

**EXPERT PANEL**  
for  
**THE DICKSON COUNTY LANDFILL**  
**DICKSON, TENNESSEE**

**Memorandum**

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TO: Timothy V. Potter, Esq., Reynolds Potter, Ragan & Vandivort, PLC  
Michael K. Stagg, Esq., Waller Lansden Dortch & Davis, LLP  
Michael E. Wall, Esq., Natural Resources Defense Council, Inc.

FROM: David E. Jackson, P.G., P.H.  
David E. Langseth, Sc.D., P.E., D. WRE  
Stavros S. Papadopoulos, Ph.D., P.E. NAE

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: September 15, 2015

SUBJECT: Revised Expert Panel Communication 11  
Recommendations Related to Acquisition of Bruce Spring and the [REDACTED]  
Property at [REDACTED], Dickson County, Tennessee

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The Expert Panel has continued its consideration of trichloroethylene (TCE) vapors that apparently are offgassing from Bruce Spring and entering the breathing zone within and around the [REDACTED] residence at [REDACTED]. This memorandum provides the EP's recommended actions to reduce potential exposure risk to residents at the referenced address that could be presented by TCE offgassing from groundwater migrating from the former Dickson County Landfill.

**Background**

In its Communication 10, the EP summarized the results of air quality sampling in the Bruce Spring area, which included the [REDACTED] residence located adjacent to Bruce Spring.<sup>1,2</sup> At the [REDACTED] residence, TCE was detected above the Regional Screening Levels (RSLs) established by the U.S.

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<sup>1</sup> Memorandum re: Expert Panel Communication Number 10, Preliminary Evaluation and Recommendations Related to Bruce Spring, from D.E. Jackson, D.E. Langseth, and S.S. Papadopoulos to T.V. Potter, M.K. Stagg, and M.E. Wall, April 15, 2015.

<sup>2</sup> EnSafe. 2015. Bruce Spring Area Work Plan Results. prepared for the Expert Panel for the Dickson County Landfill, Dickson County, Tennessee. Revised draft dated February 25, 2015.

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EPA for residential occupancy, as well as above local outdoor ambient air background concentrations obtained during the Bruce Spring area sampling.

In regard to the [REDACTED] residence, Communication 10 contained the EP's recommendation for Dickson County to offer reimbursement to the [REDACTED] family for expenses incurred in the event of their temporary relocation from their residence, pending continuing vapor studies. We understand that this offer was extended to [REDACTED] during their meeting with the County's counsel on July 2, 2015; a memorandum summarizing this meeting was forwarded to the EP along with [REDACTED] request to know, if she chose to temporarily relocate, would she be reimbursed for mortgage expenses at her [REDACTED] residence.<sup>3</sup> The EP's response to this request was to reiterate its recommendation to offer reimbursement for the [REDACTED] temporary relocation expenses with the clarification that the reimbursement would cover "the greater of her current mortgage payment or rent (including utilities) for her temporary residence, but not both".<sup>4</sup> It is the EP's understanding that the offer to cover the greater of the [REDACTED] mortgage or rent expenses during temporary relocation would be communicated to [REDACTED].

Also in Communication 10, the EP recommended that a follow-up vapor study of the [REDACTED] residence near Bruce Spring be conducted to clarify previous sampling results that are suspected to have been biased by TCE sources unrelated to the Dickson County Landfill. Additionally, a feasibility study was recommended for developing engineered controls to counter TCE vapor releases from Bruce Spring.

Based on further deliberations since delivery of Communication 10, the EP has determined that the County's acquisition of the [REDACTED] property, and of the parcel on which Bruce Spring is located, should be considered among potential remedies to control residential exposure to TCE vapors adjacent to Bruce Spring. Based on currently available information, the EP expects that the County's acquisition of the [REDACTED] property and Bruce Spring, along with restricting future access to these properties, would essentially eliminate the risk of long-term (i.e., residential duration) exposure to TCE vapors at concentrations above EPA RSLs for residential exposure and may prove to be more practicable and cost-effective than implementation of engineered controls.

### **Recommendations**

The EP recommends that the County determine the Fair Market Value (FMV) of the [REDACTED] property at [REDACTED] and also that of the adjacent property

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<sup>3</sup> E-mail correspondence from Tim Potter to David Langseth, David Jackson, and Stavros Papadopoulos re: Memorandum of Meeting with [REDACTED], July 2, 2015.

<sup>4</sup> E-mail correspondence from David Langseth to Tim Potter, David Jackson, and Stavros Papadopoulos re: Memorandum of Meeting with [REDACTED], July 9, 2015.

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parcel containing Bruce Spring.<sup>5,6</sup> The EP authorizes the use of Remedy Fund monies to pay for the properties' appraisals per the County's standard practices for obtaining property appraisals for the purpose of establishing FMV for potential property acquisitions. The EP requests that the County's determination of FMV proceed without delay and that the results of the appraisal process be provided to the EP as soon as practicable.

The EP re-iterates all of its previous recommendations stated in Communication 10 and the offer of short-term temporary relocation assistance communicated by e-mail on August 19, 2015<sup>7</sup>.

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<sup>5</sup> The [REDACTED] property is reported to comprise 10 acres and is designated as Parcel Number [REDACTED], <http://tnmap.tn.gov/assessment/>, accessed September 13, 2015.

<sup>6</sup> Bruce Spring is reportedly located on 0.33 acres within Parcel Number [REDACTED], <http://tnmap.tn.gov/assessment/>, accessed September 13, 2015.

<sup>7</sup> E-mail correspondence from David Langseth to Michael Stagg, Timothy Potter, and Michael Wall, copied to Shaun Winter, David Jackson, Stavros Papadopoulos, and Mayor Robert Rial on August 19, 2015.