

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

THE CITY OF BRISTOL, TENNESSEE,)	
)	
Plaintiff,)	Case No. 1:22CV00023
)	
v.)	ORDER
)	
THE CITY OF BRISTOL, VIRGINIA,)	JUDGE JAMES P. JONES
)	
Defendant.)	

The parties¹ have jointly filed a motion seeking approval by the court of a proposed Consent Order ending the case. I will take the motion under advisement pending a public hearing.

Bristol Tennessee filed this case in May of 2022, alleging that Bristol Virginia had violated and is continuing to violate the Clean Air Act (CAA), 42 U.S.C. §§ 7401–7671q, the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901–6992k, as well as committing a common law nuisance, all arising from Bristol Virginia’s operation of a solid waste landfill. Following a mediation session conducted by U.S. Magistrate Judge Pamela Meade Sargent, the parties have agreed upon a settlement, to be incorporated in a proposed Consent Order. It appears that

¹ The plaintiff is The City of Bristol, Tennessee (Bristol Tennessee), and the defendant is The City of Bristol, Virginia (Bristol Virginia).

each City Council has approved the proposed Consent Order and its settlement terms.

The parties to a lawsuit may normally settle the matter by agreement. But a settlement agreement alone only leaves them to enforce its terms by another lawsuit. However, when the court incorporates the settlement terms in a court judgment, the terms may be enforced by the court summarily through its contempt powers. *See League of United Latin Am. Citizens Council No. 4434 v. Clements*, 999 F.2d 831, 845 (5th Cir. 1993) (en banc) (“The entry of a consent decree is more than a matter of agreement among litigants. It is a ‘judicial act.’”) (Citation omitted). Thus, it is required that the court examine the proposed settlement and determine that it is “fair, adequate, reasonable, and in the public interest.” *United States v. Williams Olefins, LLC*, No. 19-465-SDD-EWD, 2021 WL 1118733, at *3 (M.D. La. Mar. 24, 2021). This is particularly true where the lawsuit involves the enforcement of a federal statute such as the CCA or the RCRA, where the settlement “must be consistent with the public objectives sought to be attained by Congress.” *Id.*

The Complaint in this case details the broad public interest in the subject of this lawsuit. *See, e.g.*, Compl. ¶ 122, ECF No. 1. I have determined that it is thus appropriate to hold a public hearing to better inform the court in its decision as to whether to enter the proposed Consent Order.

Accordingly, it is **ORDERED** as follows:

1. The court takes the motion, ECF No. 70, under advisement;
2. A public hearing will be held on the motion on June 13, 2023, at 10:00 a.m., at the Federal Building and Courthouse, 180 West Main Street, Abingdon, Virginia. At the hearing, the court will permit a reasonable number of comments from the public, after which the court will hear from the parties in support of the entry of the Consent Order; and
3. The parties are directed to provide a copy of this Order to news media serving the subject communities, and to post it on their web sites, and on Facebook, Twitter, and any similar social media outlets operated by each party, and to provide a copy to any member of the public requesting a copy.

ENTER: May 1, 2023

/s/ JAMES P. JONES
Senior United States District Judge