



For-profit sewage providers are seeking access to public funds, a move environmental groups oppose

By Anita Wadhvani - April 1, 2021

Last spring, neighbors in the River Rest Estates subdivision in Williamson County made an unpleasant discovery: a sewage-smelling sludge surging out of a manhole cover next to soccer fields in the community's recreational areas.

Strewn around the manhole were blobs of soiled toilet paper. In the nearby Cartwright Creek, some of the fish were dead.

The sewage services in the area aren't provided by traditional municipal sewer lines.

Instead the wastewater is processed by Cartwright Creek, LLC, a private, for-profit company that builders of four Williamson County communities, including River Rest, enlisted when they developed residential and business communities in the rapidly growing suburb. The use of private sewer services, self-contained and disconnected from municipal sewer lines, allows developers to sidestep the public approval process to connect to municipal sewage and to build in rural or other remote areas far from the nearest municipal sewer grid.

Cartwright Creek is one of at least 300 privately-operated decentralized wastewater system companies operating in Tennessee. The companies have proliferated in the past 30 years as development has surged. Most are concentrated in just a handful of Tennessee counties: Williamson, Rutherford, Sevier, Wilson and Blount.

Many of the companies are now behind a pair of parallel efforts to both deregulate their industry and gain access to public funding.



Jim Redwine, Vice President and COO, Harpeth Conservancy
(Photo: Harpeth Conservancy)

(Private sewer companies) are saying TDEC can't supervise us and, by the way, we want public funds. They're passing along to the public the cost of their inability to properly operate. – **Jim Redwine, Harpeth**

Conservancy

One effort would end the state approval process required before private sewage systems are constructed. Another would create new state law that will give for-profit companies access to public funding in the form of a state revolving loan fund created under the federal Clean Water Act.

"Some of these operators are pushing both sides of the envelope," said Jim Redwine, vice president and chief operating officer of the Harpeth Conservancy, a nonprofit dedicated to guarding water quality in the Harpeth River.



"They're saying, TDEC (the Tennessee Department of Environment and Conservation) can't supervise us and, by the way, we want public funds," he said. "They're passing along to the public the cost of their inability to properly operate. It's a direct subsidy to developers and sewer plant operators who should be well able to afford the funds if that's what they want to do.'

Proponents of the public funding bill point out the state has already given private drinking water providers access to a similar revolving loan program. Sen. Ken Yager, R-Kingston, noted the companies would continue to have oversight by the Tennessee Public Utilities Commission, which monitors rates charged to consumers.

In Williamson County, Cartwright Creek operates a small, traditional sewage treatment facility. Company operators have said they need between \$3 and \$4 million for upgrades to prevent future spills. They have tried to sell. They can't find a buyer.

In the Smoky Mountains of Sevier County, owners of vacation cabin properties in the Summit View Resort have filed scores of complaints against Tennessee Wastewater, Inc., the for-profit private company that provides of sewage services.

On weekends, when cabins are full, the higher volume of sewage couldn't be absorbed by a so-called "drip field" Tennessee Wastewater designed to absorb it.

Run off soaked the neighborhood's grassy areas to such an extent that a lawn maintenance company couldn't mow. It also leached into a lake causing algae blooms that the homeowners association has had to pay to remove.

"As we began spending time at our cabin, we noticed a foul sewer odor and noticed when walking around the resort pond the ground was saturated," one cabin owner wrote. "There was also runoff crossing the road near the pond."

Tennessee Wastewater, a private sewer company, set up what is essentially a community-sized septic system in a Smoky Mountains vacation cabin community. During high occupancy times, sewage has soaked the neighborhood's grassy areas and contaminated a nearby lake.

Others complained that their vacation rental cabins were receiving negative reviews about foul odors on TripAdvisor and AirBnb. They complained that the company design of the wastewater system failed to take into account something homeowners thought was obvious: the community was designed to serve as vacation rentals, always more popular on the weekends.

The so-called drip irrigation systems in the Summit View Resort is typical of the types of private systems proliferating in new-build suburbs that do not connect to municipal sewer lines.

They operate like a community-sized septic system, said Redwine. They utilize the soil in a "drip field" to absorb waste treated on or near the development.

Each system must be designed to fit the landscape, taking into account the number of households or businesses relying on the system, the chemical composition of the soil and the topography of the area.

"If you don't design it right you're going to have a leaking sewer system," said Paul Davis, a former director of the Division of Water Pollution Control at the state's Department of Environment and Conservation who now serves as a consultant.

But private company operators are seeking to eliminate the state approval process for their design plans before constructing sewage systems. Prompted by their advocacy efforts, officials with TDEC have proposed a moratorium on their oversight and approval process while they study alternative plans.



Meanwhile **the bill** allowing private sewage providers to access the state's revolving fund has sailed through the legislature with little debate.

The Clean Water State Revolving Fund provides up to \$143 million in loans annually for county and municipal wastewater systems, to upgrade or expand. The loans are low- or no-interest, with rates tied to the county's financial outlook. There's currently a lot of demand from public sewage providers. A priority list ranking the needs of applicants has 61 city and county wastewater systems awaiting funding.

Graphic credit: Southern Environmental Law Center

Anita Wadhvani

Anita Wadhvani is a senior reporter for the Tennessee Lookout. The Tennessee AP Broadcasters and Media (TAPME) named her Journalist of the Year in 2019 as well as giving her the Malcolm Law Award for Investigative Journalism. Wadhvani is formerly an investigative reporter with The Tennessean who focused on the impact of public policies on the people and places across Tennessee. She is a graduate of Columbia University in New York and the University of California at Berkeley School of Journalism. Wadhvani lives in Nashville with her partner and two children. Reach Anita at awadhvani@tennesseelookout.com. Twitter: [@anitawadhvani](https://twitter.com/anitawadhvani)

