

Minutes
Loudon County Solid Waste Disposal Commission
August 11, 2015

The Loudon County Solid Waste Disposal Commission (Commission) met on August 11, 2015 at 6:30 p.m. at the Loudon County Courthouse Annex. The Commission was represented by Steve Field, Kelly Littleton-Brewster, John Watkins, Larry Jameson, Art Stewart, Robert Harrison and Bruce Hamilton. Other attendees included Attorney Kevin Stevens; Santek representatives Cheryl Dunson and Raymond Givens; residents Aileen Longmire, Pat Hunter, Kaye Wallace, Robert Dishner and Betty Jo Mcallister; and several members of the media.

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

Mr. Jameson led the Commission in the Pledge of Allegiance and the invocation.

MOTION: Mr. Hamilton made a motion to approve the minutes of July 14, 2015 and June 9, 2015. Ms. Littleton-Brewster seconded the motion and the minutes were approved unanimously.

During Items of Public Concern, Ms. Longmire asked Mr. Field about details on the Commission Attorney's flat fee and wanted to know where meetings with Santek are taking place. Mr. Field said there haven't been any meetings with Santek. Mr. Longmire said there were problems with the existing contract with Santek and asked the Commission to wait until the contract expires before making any changes. Mr. Field said the Commission was working with Santek to address a potential deficit in the Commission's revenue stream to cover long term obligations.

Ms. Hunter asked if the Commission would entertain taking public comments at the end of the meeting once the audience had heard Santek's official proposal to live fund the closure/post-closure account. Mr. Field agreed.

Ms. Dunson presented the July Cash Report.

Ms. Dunson presented Santek's Operations Report. Mr. Jameson commented that there was some gravel on Hwy. 72 and Mr. Givens said he was working to address it.

Mr. Field said there was a scheduling conflict with the Loudon County Commission related to the Solid Waste Commission's next meeting. Mr. Harrison suggested tabling discussion on resolving the conflict until the end of the meeting.

Ms. Dunson distributed Santek's official proposal to live fund the Matlock Bend Landfill's closure/post-closure account at a rate of \$1.62 per ton which would result in the accrual of approximately \$9,314,120. The proposal is based on several assumptions including lowering the final elevation of the landfill to its existing elevation, more or less; requesting the Commission's support for Santek to secure a "lower top" major permit modification with the Tennessee Department of Environment and Conservation (TDEC); dedicating all of the funds in the account for closure/post closure care; adjusting the rate per ton annually to account for inflation and air space consumption; the Commission accepting responsibility for closure/post-closure care; and Santek being able to use the Commission's adjacent property for future soil needs. In order to offer the Commission the proposal, Ms. Dunson said Santek would need an additional 15 years on its agreement. She also suggested using contract language similar to Santek's contract with Gordon County, Georgia, which dedicates a county-controlled account for closure/post-closure accruals.

Mr. Watkins asked how much money was currently in the Commission's account dedicated to closure/post-closure care. Mr. Field replied the amount would have to be broken out from the overall total. Mr. Watkins also asked if the \$1.62 per ton was in the original conceptual proposal to the Commission. Ms. Dunson said the per-ton amount was originally \$1.26, but Santek adjusted the figure to account for inflation and to reflect a phased closure plan which will be more costly than waiting until the end of the landfill's useful life. If the Commission accepts Santek's proposal, Mr. Harrison asked would anything else about the contract change. Ms. Dunson replied no. Mr. Watkins asked if Santek knew how much soil it would need from the Commission's adjacent property. Ms. Dunson said Santek's engineering department had those figures.

Mr. Stevens said the formal offer was a good step forward, but there remained some open questions that needed to be addressed to get comfortable with the details including estimated life of the landfill, soil volume calculations, inflation factors and final elevation specifics. Mr. Field asked Ms. Dunson if Santek's responsibility for post-closure care of the old landfill would be affected and she said no. Mr. Harrison asked if a binding contract between the Commission and Santek established a strong, legal firewall to prevent another entity from taking the closure/post-closure funds. Mr. Stevens said it certainly added protection to the funds.

During the Attorney's Report, Mr. Stevens said the first step in proceeding with Santek's proposal is reaching a consensus among commissioners that this is the direction in which they want to go. Mr. Stevens also discussed the process for reviewing expenditures related to the Poplar Springs Landfill as he anticipates more expenditures in the future. He suggested modifying the review process for Poplar Springs Landfill expenditures by bringing them before the Commission as a whole in order to maintain transparency. Mr. Jameson asked if expenditures for Poplar Springs are brought before the Commission, are Commissioners merely acknowledging expenditures because there is no vote or approval from the Commission. Mr. Harrison said expenditures would be reflected in the Commission's minutes. Mr. Jameson asked if a request for funds should be presented in some sort of official form or legitimate document. Mr. Hamilton said the Commission should be shown how the landfill stakeholders spent the funds. Following discussion, Mr. Stevens made clear that the Commission would not be formally approving any Poplar Springs Landfill expenditures, but would merely be acknowledging the expenditures in a public forum and confirming that they had been approved by the stakeholders.

Mr. Stevens said he was updating the Commissioners' manuals.

Ms. Littleton-Brewster asked Mr. Stevens about the \$5,159 line item in the July Cash report. He said it reflected two months of legal services plus expenses for publishing meeting notice with the News-Herald.

During the Chairman's Report, Mr. Field said he had an invoice from the News-Herald for \$159 for publishing public notices related to the Commission's meetings. He said, at some point in time, the Commission needs to talk about this process going forward. Ms. Littleton-Brewster suggested Mr. Field talk to Anita in the Loudon County Mayor's Office about the county's practice of publishing public notices. Mr. Field said the county publishes a meeting schedule once a year and, then, posts it on its web site.

Mr. Field said he had a letter from TDEC to the Mayor of the City of Loudon and property owner Jim Greenway about the Poplar Springs Landfill remediation plan. He said the letter indicates the Division of Solid Waste Management (DSWM) concurs with the overall content of the plan, but regulators are concerned about trees in the boundary of waste. DSWM also asked the stakeholders to address post improvement monitoring and repairs.

Ms. Longmire said the landfill's closure/post-closure funds must remain in an account. Mr. Field said the State of Tennessee Comptroller's Office evaluates the landfill's financial assurance and the Loudon County Mayor signs a letter pledging the county's state-shared revenues to closure/post-closure care if the funds aren't there at the end of the landfill's useful life. Mr. Stevens added that it's an alternative to posting a performance bond.


Mr. Field suggested the Commission skip its September meeting due to a scheduling conflict with the Loudon County Commission. He said this would give commissioners an opportunity to talk to their stakeholders about Santek's Live Funding proposal. Mr. Watkins said he was not in favor of skipping the meeting and suggested the Commission find an alternate meeting place.

MOTION: Mr. Harrison made a motion to skip the September meeting. Mr. Stewart seconded the motion. The motion failed on a vote of three to four with Commissioners Jameson, Hamilton, Stewart and Watkins voting no.

MOTION: Mr. Hamilton made a motion to adjourn the meeting at 8:05 p.m.. Mr. Watkins seconded the motion and the meeting was adjourned unanimously.

The Commission's next regularly scheduled meeting is tentatively set for September 15, 2015 at 6:30 p.m. at the Loudon County Office Building pending confirmation of meeting site availability.

Respectfully submitted,


Steve Field, Chairman
Loudon County Solid Waste Disposal Commission