harpeth River watershed Stakeholder Group, whose membership will include sewage treatment plants, HRWA, state and federal agencies, and outside experts. The Group’s purpose will be to engage government, permittees, landowners, and citizens to work cooperatively towards creating a much needed watershed restoration plan and implementing critical river studies necessary to determine cost effective solutions to improve water quality.

The Tennessee Department of Environment and Conservation (TDEC) has also issued a Commissioner’s Order requiring Cartwright Creek to meet timelines to invest in repairing leaky sewer collection lines and other problems that have been ongoing at the sewer plant in the River Rest community in the Grassland area.

“While these two sewer plants are only 10% of the treated sewage volume permitted to be discharged into the Harpeth, the violations in the 60 day notices are very similar among all three sewer plants,” explains Matt Dobson, President of the Board of Directors of HRWA. “These small sewer plants recognize that these problems are significant to the welfare of the Harpeth and are agreeing to address these problems and work together with HRWA, TDEC, U.S. Geological Survey, and Tennessee Wildlife Resources Agency and others on solutions for the river with no monetary penalty imposed for the past violations.”

The purpose of the 60 day notice requirement is to give a permittee time to comply with its permit before a citizen suit may be filed. The requirement also provides a means for complainants and permittees to negotiate solutions that avoid litigation. HRWA is pleased that Cartwright Creek and Harpeth Wastewater Cooperative are working diligently to remedy the issues raised in the 60 day notices and have agreed to cooperate toward the Harpeth’s restoration.

## Background:

The Clean Water Act and the Tennessee Water Quality Control Act require sewage treatment plants to obtain permits for the discharge of their treated wastewater. Such permits limit discharge amounts and set specific requirements for monitoring and reporting these discharges. HRWA and the Southern Environmental Law Center's (SELC) research of the past 5 years of government records for the City of Franklin Sewage Treatment Plant, Berry's Chapel Utility (now called Harpeth Wastewater Cooperative) Sewage Treatment Plant, and Cartwright Creek LLC-Grasslands Sewage Treatment Plant identified approximately 1,495 numeric violations (violations related to the amount of pollutants discharged), 18,600 monitoring violations (days out of compliance in the monitoring period), 385 reporting violations, as well as hundreds of other violations of the permits held by the three facilities.

On January 15, 2014, SELC, on behalf of HRWA, sent 60 day Notice of Intent letters that detailed how the three facilities have repeatedly violated pollution limits in their permits. The resulting sewage discharge has significantly degraded the Harpeth River, and TDEC is currently finalizing new versions of these permits that may not set discharge limits sufficient to ensure compliance with state water quality standards for the impaired/polluted Harpeth River.

The 125 mile-long Harpeth River begins in Eagleville, before flowing through downtown Franklin and Williamson County, one of the fastest growing regions of the country. The Harpeth River is a State Scenic River as it continues through Metro Nashville/Davidson County downstream from the three sewage treatments plants. The Harpeth River continues through Cheatham County and the Harpeth River State Park before joining the Cumberland River at Ashland City. The Harpeth River Watershed includes the main river and over 1,000 miles of tributaries that drain approximately 870 square miles of land. Despite its importance, the river does not meet the state's water quality criteria in several respects and is impaired, as determined by TDEC, due to unacceptably high nutrient levels and associated low levels of dissolved oxygen, among other pollutants.

"The Harpeth is one of the unique freshwater river systems in the Southeast, but unfortunately we have reached a critical point where this sewage discharge threatens the health of the river, especially during the summer months when the river is naturally a low flowing river and already experiencing poor water quality caused by upstream sources," said Dorie Bolze, executive director of HRWA. "Our mission is to work in partnership with the sewage treatment plants, local governments, and state and federal agencies – as our organization has done for many years – to find and implement solutions that will remove this excess pollution and protect this important and beloved river."

"We know the water quality of the Harpeth suffers as a result of this sewage discharge during the summer months because there are years of data that show the river does not meet water quality standards downstream of each sewer plant as well as for over 50 river miles downstream through the State Scenic river section and through parts of the Harpeth River State Park in Davidson and Cheatham Counties," said Bolze. "But we don't even understand the full extent of the problem because some of the legally required monitoring and reporting just isn't happening. This poses too serious a risk to the river for that to continue."

For factsheets, maps, and copies of the filed settlement agreement, original 60-day notices, and more details on the water quality conditions in the Harpeth River: [www.harpethriver.org/programs/waterquality/stps](http://www.harpethriver.org/programs/waterquality/stps)

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### ***About Harpeth River Watershed Association***

The Harpeth River Watershed Association (HRWA) is a 501(c)(3) not-for-profit, science-based conservation organization dedicated to protecting the State Scenic Harpeth River and clean water in Tennessee. The Harpeth is one of the unique freshwater river systems of the Southeast which contain one of the greatest variety of aquatic life in the world. For nearly 15 years, HRWA has collaborated with landowners, businesses, local, state, and federal decision makers, and others to put solutions in place and to maintain healthy regions, reduce pollution, and restore streambanks so that the Harpeth River meets water quality standards set for people and wildlife. Current programs include: River Restoration & Wildlife Protection, Water Quality & Sustainability, and Outreach & Recreation. [www.harpethriver.org](http://www.harpethriver.org)