



SUBSCRIBE TODAY & receive immediate web access

Search our site: [input field] [submit button]

share: more » print email comment

Issue: 05/21/2012

Spate of Lawsuits Flows From Nashville Inundation of 2010

05/21/2012

By Candy McCampell

[Page 1 of 2]

Text size: A A



Photo by AP Wideworld

Cumberland River rose above 100-year flood stage in May 2010, flooding Opryland complex and other riverfront businesses.

Related Links:

- Nashville's Waters Receding, But Damage Estimates Rising
Nashville Restoring Full Service At Water and Wastewater Plants

Gaylord Entertainment Inc., whose Nashville hotel and entertainment properties sustained more than \$250 million in flood damage two years ago, and others are charging the U.S. Army Corps of Engineers and National Weather Service with negligence and failure to act during the event.

The 19 businesses and five insurance companies seek more than \$362 million in damages after the May 1-2, 2010, storm that caused 26 deaths and more than \$2 billion in damages (ENR 5/17/10 p. 18). Plaintiffs also include Gibson Guitar Corp. of Nashville; A.O. Smith Corp., a major water-heater manufacturer in Ashland City, Tenn.; and Nissan North America, whose manufacturing plant is in nearby Smyrna.

In three suits filed on April 30 in U.S. District Court in Nashville, they claim the Corps didn't release enough water from Old Hickory Dam during the five days before the forecast storm. After the storm hit, the suits allege, the agency did not follow instructions for "flood regulation," instead waiting until water reached the top of the dam before releasing it, then discharging "unprecedented" amounts that caused the Cumberland River to swell above the 100-year floodplain to create "a man-made disaster."

The NWS, they charge, ignored a computer forecast of the river cresting at 54 ft—one foot above the 500-year flood level—and instead issued a forecast on May 2 projecting a crest at 7 p.m. of 41.9 ft, barely under the 42-ft "moderate flooding" level.

The Corps, meanwhile, increased releases, and the river rose past 41.9 ft less than two hours after the NWS projection, it is alleged. Old Hickory Dam is a hydropower and navigation impoundment; it is not designed as a flood-control facility.

Further, the two agencies didn't increase communications as the rain continued and the situation worsened.

A spokesman for the U.S. Attorney's Office for the Middle District of Tennessee declined comment, citing pending litigation.

The suits also charge that, before the storm hit, the Corps had one spillway gate out of use for "scheduled maintenance during one of the rainiest months of the year" and one turbine out.

Plaintiffs claim that up to three inches of rain fell on April 24, and, by April 27, a "significant rainfall event" was predicted for April 30. During that week, the NWS increased its rain forecast on April 27 to "up to 6.6 inches," on April 30 to seven inches, and on May 1 to 8.6 inches, nearly twice the April average.

The Corps lowered the lake by about six inches on April 29, held it steady the next day and, on May 1, started increasing discharges, from 24,300 cubic feet per second at noon to 74,500 cfs by midnight—still "less than the stormwater runoff" entering the reservoir, according to the filing.

Missing in Action

The court filing also contends that the Corps' Nashville district commander declared a flood emergency at 1 p.m. on May 1, but the water manager left his post 40 minutes later. By the time water management staff arrived at 7 p.m., the lake's elevation had risen by more than a foot.

The NWS Ohio River Forecast Center repeatedly tried to reach the Corps' Nashville office overnight on May 1-2, but no one was on duty until about 7:30 a.m., plaintiffs' charge.

Keywords: Nashville; Cumberland River; flood; 2010; Gaylord Entertainment; Gibson Guitar Corp.; A.O. Smith Corp. Nissan; Corps of Engineers; National Weather Service

[Page 1 of 2] [next button]



- This week's content
Archive
Subscribe to ENR
Order back issues
Newsletter Subscriptions

Most Viewed on ENR.com

- The Top 400 Contractors 2012
The Top Ten Biggest Wastewater Treatment Plants
HDR Readies For Battle in Tampa Bay Water Dispute

Most Commented On enr.com

- Since Owners are Demanding Designers Carry Higher Insurance Limits, Is a 'Split-Limit' Approach Best?
Texas Rated Most Improved For Sub-Friendly Policies

Video

Blogs: ENR Staff

Blogs: Other Voices

Other Voices: Highly opinionated industry observers offer commentary from around the world.



New I-90 Bridges Chosen over a New Snowshed

By: tdnewcomb
5/21/2012 9:09 AM CDT



Washington State DOT Unveils Portage Bay Bridge Designs

By: tdnewcomb
5/21/2012 8:20 AM CDT



Bridge Engineer By Day, Scuba Diver By Night

By: bbrenner
5/17/2012 8:26 AM CDT



SUBSCRIBE TODAY & receive immediate web access

Search our site: [input field] [submit button]

- INFRASTRUCTURE BLDGS BIZ MGMT POLICY EQUIPMENT PEOPLE MULTIMEDIA OPINION TECH EDUCATION ECONOMICS TOP LISTS REGIONS
TRANSPORTATION ENVIRONMENT POWER & INDUSTRIAL WATER & DAMS REBUILDING JAPAN GULF OIL SPILL

share: more » print email comment

Issue: 05/21/2012

Spate of Lawsuits Flows From Nashville Inundation of 2010

05/21/2012

By Candy McCampell

[Page 2 of 2]

Text size: A A

The Corps, faced with a rapidly filling reservoir and continued heavy rain, said at 10 a.m. on May 2 that it could maintain 100,000 cfs discharges and keep the river at or below the 100-year floodplain.

"Defendant was wrong," the suit says.

The Corps increased discharges to 80,300 cfs at 10 a.m., to 123,600 cfs at 1 p.m., to 130,300 cfs at 2 p.m. and to "an unprecedented" 212,260 cfs at 6 p.m.

Neither the Corps nor the NWS updated the river-stage forecast until 3:37 p.m., according to the suit. The river rose above the 45-ft "major flood" stage by 4 p.m. and crested at 51.86 ft on May 3.

A.O. Smith plant managers, concerned about rising waters at their plant, tried to reach the Corps office at 5 a.m. on May 2 for a water-level forecast. They received no answer, the filing alleges.

As the river continued to rise, they implemented their 100-year flood plan, evacuating equipment and people. At the May 3 crest, the plant complex was flooded with five to 10 ft of water.

Information Not Made Public

Gaylord also claims it was monitoring river projections and, at 3 p.m. on May 2, learned from the Nashville Mayor's Office of Emergency Management the river forecast—not disseminated to the public—was for four feet below its levee top. The river topped the levee between 11 p.m. and midnight. The hotel's public areas, more than 100 guest rooms, exhibit halls, administrative offices, computers, laundry and powerhouse were under water. It was closed for six months.

The Grand Ole Opry House had four feet of water over its stage.

In 1975, flooding of the former Opryland USA theme park resulted in the owners adding 2.5 ft to the levee on the nine-acre property. However, it did not act further when the Corps, over several years, suggested that it raise the levee to a 500-year flood level.

However, Gaylord is now constructing a \$12 million, 10-ft brick-and-concrete wall around the property that should protect against a 500-year flood. The wall is scheduled for completion by July 1.

The wall does not affect the neighboring Opry Mills shopping mall, which is separately owned. Also inundated after the flood, the mall recently re-opened after rehabilitation that was delayed by an insurance claim settlement.

Nashville's Waters Receding, But Damage Estimates Rising Nashville Restoring Full Service At Water and Wastewater Plants

Keywords: Nashville; Cumberland River; flood; 2010; Gaylord Entertainment; Gibson Guitar Corp.; A.O. Smith Corp. Nissan; Corps of Engineers; National Weather Service

[Page 2 of 2] < PREVIOUS



- This week's content
Archive
Subscribe to ENR
Order back issues
Newsletter Subscriptions

Most Viewed on ENR.com

- The Top 400 Contractors 2012
The Top Ten Biggest Wastewater Treatment Plants
HDR Readies For Battle in Tampa Bay Water Dispute

Most Commented On enr.com

- Since Owners are Demanding Designers Carry Higher Insurance Limits, Is a 'Split-Limit' Approach Best?
Texas Rated Most Improved For Sub-Friendly Policies

Video

Blogs: ENR Staff

Blogs: Other Voices

Other Voices: Highly opinionated industry observers offer commentary from around the world.



New I-90 Bridges Chosen over a New Snowshed

By: tdnewcomb
5/21/2012 9:09 AM CDT



Washington State DOT Unveils Portage Bay Bridge Designs

By: tdnewcomb
5/21/2012 8:20 AM CDT



Bridge Engineer By Day, Scuba Diver By Night

By: bbrenner
5/17/2012 8:26 AM CDT

Reader Comments:

Sign in to Comment

To write a comment about this story, please sign in. If this is your first time commenting on this site, you will be required to fill out a brief registration form. Your public username will be the beginning of the email address that you enter into the form (everything before the @ symbol). Other than that, none of the information that you enter will be publically displayed.

[View all Posts »](#)

Project Leads/Pulse

Gives readers a glimpse of who is planning and constructing some of the largest projects throughout the U.S. Much information for pulse is derived from McGraw-Hill Construction Dodge.

For more information on a project in Pulse that has a DR#, or for general information on Dodge products and services, please visit our Website at www.dodge.construction.com.

Information is provided on construction projects in following stages in each issue of ENR: **Planning, Contracts/Bids/Proposals and Bid/Proposal Dates.**

[View all Project Leads/Pulse »](#)

POWERED BY  Pluck

We welcome comments from all points of view. Off-topic or abusive comments, however, will be removed at the editors' discretion.

[View This Week's Magazine](#) | [Go to Magazine Archives](#) | [Subscribe to ENR](#) | [Order Back Issues](#)

McGraw_Hill
CONSTRUCTION

ARCHITECTURAL
RECORD

GreenSource

Sweets' Dodge

[resources](#) | [editorial calendar](#) | [contact us](#) | [about us](#) | [submissions](#) | [site map](#) | [ENR subscriber login](#) | [ENR community](#)
[back issues](#) | [advertise](#) | [terms of use](#) | [privacy notice](#) | © 2012 The McGraw-Hill Companies, Inc. All Rights Reserved