

Email/Letter from WADC Chairman Kyle Ruf in response to request by Dickson County Commissioner Brogdon on thoughts from WADC to the proposed Titan Fuel Depot. Text provided to Harpeth Conservancy by Chris Gadd of the Dickson Herald in July 2020.

David,

I am writing to you in response to your inquiry to me in early May about whether the Water Authority of Dickson County had any concerns or reservations regarding the proposed fuel depot. If you'll remember my reply to you was I did not have enough info at that point to know what concerns WADC might develop. From your call I began my search for information in relation to WADC's role as a provider of clean water from the water basin in which the depot is proposed to be built. Four items I want to state on the front end:

- One, I am personally not in favor of the location of this facility.
- Two, this response is going to be lengthy so bear with me. I have a long history with WADC, especially when it comes to protecting this particular watershed, and I'll need some leeway to bring this full circle.
- Three, you remain the *only* person in an official capacity with the County or City who has contacted me for an opinion or information. So you are my choice to share all the information and opinion I've developed.
- I cannot help but offer an opinion that consists of both personal and WADC-related content. As many folks including you know, I am passionate about WADC and its mission to its ratepayers and our environment, and I am beyond proud of all the entity has accomplished in the past 20 years. That's another reason I am puzzled about the lack of official inquiry to me or even inquiry from the Public.
  - I have received about 30 emails from concerned citizens and most of those have been copy and pastes of the same request for Commissioner James to resign from WADC. I did receive 1 phone call from one public citizen during the past 2 months, asking basically the same question you did. In my limited involvement the focus has not been on what WADC can do or thinks about this project, it's been on Commissioner James.
  - I'll touch on the Commissioner James issue with you but I know your inquiry is directly about Planning and Zoning considerations.

After your call to me I made inquiries about the size and scope of the facility and on May 11 I was told it was proposed to be a five million gallon operation. WADC has a dozen water tanks, the largest has a one million gallon capacity so I have some perspective on what five million gallons of liquid looks like in tanks and what exposure to the watershed that might be. With that info I immediately (May 11) called Mike Adams, our Executive Director of WADC and asked him if he knew the scope and size of this facility and further asked him if we had requested or received any information about containment, safety, and all those related issues. WADC had not received any detailed plans at that point.

On May 20th I asked Mike if WADC had made a written request for the Spill and Containment Plan for this project and he proceeded to request those plans in writing from Buckeye. As of today, those plans have not been completed so WADC has not received any detailed plans. WADC was told last Friday, July 10<sup>th</sup>, that WADC will be provided with a schedule of permit applications and plans as those are provided to the Tennessee Department of Environment and Conservation. I believe I am correct in stating that the SPCC is required by EPA/TDEC but is not a plan that gets "approved" by TDEC. **To me that is an important point.**

I told Mike that WADC in its diligence should seek out an independent environmental engineer, preferably with a specialty in developing and reviewing SPCC plans for petroleum-related facilities, to review the SPCC when received. Mike is conducting that search for an environmental engineering firm. If the plan does not have to be approved by TDEC or any regulatory authority then I don't think WADC or its ratepayers need to

simply rely on the design of the plan as presented by the developer. WADC does not typically review a SPCC but in this case, with potentially millions of gallons of fuel sitting literally on top of a primary source-water basin, I think its common sense to have the plan reviewed and share our comments with TDEC, Planning and Zoning and any other entity involved in the approval of the project. And beyond common sense, it's the correct path to take to research and request any aspect of this facility that could lead to compromise of the watershed.

WADC has sent a communication to TDEC with specific concerns. WADC, on behalf of its ratepayers, has requested that TDEC review and provide details, to WADC and the public, about plans for containing not just a potential tank spill, but also for pipeline integrity and monitoring, firefighting chemical compounds and containment, containment of potential vehicle overturns and any other containment and potential contaminant that could impact the Nails Creek/Turnbull Watershed. WADC also requested TDEC not to approve any permit until WADC has time to receive plans and have those independently reviewed. I want to remind you at this point in my email that all of this I am mentioning is part of building a response to whether WADC has particular concerns or comments about the proposed facility. The obvious answer is yes. To continue:

So far the project applied for an Air Quality permit from TDEC and a public hearing was held in regard to that permit. It's feasible that a development's impact on air quality could impact a watershed but in this case that is not a central concern of WADC. We are much more focused on the upcoming requests for permitting that relate to keeping liquid containments out of the creeks.

WADC operates a water treatment plant on Turnbull Creek, not far downstream of this location. WADC operates three water treatment plants, each in a different watershed, so our customers are quietly safeguarded by WADC's redundant water treatment capacity. In other words, if one of the plants has to be pulled out of service, which definitely happens from time to time, WADC can keep providing clean water. That was not the case in year 2000 and I have to explain a little bit about that experience to put my concerns in complete context. In 2000 the Turnbull Water Treatment Plant was owned and operated by a small water utility, Turnbull-White Bluff Utility District. TWUD provided water from that one plant to somewhere around 70-80% of water customers in the entire county through direct sales to customers and by providing clean water to other utilities for distribution to their customers.

In 2000 Tennessee Department of Transportation was overseeing the Fairview to Dickson section of State Route 840, which cuts across 11 streams that contribute to the Turnbull Watershed. TDOT allowed the roadbuilder to strip over 1000 acres of land bare of any vegetation. Not a misprint. Not only were those acres stripped down to red clay, the project had essentially no environmental controls. The result was a catastrophic pollution of the watershed and Turnbull Creek and the worst water conditions ever experienced in the 37 years to that point that the Turnbull Water Treatment Plant had been in operation. Time after time the plant had to be shutdown so pure clay mud was not sucked in to the intakes. The water was untreatable during many rain events and only through the experience and steadfastness of Mike Chandler, Lance Smith and other TWUD operators was the plant not rendered inoperable.

It was literally touch and go whether TWUD could provide the county with potable water. I was put at the forefront of the issue as one of the three commissioners of TWUD. I made a call to an influential Dickson County citizen who that same day arranged for a meeting between myself and the Governor's Chief of Staff, who then reviewed the photos of the mudslides we were fighting and immediately (that morning) arranged for the Commissioner of TDOT to meet me at the 840 construction site to personally walk the disaster. That meeting did not go well. Even with in-person, irrefutable proof of the environmental catastrophe, only lip-service was paid to addressing the mind-numbing destruction. TWUD had to spend over \$400k on legal fees to fight the project, TDOT and the roadbuilder. Our own independent environmental engineer's assessment,

a firm from Georgia, found that 56 miles of the watershed were damaged in those 11 streams. All from the illegal techniques used to build 840.

The end result was TDEC issuing the largest fines against another state agency to that date in the history of the State, and TWUD was eventually awarded reparations to repair damages to our intakes. News articles are still archived in the Nashville Business Journal about our historic environmental experience.

I would be sensitive to the potential problems of this fuel depot project in any part of our service area. I would ask...How does the facility withstand earthquake, flood, windstorm, underground pipe bursts, ice-loads, snow-loads, etc. But because of my origins as a utility commissioner I am especially sensitive to the fate of the Turnbull plant and this watershed.

WADC arose in its current form from the 2002 merger of TWUD with the City of Dickson's Water and Wastewater Department and with Harpeth Utility District in Charlotte. The experiences of the SR 840 disaster, and many, many other challenges, form the DNA of several of us who are a part of WADC.

I mentioned the requests to have Commissioner James resign from WADC because of his involvement with the developer. Any reasonable person can understand the Public's concern on an optics basis and I'm not going to dig too deeply through that issue here. But it certainly should be and is being addressed.

I will state that if Commissioner James is present at any Board meeting where any topic related to the fuel depot issue arises he will, at the least, abstain from voting, and, his position with the developer will not be allowed by me or any other commissioner to influence any official position or action of WADC's Board or employees in regards to this project, period.

My goal is to provide you with the information and opinion you requested in your position as a commissioner on the Planning and Zoning Board.

Does WADC have concerns? Yes. Are we working to gather all the info we can so entities who approve and regulate these developments can use our knowledge and views in their decisions? Yes. Do I want to see this facility in the watershed of Turnbull Creek? No, not personally or in my position as Chairman of the Board of WADC. What I have been doing and what I have tasked the WADC staff with doing is to dig through the noise and get to as much factual information as we can find to help us protect our water sources. I will continue to update you as the promised schedule and plans are provided to WADC.

Please feel free to share this correspondence with any PZ commissioner or any other concerned party and on any format or platform you so choose.

Kyle C. Ruf

Chairman, WADC Board of Commissioners