

**Minutes**  
**Loudon County Solid Waste Disposal Commission**  
**July 9, 2013**

The Loudon County Solid Waste Disposal Commission (Commission) met on July 9, 2013 at 6:30 p.m. at the Loudon County Courthouse Annex. The Commission was represented by Steve Field, John Watkins, Jim Akins, Bill Waldrop, Robert Harrison and Brian Jenkins. Other attendees included Attorney Kevin Stevens; Santek representatives Ron Vail, Will Martin, and Levi Higdon; Gordon Harless with Loudon County; Kurt Sichelstiel from Brown and Caldwell; residents Aileen Longmire, Pat Hunter, Jerry Hughes, and several unidentified citizens.

Mr. Field called the meeting to order at 6:30 p.m.

Mr. Field asked the Commission to review the meeting minutes from the June 11, 2013 meeting. Mr. Waldrop requested that the minutes be supplemented to include references that Mr. Waldrop initiated a discussion during the meeting regarding exploring alternative investment opportunities for the Commission's cash balance and requested that attorney Stevens research any applicable laws or regulations restricting the investment of the Commission's accrued funds.

**MOTION:** Mr. Waldrop made a motion to approve the June 11, 2013 meeting minutes with the requested supplementation. Mr. Harrison seconded the motion. The Commission approved the motion unanimously.

During the items of Public Concern, Ms. Longmire inquired about the status of the pending major permit modification. Chairman Field indicated that Mr. Vail would be providing a detailed report later in the meeting regarding the status of the permit modification and Ms. Longmire agreed to defer any further questions about the permit modification until after Mr. Vail's report. Ms. Longmire also stated that she had observed yellow runoff from the landfill along highway 72 after an unusual rain event on June 2, 2013 and questioned whether Santek had observed this runoff or performed any ground water testing in the area. She also raised concerns with the appearance of murky water in the landfill drainage pond. Mr. Higdon noted that he had not observed any runoff concerns at or around the time of the June 2, 2013 rain event. Mr. Vail also noted that TDEC conducts semi-annual tests on landfill groundwater and has found that Santek remains in compliance with all applicable regulations.

Mr. Hughes addressed the Commission about an event that occurred back in 2010 on land that he previously leased for cattle farming that is located adjacent to the landfill. Mr. Hughes alleged that 26 of his cattle died as a result of some unknown contaminant. Mr. Hughes indicated that the incident was investigated by the Loudon County Sheriff's Department, the University of Tennessee and other state organizations. Mr. Hughes indicated that he could not obtain a copy of the Sheriff's incident report or the necropsy report that was performed by the University of Tennessee with respect to one of the dead cattle. Mr. Harless indicated that he was present for some of the previous investigation and questioned Mr. Hughes as to why he had not been able to obtain copies of subject reports. Mr. Harless indicated that Mr. Hughes had previously requested that certain investigation reports be sealed. Chairman Field also recalled the prior investigation and indicated that the landfill had not been cited by any state or local agencies as a result of the investigation. Chairman Field indicated that he would attempt to obtain the University of Tennessee necropsy report requested by Mr. Hughes and would report back at the next Commission meeting.

Mr. Vail presented the Cash Activity Report and Santek's Operations Report for the month of June, 2013.

Mr. Vail then presented an update on the status of the major permit modification for the landfill. Mr. Vail stated that Santek received a letter of completeness review from TDEC on June 24, 2013, which confirmed that all required documentation had been submitted for the permit modification. He indicated that TDEC had not yet reviewed all of the documentation submitted by Santek. Mr. Vail stated that the next step in the process would involve TDEC sending out a public notice regarding the proposed permit modification. He noted that TDEC may hold a public meeting to discuss the proposed permit modification and that there would also be a 45 day comment period for members of the public to submit written comments to TDEC regarding the permit modification. Mr. Vail indicated that Santek would keep the Commission updated on the status of the permit modification request.

During the attorneys report, Mr. Stevens addressed the Commission regarding Geosyntec's Financial and Compliance Review. He noted that the Commission members had provided a number of constructive comments to Geosyntec which were beneficial to the evaluation process. Mr. Stevens suggested that the Commission formally accept the findings in Geosyntec's Financial and Compliance Review.

**MOTION:** Mr. Waldrop made a motion to formally accept the findings in Geosyntec's Financial and Compliance Review. Mr. Harrison seconded the motion. The Motion passed by a vote of 4-1 with Mr. Watkins voting against it.

Mr. Stevens then informed the Commission that he had been researching a number of other legal issues for the Commission during the previous month including the applicable statutory and legal restrictions on the investment of the Commission's accrued funds and EPA Title V Regulations pertaining to landfill air emissions. Mr. Stevens stated that both of these issues would be discussed in greater detail later in the meeting.

Mr. Sichelstiel from Brown and Caldwell then made a presentation to the Commission regarding the potential for alternative uses of certain portions of the existing landfill property. Mr. Sichelstiel discussed a four part analysis for consideration of alternative land uses which included: waste stream analysis; financial analysis; marketing strategy; and waste handling infrastructure evaluation. At the conclusion of his presentation, he suggested that the Commission should consider conducting a workshop session and feasibility study to further explore the potential for future alternative land use.

**MOTION:** Mr. Waldrop made a motion to obtain a proposal from Brown and Caldwell to facilitate a workshop session and feasibility study regarding the potential for future alternative land use. Mr. Watkins seconded the motion. The Motion passed unanimously.

During the Chairman's Report, the Chairman Field indicated that the Commission had requested that attorney Stevens research any applicable restrictions on the investment of public funds.

Mr. Stevens then presented a summary of his research findings regarding the applicable statutory and legal restrictions on the investment of the Commission's accrued funds. Mr. Stevens stated that there are a number of provisions contained in Section 5 of the Tennessee Code which restrict the investment of public funds. He noted that Section 5 of the Tennessee Code does authorize the investment of public funds in certain limited investment forms, including but not limited to: (1) bonds, notes, or treasury bills of the United States; (2) certificates of deposit held at state or federally chartered banks; bonds of the State of Tennessee; and (4) bonds of Tennessee counties or municipalities. Mr. Stevens also stated that the Tennessee Code includes additional restrictions on the duration and amount of certain investments of public funds.

Mr. Waldrop indicated that he had spoken with the County Trustee, Chip Miller, to inquire about the rate of interest received by the Commission on its accrued funds. He was informed by the County Trustee that

the Commission is currently receiving .10% interest on its accrued funds. Mr. Waldrop then addressed the Commission regarding a meeting that he had met with a financial advisor at Wells Fargo Bank to discuss the potential for the investment of the Commission's accrued funds. Mr. Waldrop shared some financial projections for the investment of the Commission's accrued funds that he had made based upon his preliminary discussions. Mr. Waldrop indicated that he would like the Commission to continue looking into alternative investments of its accrued funds.

**MOTION:** Mr. Akins made a motion to authorize Mr. Waldrop and Mr. Stevens to meet with the County Mayor and County Trustee to discuss the Commission's investment of its accrued funds. Mr. Harrison seconded the motion. The Motion passed unanimously.

Mr. Vail then addressed the Commission regarding the EPA Title V Air Permit requirements for the landfill. He indicated that the proposed permit modification will push the landfill beyond the initial Title V Air Permit thresholds. Mr. Vail stated that within 90 days after the permit modification is approved, Santek will need to prepare a Tier I Report and Amended Design Capacity Report for the EPA. He indicated that Tier I Reports are based upon standard models for estimated landfill gas emissions and almost always indicate that a gas collection system is required. He stated that Santek could then prepare a more detailed Tier II Report to obtain landfill gas samples from soil boring tests to determine whether a gas collection system was required. Mr. Vail noted that based upon his experience, he did not believe that the Tier II Report for the landfill would reflect that a gas collection is required. He stated that additional Tier II Reports will need to be prepared by Santek every five years after the initial Report.

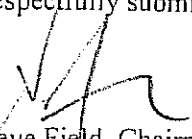
Chairman Field then addressed the Commission regarding the potential for engaging in discussions with Santek regarding the framework for potential contract modifications. He stated that these discussions could include a mechanism to address the anticipated shortfall of the Commission's accrual of C/PCC funds as well as whether Santek would consider closing certain portions of the landfill during the existing contract term. A discussion ensued regarding potential for engaging in contract negotiations with Santek.

**MOTION:** Mr. Jenkins made a motion to authorize Chairman Field and Mr. Stevens to meet with the Santek to discuss whether Santek would consider closing certain portions of the landfill during the existing contract term. Mr. Akins seconded the motion. The Motion passed 4-1 with Mr. Harrison voting against it.

The meeting was adjourned at 9:45 p.m.

The Commission's next regularly scheduled meeting is August 13<sup>th</sup> at 6:30 p.m. at the Courthouse Annex.

Respectfully submitted,



Steve Field, Chairman

Loudon County Solid Waste Disposal Commission