

IN THE CHANCERY COURT FOR DICKSON COUNTY, TENNESSEE

RODES HART and )  
 FRIENDS OF LICK CREEK, )  
 )  
 PETITIONERS, )  
 )  
 v. )  
 )  
 WATER AUTHORITY OF )  
 DICKSON COUNTY, )  
 )  
 RESPONDENT. )

No. 2023-CV-25

**FILED**

JAN 30 2023

Lynn Collins  
Dickson Co. Clerk & Master

**PETITION FOR ACCESS TO PUBLIC RECORDS AND TO SHOW CAUSE**

COME NOW, Rodes Hart and Friends of Lick Creek (“Petitioners”), by and through the undersigned counsel, and hereby file this Petition for Access to Public Records and to Show Cause, pursuant to the Tennessee Public Records Act, Tennessee Code Annotated section 10-7-505. The Petitioners seek review of a denial by the Water Authority of Dickson County of the Petitioners’ public records request, access to the public records requested, and should the Court determine that such denial was willful, an award of reasonable costs, including attorneys’ fees.

**I. Parties**

1. Petitioner Friends of Lick Creek is a citizen of Tennessee and a nonprofit public benefit corporation with its principal office located in Nashville, Tennessee.
2. Petitioner Rodes Hart is a citizen of Tennessee, lives in Nashville, Tennessee, and owns a residence in Hickman County, Tennessee.
3. Respondent Water Authority of Dickson County is a regional municipal water and wastewater service provider “serving customers in Dickson, Hickman, Humphreys, and

Williamson Counties.” *About WADC*, WATER AUTHORITY OF DICKSON COUNTY, <https://wadc.us> (last visited Jan. 27, 2023).

## **II. Jurisdiction and Venue**

4. Pursuant to Tennessee Code Annotated section 10-7-505(b), this Court has subject matter jurisdiction and venue is proper in this Court.

## **III. Facts and Background**

5. The Water Authority of Dickson County (“WADC”) has recently proposed to construct a new wastewater treatment facility in East Hickman County and to discharge the sewage effluent to Lick Creek in Hickman County.

6. As concerned citizens, the Petitioners submitted, through counsel, a public records request on November 4, 2022, to WADC. The Petitioners requested the following documents:

- i. Any reports, studies, costs data/analysis or similar documentation related to constructing a new facility for the Lick Creek Project;
- ii. Any reports, studies, costs data/analysis, or similar documentation related to the Schools Project, including but not limited to the capacity of the existing WADC infrastructure to manage wastewater from the Schools Project, as well as any future expansion, upgrade, or other modification to the existing WADC infrastructure in relation to the Schools Project;
- iii. Any reports, studies, costs data/analysis, or similar documentation, dated January 1, 2015 to present, related to upgrading, expanding, or modifying any existing WADC generally, as well as specifically to increase capacity;
- iv. Any reports, studies, costs data/analysis, or similar documentation, dated January 1, 2015 to present, analyzing, comparing, or otherwise discussing expansions, upgrades, and/or modifications to existing WADC infrastructure in relation to constructing a new facility;
- v. Any correspondence, including texts, emails, letters, voicemails, and other documents, dated January 1, 2017 to present, between any member of the WADC staff, WADC Board of Commissioners, or any consultant or other third party acting on behalf of WADC, and any Hickman County Commission member related to the Lick Creek Project, the Schools Project, or Hickman County Commission Resolution 22-34; and

vi. Any documentation related to any analysis of any alternatives to the Lick Creek Project, including but not limited to discharging effluent directly to the Duck River or any other waterbody in lieu of discharging to Lick Creek.

7. This request was submitted in writing using the form approved by the Open Records Counsel.

8. In this form, the Petitioners noted that they were willing to pay up to \$2,000.00 in copying and duplication costs to obtain the records.

9. A copy of the request is attached hereto as **Exhibit A**.

10. On November 11, 2022, WADC emailed counsel for the Petitioners stating that it would respond with the relevant records either “seven working days from November 7, 2022 or November 18, 2022.”

11. However, WADC also asserted that most of the requested documents were “available on the [Tennessee Department of Environment and Conservation’s online] dataviewer,” and before it would produce the requested records, WADC directed the Petitioners to “identify those WADC documents you do not want from that source.”

12. If the Petitioners did not want WADC to produce the other agency’s documents, “then please identify those documents you seeking [sic] that are not in such data base. Otherwise, we will have no option but to produce all of those records at your expense.”

13. Finally, WADC notes that, if the Petitioners did desire the documents that are available on TDEC’s website, WADC would have to hire a third-party vendor to download, copy, and produce the documents, and that it would not be able to respond to the request until December 2022.

14. A copy of the email response is attached hereto as **Exhibit B**.

15. On December 2, 2022, WADC produced a limited set of records, only 35 documents, some of which were duplicates.

16. A copy of the cover letter accompanying WADC's production is attached hereto as **Exhibit C**.

17. With the possible exception of just a few documents (most of which were already in the Petitioners' possession), WADC only produced records that are available on the TDEC dataviewer.

18. Conspicuously missing from the production were any documents responsive to the Petitioners' explicit request for "correspondence, including texts, emails, letters, voicemails, and other documents," between representatives of WADC and the Hickman County Commissioners related to the Lick Creek Project.

19. Only eight emails were produced, half of which were addressed solely to TDEC and not to WADC. The oldest of the emails only dated back to June 2021, despite the Petitioners' request for emails dated January 1, 2017, to present.

20. WADC produced one email that was entirely redacted, but gave no explanation or cited any exception to the Tennessee Public Records Act for the redaction.

21. Also noticeably missing were any documents responsive to the Petitioners' several requests for "reports, studies, costs data/analysis, or similar documentation" related to specific projects, WADC infrastructure, and analyses of any alternatives to the proposal to discharge sewage effluent to Lick Creek.

22. Although the Tennessee Public Records Act does not require the Petitioners to, nor could they, guess every document in WADC's possession related to these projects, the Petitioners reasonably expected to see, as part of WADC's production, the notes, drafts, internal

communications, deliberations, and other preliminary documents that are the natural and common result of researching and preparing a final report or analysis. The Petitioners are also aware of a study conducted by Tennessee Tech for WADC that is responsive to the request; however, WADC did not produce the study despite the reasonable expectation that a study conducted at its request would be in its possession.

23. Instead, WADC only produced the following in response to each request:

- i. In response to *Any reports, studies, costs data/analysis or similar documentation related to constructing a new facility for the Lick Creek Project*, WADC only produced:
  - Permit-related documentation, largely in duplicate, submitted by WADC to TDEC for the proposed discharge to Lick Creek, most or all of which is available on TDEC's website.
- ii. In response to *Any reports, studies, costs data/analysis, or similar documentation related to the Schools Project, including but not limited to the capacity of the existing WADC infrastructure to manage wastewater from the Schools Project, as well as any future expansion, upgrade, or other modification to the existing WADC infrastructure in relation to the Schools Project*, WADC only produced:
  - Two documents, largely in duplicate, distributed during a previous public meeting and already in the Petitioners' possession.
- iii. In response to *Any reports, studies, costs data/analysis, or similar documentation, dated January 1, 2015 to present, related to upgrading, expanding, or modifying any existing WADC generally, as well as specifically to increase capacity*, WADC only produced:
  - One document, a draft or example agreement with Wauford engineers, ostensibly to prepare an upgrade to WADC's Jones Creek facility.
- iv. In response to *Any reports, studies, costs data/analysis, or similar documentation, dated January 1, 2015 to present, analyzing, comparing, or otherwise discussing expansions, upgrades, and/or modifications to existing WADC infrastructure in relation to constructing a new facility*, WADC produced:
  - No documentation, except to the extent WADC's response to Request (iii) is also responsive to this request.

- v. In response to *Any correspondence, including texts, emails, letters, voicemails, and other documents, dated January 1, 2017 to present, between any member of the WADC staff, WADC Board of Commissioners, or any consultant or other third party acting on behalf of WADC, and any Hickman County Commission member related to the Lick Creek Project, the Schools Project, or Hickman County Commission Resolution 22-34*, WADC produced:
  - No documentation.
- vi. In response to *Any documentation related to any analysis of any alternatives to the Lick Creek Project, including but not limited to discharging effluent directly to the Duck River, [the Cumberland River], or any other waterbody in lieu of discharging to Lick Creek*, WADC produced:
  - One document, a letter from TDEC recognizing the receipt of WADC's alternatives analysis (although with no attached documentation), and which is available on TDEC's website.

24. Simply stated, the records produced by WADC are not reflective of the entire body of documents that would reasonably and naturally be in its files or possession as a result of creating the records that it actually did produce.

25. Additionally, at no time has WADC raised an objection or dispute regarding the public nature of the records requested, argued that they do not meet the definition of "public records," or claimed that they qualify for an exemption under the Tennessee Public Records Act.

#### **IV. The Tennessee Public Records Act**

26. The Tennessee Public Records Act ("TPRA") provides that "[a]ll state, county and municipal records shall, at all times during business hours...be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law." Tenn. Code Ann. § 10-7-503(a)(2)(A).

27. Public records are broadly defined as "all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or

ordinance or in connection with the transaction of official business by any governmental entity.”  
Tenn. Code Ann. § 10-7-503(a)(1)(A).

28. Upon request, a records custodian “shall promptly make available for inspection any public record not specifically exempt from disclosure.” Tenn. Code Ann. § 10-7-503(a)(2)(B).

29. If the record is not immediately available, then within seven business days, the custodian must either (1) make the record available, (2) “deny the request in writing [and] include a basis for the denial,” or (3) provide to the requestor a time by which the record will be made available. *Id.*

30. “Failure to respond to the request [in this manner] shall constitute a denial.” Tenn. Code Ann. § 10-7-503(a)(3).

31. If a records request has been denied, “in whole or in part,” then a citizen has the right to file a petition for access to the records “and to obtain judicial review of the actions taken to deny access.” Tenn. Code Ann. § 10-7-505(a).

32. Upon the petitioning party’s request, the court shall issue an order to the government entity “to immediately appear and show cause, if they have any, why the petition should not be granted.” Tenn. Code Ann. § 10-7-505(b).

33. The government entity bears the burden of proving by a preponderance of evidence that the nondisclosure of records was justified. Tenn. Code Ann. § 10-7-505(c).

34. During the court’s review, the TPRA “shall be broadly construed so as to give the fullest possible public access to public records.” Tenn. Code Ann. § 10-7-505(d).

35. Finally, if the reviewing court finds that a government entity willfully refused to disclose records, knowing that the records were public, then the court may assess reasonable costs, including attorneys’ fees, against the government entity. Tenn. Code Ann. § 10-7-505(g).

36. The Tennessee Supreme Court has affirmed that access to public records is of the utmost importance, noting that “the [TPRA] serves a crucial role in promoting accountability in government through public oversight of governmental activities.” *Memphis Publishing Co. v. Cherokee Children & Family Services, Inc.*, 87 S.W.3d 67, 74 (Tenn. 2002).

37. The Act also serves “a noble and worthwhile purpose by providing a tool to hold government officials and agencies accountable.” *Tennessean v. Metropolitan Government of Nashville*, 485 S.W.3d 857, 864 (Tenn. 2016).

38. When considering a request denial, the Court must “interpret the terms of the Act liberally to enforce the public interest in open access to the records of state, county, and municipal governmental entities.” *Memphis Publishing Co.*, 87 S.W.3d at 74.

39. Given that the TPRA is an “all-encompassing legislative attempt to cover all printed matter created or received by government in its official capacity,” government officials are charged with fully and faithfully responding to public records requests. *Conley v. Knox County Sheriff*, No. E2020-01713-COA-R3-CV, 2022 WL 289275, at \*3-4 (Tenn. Ct. App. Oct. 13, 2021) (quoting *Schneider v. City of Jackson*, 226 S.W.3d 332, 339-40 (Tenn. 2007)).

40. Governments cannot impose conditions on its production of records or impede a citizen’s access by creating hurdles to obtaining records. *Taylor v. Town of Lynnville*, No. M2016-01393-COA-R3-CV, 2017 WL 2984194, at \*4 (Tenn. Ct. App. 2017) (finding that government official denied a request when she told citizen to return later in the day and, upon his return, denied him access and required a conditional fee).

41. When a government entity impedes access to records, it has effectually denied the request. *Id.* Moreover, a municipality that produces some, but not all, of its responsive records has



denied the request and has “hardly demonstrate[d] its faithful and legal administration of the TPRA.” *Conley*, 2022 WL 289275 at \*8 (quoting *Taylor*, 2017 WL 2984194, at \*8).

42. In fact, the TPRA requires that government entities “search for and produce ‘any public record not specifically exempt from disclosure.’” *Id.*

43. When a government entity denies a public records request, a court may award reasonable costs and attorneys’ fees when it determines that the government entity, in “refusing to disclose a record, knew that such record was public and willfully refused to disclose it.” Tenn. Code Ann. § 10-7-505(g).

44. A “willful” denial is one that does not have a valid legal basis. *Taylor*, 2017 WL 2984194, at \*5-6 (citing *Friedmann v. Marshall County*, 471 S.W.3d 427 (Tenn. Ct. App. 2015)).

45. “Willfulness” is therefore not measured in terms of bad faith or dishonest motives, but instead “in terms of the relative worth of the legal justification cited by a municipality to refuse access to records.” *Id.*

## V. Analysis

46. The TPRA and the relevant case law are clear. When a public records request is made of a government entity, it must respond fully and promptly. Any and all public records that are responsive to the request and in the possession of the government entity must be produced.

47. Conditions on or impediments to public access constitute a denial. When a government entity denies a public records request, it must do so on a legal basis and with a legal justification; otherwise, that denial is willful.

48. Instead of adhering to these legal requirements, WADC directed the Petitioners to another agency’s documents—specifically, to TDEC.

49. WADC stipulated that, before it would respond to the request, the Petitioners must search through TDEC's documents and specify "those WADC documents [it did] not want from that source."

50. If the Petitioners did not specify the WADC documents it did not want, the WADC warned, it "will have no option but to produce all of those records at [the Petitioners'] expense."

51. When WADC eventually did produce records, it supplied records that were largely from the TDEC website or already public anyway, in duplicate, or redacted without explanation or justification.

52. The TPRA mandates open access to public records. It does not require any citizen to sift through and identify documents that may be available from other agencies, or to guess which documents a government entity has, much less which documents might be duplicated in another agency's files.

53. Citizens are not required to jump through burdensome hoops to gain access to a government entity's records. The fact that the requested documents at issue may have also been posted on TDEC's website has no relevance whatsoever to the public records request filed with WADC. WADC readily admits that it is in possession of the requested documents; therefore, WADC must produce them.

54. Moreover, the contention that WADC responded to the request because it eventually produced documents has no merit. The production of some, but not all, of the responsive documents in WADC's possession is not "full and faithful" compliance with the TPRA.

55. WADC did not dispute that the requested records were "public records" within the meaning of the TPRA, nor did it claim they were exempt under the TPRA or otherwise not subject

to disclosure. WADC did not cite any legal basis or justification for its denial; therefore, WADC willfully denied the Petitioners' request.

56. The TPRA provides a clear mandate for full and open access by the public of public records held by government entities. When a government entity does not allow prompt and open access to a citizen making a request, it is not adhering to the purpose and intent of the TPRA. WADC denied the Petitioners requested by erecting hurdles and imposing conditions on access to its records.

## VI. Prayer for Relief

**WHEREFORE**, Petitioners Friends of Lick Creek and Rodes Hart pray that this Court:

57. Issue an order, pursuant to Tennessee Code Annotated section 10-7-505(b), requiring the WADC to immediately appear and show cause, if it has any, why this Petition should not be granted;


58. Require WADC to immediately provide copies of the requested records to Petitioners;

59. Grant Petitioners reasonable costs and attorneys' fees pursuant to Tennessee Code Annotated section 10-7-505(g);

60. Grant Petitioners such other equitable relief as may be necessary under the TPRA;  
and

61. Grant Petitioners all further relief to which they may be entitled.

Respectfully submitted,

  
B. Hart Knight, BPR No. 025508  
Katherine Barnes, BPR No. 032456  
Butler Snow LLP  
150 3<sup>rd</sup> Avenue South, Suite 1600

Nashville, Tennessee 37201

Email: [Hart.knight@butlersnow.com](mailto:Hart.knight@butlersnow.com)

Email: [Katherine.barnes@butlersnow.com](mailto:Katherine.barnes@butlersnow.com)

Phone: (615) 651-6700

*Counsel for Petitioners*

# EXHIBIT A

**FILED**

**JAN 30 2023**

**Lynn Collins  
Dickson Co. Clerk & Master**

# BUTLER | SNOW

November 4, 2022

VIA EMAIL – madams@wadc.us

Michael Adams  
Executive Director  
Water Authority of Dickson County  
101 Cowan Road  
Dickson, TN 37055

Re: Request for Records of the Water Authority of Dickson County Regarding Lick Creek

Dear Mr. Adams:

Our firm represents several concerned citizens of Hickman County and the Lick Creek watershed regarding a proposed effluent discharge to Lick Creek near Primm Springs, Tennessee. It is our understanding that the Water Authority of Dickson County (WADC) may have records pertaining to that proposed project (“Lick Creek Project”), as well as a proposed project to construct/extend a wastewater line to connect three schools in Hickman County to the WADC system (“Schools Project”).

Pursuant to the Tennessee Open Records Act, specifically Tennessee Code Annotated § 10-7-503, I am enclosing a public records request form for the purpose of respectfully requesting the documents related to this proposed project, including but not limited to the following:

- Any reports, studies, costs data/analysis, or similar documentation related to constructing a new facility for the Lick Creek Project;
- Any reports, studies, costs data/analysis, or similar documentation related to the Schools Project, including but not limited to the capacity of the existing WADC infrastructure to manage wastewater from the Schools Project, as well as any future expansion, upgrade, or other modification to the existing WADC infrastructure in relation to the Schools Project;
- Any reports, studies, costs data/analysis, or similar documentation, dated January 1, 2015 to present, related to upgrading, expanding, or modifying any existing WADC infrastructure generally, as well as specifically to increase capacity;
- Any reports, studies, costs data/analysis, or similar documentation, dated January 1, 2015 to present, analyzing, comparing, or otherwise discussing expansions, upgrades, and/or modifications to existing WADC infrastructure in relation to constructing a new facility;

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BUTLER SNOW LLP



Michael Adams  
November 4, 2022  
Page 2

- Any correspondence, including texts, emails, letters, voicemails, and other documents, dated January 1, 2017 to present, between any member of the WADC staff, WADC Board of Commissioners, or any consultant or other third party acting on behalf of WADC, and any Hickman County Commission member related to the Lick Creek Project, the Schools Project, or Hickman County Commission Resolution 22-34; and
- Any documentation related to an analysis of any alternatives to the Lick Creek Project, including but not limited to discharging effluent directly to the Duck River or any other waterbody in lieu of discharging to Lick Creek.

Please email any responsive documents to [hart.knight@butlersnow.com](mailto:hart.knight@butlersnow.com). Tennessee Code Annotated § 10-7-503(a)(2)(B) provides that requested records be made available within seven (7) business days of the request. Should you have any questions regarding this request, please do not hesitate to contact me. I appreciate your prompt attention to this matter.

Sincerely,

BUTLER SNOW LLP



B. Hart Knight

BHK/jgl  
cc: Bill Penny, Esq.  
Enclosures

## PUBLIC RECORDS REQUEST FORM

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.

(Governmental Entity Name and Name and Contact Information for the Public Records Request Coordinator)

**To:** Water Authority of Dickson County

(Insert Requestor's Name and Contact Information (include an address for any TPRA required written response))

**From:** B. Hart Knight, Butler Snow LLP 150 3rd Ave. So., Suite 1600, Nashville, TN 37201

**Is the requestor a Tennessee citizen?**  Yes  No

**Request:**  Inspection (The TPRA does not permit fees or require a written request for inspection only<sup>1</sup>.)  
 Copy/Duplicate

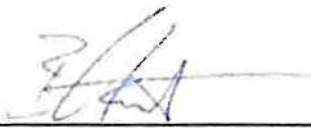
If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$ 2000 ? If so, initial here: BHK.

**Delivery preference:**  On-Site Pick-Up  USPS First-Class Mail  
 Electronic  Other: \_\_\_\_\_

### Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

Please see attached letter detailing the public records request.

  
Signature of Requestor and Date Submitted

11/4/22

\_\_\_\_\_  
Signature of Public Records Request Coordinator and Date Received

[Print Form](#)

[Reset Form](#)

<sup>1</sup> Note, Tenn. Code Ann. § 10-7-504(a)(20)(C) permits charging for redaction of private records of a utility.



# EXHIBIT B

**FILED**

JAN 30 2023

Lynn Collins  
Dickson Co. Clerk & Master

**From:** [Michael Adams](#)  
**To:** [Janis Loman](#)  
**Cc:** [Hart Knight](#); [Katherine Barnes](#); [Bill Penny](#)  
**Subject:** Re: Request for Records - Lick Creek Project [IWOV-ButlerSnow.FID9751959]  
**Date:** Friday, November 11, 2022 10:30:43 AM  
**Attachments:** [BHK Request for Records to Water Authority of Dickson County \(Lick Creek\).PDF](#)

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Dear Mr. Hart:

This is to acknowledge receipt of your public information request by letter dated November 4, 2022. As an administrative matter, my office was closed when the letter arrived, so we understand that the time frame for responding will be seven working days from November 7, 2022 or November 18, 2022.

I also wanted to bring to attention that most of the documents for which you requested are available on the TDEC dataviewer at <https://prod-dataviewers.tdec.tn.gov/dataviewers/f?p=9034:34001>. Before we begin the process of reproducing all of those documents electronically, please identify those WADC documents you do not want from that source. Note that the dataviewer contains information for the Jones Creek Wastewater Reclamation facility and the Fairview Wastewater Reclamation facility which have data that fits within the broad scope of your request. In addition, we will have to engage a vendor through our purchasing procedures to download and copy the documents from the dataviewers. As I am sure you are aware, the public records act does not require a governmental entity to sort through files to compile information into a new record or to create or recreate a record that does not exist. A request for inspection or copying of a public record must be sufficiently detailed to enable the governmental entity to identify responsive records for inspection and copying.

Therefore, before we begin to respond to your very broad request for public records, please let me know whether you want documents that are also on the dataviewer. If you do, we will not be prepared to respond to your request until December 2022. If you do not want the WADC to reproduce the relevant dataviewer, then please identify those documents you seeking that are not in such data base. Otherwise, we will have no option but to produce all of those records at your expense.

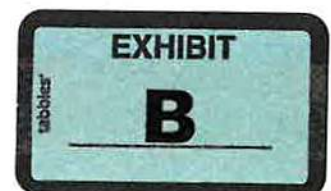
Please let me know what your clients want to do and we will begin the process of reproducing electronically the documents at the relevant dataviewers in addition to other documents.

I look forward to hearing from you.

Michael Adams

cc. Bill Penny

Sent from my iPad



On Nov 4, 2022, at 3:13 PM, Janis Loman <Janis.Loman@butlersnow.com> wrote:

Mr. Adams –  
Mr. Knight asked that I send you the attached.  
If you have any questions, please do not hesitate to call.

Thank you,  
Jan

**Janis G. Loman**

*Legal Admin. Asst. to William R. O'Bryan, Jr., Kevin C. Baltz, B. Hart Knight, Matthew R. Hinson*

**Butler Snow LLP**

D: (615) 651-6662 | F: (615) 651-6701  
150 3rd Avenue South, Suite 1600, Nashville, TN 37201  
[Janis.Loman@butlersnow.com](mailto:Janis.Loman@butlersnow.com) | [vCard](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

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CONFIDENTIALITY NOTE: This e-mail and any attachments may be confidential and protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify us immediately by replying to the sender and deleting this copy and the reply from your system. Thank you for your cooperation.

# EXHIBIT C

**FILED**

**JAN 30 2023**

**Lynn Collins  
Dickson Co. Clerk & Master**

William L. Penny  
bpenny@burr.com  
Direct Dial: (615) 724-3213

222 Second Avenue South  
Suite 2000  
Nashville, TN 37201

Office (615) 724-3200  
Fax (615) 724-3290  
Toll Free (866) 489-8542

December 2, 2022

BURR.COM

**VIA EMAIL (hart.knight@butlersnow.com)**

Mr. B. Hart Knight, Esq.  
Butler Snow  
The Pinnacle at Symphony Place  
150 Third Avenue South, Suite 1600  
Nashville, TN 37201

**Re: Public Records Request for Friends of Lick Creek**

Dear Mr. Knight:

Attached is my client's response to your client's public records request to Michael Adams, Executive Director, Water Authority of Dickson County ("WADC") dated November 4, 2002. We apologize for the delay in responding, but we needed additional time to fulfill your request. This additional time we believe is consistent with Mr. Adams email to you of November 14, 2022 in which he requested clarification and additional information from you. Hearing none, on Tuesday November 29, 2022, you requested the WADC response by no later than Friday December 2, 2022.

Please understand that the WADC is not obligated to conduct its own research in responding to public records requests. As such, if you are not satisfied with this response, please provide me with more specific information and we will attempt to provide that to you.

Please use the following link to view the documents we have produced this day:

<https://burr.sharefile.com/d-sff26ae034c924fb89ae4183118f6ff3c>

In addition, I wanted to make a few specific comments that we hope will help your client understand our response. They are provided by request:

1. Any reports, studies, costs data/analysis, or similar documentation related to constructing a new facility for the Lick Creek Project;

First, the broadest use of the term "any" and "related to" can conceivably touch most everything for which WADC is involved in. We do not believe you intended



such a broad request, and we have provided what we believe complies with your request.

2. Any reports, studies, costs data/analysis, or similar documentation related to the Schools Project, including but not limited to the capacity of the existing WADC infrastructure to manage wastewater from the Schools Project, as well as any future expansion, upgrade, or other modification to the existing WADC infrastructure in relation to the Schools Project;

Most of the few documents we have provided were distributed at the Hickman County Commission meeting.

3. Any reports, studies, costs data/analysis, or similar documentation, dated January 1, 2015 to present, related to upgrading, expanding, or modifying any existing WADC infrastructure generally, as well as specifically to increase capacity;

I would point out again that your use of the terms “any” and “related” to are very broad. Please remember that WADC has a considerable amount of other facilities, of which many have nothing to do with Hickman County for example, water line projects in North Dickson County. Though they may be somehow “related to” the proposed new facility in terms of capacity and the like, we do not believe they are relevant. This response provides documents related only for sewer capacity relevant to Jones Creek. In terms of upgrades to Jones Creek, no studies have been conducted since 2015; however, the Authority has recently hired Wauford engineers to prepare a masterplan upgrade for the Jones Creek plant as was approved by WADC Board on October 10, 2022. We have produced a copy of the agreement with Wauford. Please note that though the scope of work deals with hydraulic capacity, it does not outline any provisions for increased treatment capacity.

4. Any reports, studies, costs data/analysis, or similar documentation, dated January 1, 2015 to present, related to upgrading, expanding, or modifying any existing WADC infrastructure generally, as well as specifically to increase capacity; to present, analyzing, comparing, or otherwise discussing expansions, upgrades, and/or modifications to existing WADC infrastructure in relation to constructing a new facility;

See Response to Number 3.

5. Any correspondence, including texts, emails, letters, voicemails, and other documents, dated January 1, 2017 to present, between any member of the WADC staff, WADC Board of Commissioners, or any consultant or other third party acting on behalf of WADC, and any

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Hickman County Commission member related to the Lick Creek Project, the generally response to number 3.

The WADC has searched its files and unless produced herein does not have any knowledge with regard to any meeting or conversations with said people.

6. Any documentation related to an analysis of any alternatives to the Lick Creek Project, including but not limited to discharging effluent directly to the Duck River or any other waterbody in lieu of discharging to Lick Creek.

The documents produced are responsive to this request; however, updated information is expected to be presented to TDEC before the end of the year.

We trust the information provided satisfies your client's request. Please direct any requests for clarification to me.

Very truly yours,



William L. Penny

WLP

Enclosures: as stated