



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2023-2023, **Version:** 1

A resolution approving two amendments to two agreements between The Metropolitan Government of Nashville and Davidson County and the State of Tennessee, Department of Environment and Conservation, concerning maintenance of closed solid waste disposal facilities.

WHEREAS, The Metropolitan Government of Nashville and Davidson County (“the Metropolitan Government”) owns the Bordeaux Sanitary Landfill (SNL 190000092), and the Thermal Ash Monofill (IDL 190000068), both of which are closed solid waste disposal facilities, maintained pursuant to two agreements (the “Agreements”) between the State of Tennessee, Department of Environment and Conservation (“TDEC”) and the Metropolitan Government; and,

WHEREAS, each agreement lists the “total penal sum” that TDEC may collect in the event the Metropolitan Government fails to properly perform its duties relative to the closed solid waste disposal facility; and,

WHEREAS, BL2010-719 provides that amendments to the Agreements may be approved by resolution of the Metropolitan County Council with 21 or more affirmative votes; and,

WHEREAS, the approval of the two amendments is in the best interests of the citizens of the Metropolitan Government.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. The two amendments to the Agreements between the Metropolitan Government and TDEC, reducing the total penal sums, attached hereto and incorporated herein by reference, are approved and the Metropolitan Mayor is authorized to execute the same.

Section 2. This resolution shall take effect from and after the passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This resolution approves two amendments to two agreements between the Metropolitan Government and the Tennessee Department of Environment and Conservation (“TDEC”) concerning the maintenance of closed solid waste disposal facilities.

The Metropolitan Government owns the Bordeaux Sanitary Landfill and the Thermal Ash Monofill, Phases II and III. Both are closed solid waste disposal facilities maintained pursuant to agreement between TDEC and the Metropolitan Government. Ordinance No. BL2010-719 provides that amendments to these agreements may be approved by a resolution receiving 21 or more affirmative votes.

Each agreement lists the “total penal sum” that TDEC may collect in the event the Metropolitan Government fails to properly perform its duties relative to the closed solid waste facility. The amendment to the Bordeaux Sanitary Landfill agreement reduces the total penal sum from \$1,969,954.18 to \$1,640,577.84. The amendment to the Thermal Ash Landfill agreement would reduce the total penal sum from \$826,592.97 to

\$809,866.62.

No other changes would be made to either agreement.

Fiscal Note: These two amendments will reduce the total penal sum that the State of Tennessee, Department of Environment and Conservation (TDEC) may collect in the event Metro fails to properly perform its duties relative to the closed solid waste disposal facility. The Bordeaux Sanitary Landfill penal sum will be reduced from \$1,969,954.18 to \$1,640,577.84 and the Thermal Ash Landfill from \$826,592.97 to \$809,866.62.