

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

NATURAL RESOURCES	)	
DEFENSE COUNCIL, INC., et al.,	)	
	)	
Plaintiffs,	)	No.: 3:08-cv-00229
	)	Judge William L. Campbell, Jr.
v.	)	Magistrate Judge Unassigned
	)	
COUNTY OF DICKSON, TENNESSEE,	)	
et al.,	)	
	)	
Defendants.	)	
	)	

**ORDER REGARDING TERMINATION OF CONSENT ORDER**

The Consent Order entered by this Court on December 9, 2011 between Plaintiff Natural Resources Defense Council, Inc. (NRDC) and Defendant County of Dickson, Tennessee (the County) terminates on March 31, 2022. ECF No. 561, at 1-2. The parties agree to the following terms governing the Consent Order's termination:

**I. JURISDICTION**

1. This Court has jurisdiction to enter this Order pursuant to 42 U.S.C. § 6972(a) and 28 U.S.C. § 1331. The Consent Order will terminate on March 31, 2022.

## II. DEFINITIONS

2. Except as otherwise provided herein, the terms used in this Order shall have the meaning given in section III of the Consent Order. ECF No. 561, at 2-4.

## III. RESIDUE FUND

3. Pursuant to section IV of the Consent Order, *id.* at 3-7, the County created a Remedy Fund and deposited \$5 million into the Remedy Fund escrow account maintained by the County's designated Fund Administrator. NRDC and the County anticipate that a substantial amount of these moneys will remain unspent at the expiration of the Consent Order. In accordance with paragraph IV.6(h) of the Consent Order, *id.* at 7, the parties agree that, immediately upon termination of the Consent Order, the remaining moneys will be placed in a Residue Fund, to be administered and used as follows:

- a. Dedicated Account. On or before March 1, 2022, the County shall open an interest-bearing account with a federally insured bank in Tennessee dedicated to housing the Residue Fund. All requisite fees for opening and maintaining the account shall be paid from the Remedy Fund. In opening and maintaining the account, the County shall make its best efforts to minimize any such fees. Upon expiration of the Consent Order, the County shall transfer all remaining Remedy Fund moneys to the Residue Fund account.

The County shall continue to maintain the Residue Account until all moneys are spent.

- b. Fund Administrator. The County shall appoint a Fund Administrator, who shall act as the custodian of the Residue Fund.
- c. Fund Expenditures. The Fund Administrator shall draw moneys from the Residue Fund at the request of the County.
- d. Fund Purpose. The County's use of moneys in the Residue Fund shall be used for the following purposes, which are consistent with but broader than the original purposes of the Consent Order: (i) to reduce or eliminate risks to human health and the environment associated with contamination in the vicinity of the Landfill, and (ii) to ensure that any migration of such contamination outside the Expanded Environmental Risk Area is detected and addressed in a manner that protects human health and the environment.

#### **IV. TERMINATION OF CONSENT ORDER**

- 4. This Order shall terminate upon the complete expenditure of the Residue Fund account pursuant to the Fund Purpose.

It is so ORDERED.

Entered this 31st day of January 2022.



WILLIAM L. CAMPBELL, JR.  
UNITED STATES DISTRICT JUDGE

Approved for Entry:

*For Plaintiff:*  
January 27, 2022

/s/ Michael E. Wall  
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