

EXPERT PANEL
for
THE DICKSON COUNTY LANDFILL
DICKSON, TENNESSEE

Memorandum

TO: Timothy V. Potter, Esq., Reynolds Potter, Ragan & Vandivort, PLC
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Michael E. Wall, Esq., Natural Resources Defense Council, Inc.

FROM: David E. Jackson, P.G., P.H.
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MATTER: Natural Resources Defense Council, Inc., *et al.*, v. County of Dickson, Tennessee,
et al., No.: 3:08-cv-00229
Consent Order Entered December 9, 2011

DATE: August 13, 2013

SUBJECT: Expert Panel Communication No. 8
Recommendation No. 8, Revision 1 – Amendment of PWS Connection Priorities;
Summary of Pending Action Items

This Communication No. 8 from the Expert Panel (EP) established under the referenced Consent Order includes our Recommendation 8, Revision 1 and a status summary for past EP recommendations.

Recommendation 8 - Revision 1

Background

Recommendation 8 - Revision 1 is an amendment of our Recommendation 8, which was provided in the EP's Communication No. 7, dated April 18, 2013. The EP is providing this amendment after considering information received since our original prioritization of properties in the Expanded Environmental Risk Area (EERA) to be connected to public water-supply systems (PWS).

Analytical data obtained from groundwater sampling events in December 2012 and May 2013 indicate that low levels (i.e., "J-flag" values) of trichloroethylene (TCE) have been detected in groundwater samples from the [REDACTED] & [REDACTED] Well at [REDACTED] [REDACTED] [REDACTED] (this well is also designated as [REDACTED] & [REDACTED] [REDACTED]). The [REDACTED] well at [REDACTED] [REDACTED] is used actively as a residential drinking water source.

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We understand that the detections of TCE in groundwater samples from the [REDACTED] # [REDACTED] Well are unprecedented prior to the two most recent sampling events (December 2012 and May 2013)¹. Additionally, the analytical results do not appear to be an artifact of sampling or laboratory error.

Separately, the EP understands that the [REDACTED] [REDACTED] property ([REDACTED] [REDACTED] [REDACTED] [REDACTED]) is now temporarily vacant rather than undeveloped/vacant. The change in property use may enhance the possibility that the well located on the [REDACTED] property could be used as a drinking water source.

Previous Prioritization of PWS Connections

Previously, the EP prioritized 43 properties for connection to public water-supply systems (PWS) on the basis of imminent risk to potential groundwater users and efficiently accessing water distribution infrastructure.² Groundwater sampling results confirmed and reported at the time were used as the primary consideration in the prioritization. Proximity of properties to wells containing landfill-related contaminants, and proximity to current or pending PWS lines and projects were additional considerations.

The EP assigned the highest priority (Priority 1) to properties on which active wells indicated the presence of landfill-related contaminants in groundwater samples. Additionally, the EP also included in Priority Group 1 appropriate nearby properties, as warranted by their proximity to contaminated wells, or to pending connection activities.

All remaining properties were assigned to one of Priorities 2 through 10, depending on multiple considerations, including property use, possible well use as a drinking water source, and distance to water supply lines. At the time of the original prioritization, none of the properties assigned to Priorities 2 through 10 included a well from which landfill-related contaminants had been detected in groundwater samples.

Recommendation

Based on the recent and persisting low-level TCE detections in the [REDACTED] [REDACTED], the EP recommends that, as soon as practicable, the County offer to extend public water connection to the [REDACTED] residence located at [REDACTED]. Additionally, the County should, at the same time, offer to extend public water connections to the nearby residences on [REDACTED] [REDACTED] belonging to [REDACTED]

¹ E-mail correspondence from Shaun Winter (EnSafe) to the Expert Panel, dated January 2, 2013.

² Expert Panel for The Dickson County Landfill, Communication No.7, pages 3, 4.

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[REDACTED]

Additionally, considering the location of the [REDACTED] ([REDACTED]) and recent changes in the property's status that increase the potential for use of its well, the EP recommends that this property be moved from Priority 10 to Priority 4.

The EP asks that the County include provisions to accommodate the foregoing recommendations in its preparation of the previously-requested long-term plan for implementing the EP's PWS connection priorities. The EP also requests that the County provide to the EP a quarterly update of the status of prioritized properties, including the EP's modification of priority, the County's progress toward or completion of properties' connection to PWS, changes in property use or well use, or other circumstances that may affect prioritization.

Summary of Pending Action Items

The following previous requests of the County by the EP remain outstanding. These are listed below in their order of importance:

- 1) As referenced in the foregoing recommendation, the EP requested a long-term plan for implementing PWS connections.
- 2) The EP requested a cost estimate for connecting the [REDACTED] & [REDACTED] property to PWS.
- 3) With regard to a requested plan for a Residence Reconnaissance Survey (Communication 6, dated December 7, 2012) the EP acknowledges reiterative exchanges of information with the County's consultant. The EP has just recently (August 6, 2013) requested the County to develop a modified approach to the Survey's scope and looks forward to the Survey's timely implementation.
- 4) The EP previously requested information received from WADC and STCP regarding water line expansion plans (Communication No. 3, dated June 7, 2012); we would appreciate an update on these utility districts' plans for expansion of service.
- 5) The EP also previously requested to review educational materials to be provided to EERA residents and would appreciate an update on the County's progress in this regard.

³ Note that the remaining properties with addresses on [REDACTED] and having wells, are either currently connected to PWS or are unimproved.