

Minutes
Loudon County Solid Waste Disposal Commission
May 13, 2014

The Loudon County Solid Waste Disposal Commission (Commission) met on May 13, 2014 at 6:30 p.m. at the Loudon County Courthouse Annex. The Commission was represented by Steve Field, John Watkins, Larry Jameson, Brian Jenkins, Jim Akins and Tom Paul. Other attendees included Attorney Kevin Stevens; Gordon Harless; Santek representatives Cheryl Dunson, Levi Higdon and Kenny Fuquea; a member of the local media; and several citizens.

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

MOTION: Mr. Jenkins made a motion to approve a corrected version of the April 8, 2014 minutes. Mr. Paul seconded the motion and the minutes were approved unanimously.

During Items of Public Concern, Mrs. Ailene Longmire said there were several residents in attendance who had concerns about an old landfill in the Poplar Springs community. She said she heard the landfill was leaking. Mr. Field said the closed Poplar Springs Landfill was operated by the three governmental stakeholders prior to the establishment of the Commission and that a bank currently owns the property where the closed Poplar Springs Landfill is located. Mrs. Longmire asked about reserve funds in the approximate amount of \$500,000 that were deposited in the Commission's solid waste fund to cover certain past liabilities of the governmental stakeholders. Mr. Stevens said the money was being held in reserve for potential liabilities of the governmental stakeholders associated with the closed Poplar Springs Landfill.

Mr. Ray Chadwick asked Mr. Field if there was any money to address the leakage. Mr. Field said there was approximately \$470,000 set aside by the governmental entities for post-closure care of the closed Poplar Springs Landfill and that such funds are in the Commission's account. Mr. Chadwick asked the Commission about who residents should talk to about potential health concerns associated with the old landfill. Mr. Stevens said residents should speak with governmental representatives of the cities of Loudon and Lenoir City as well as Loudon County. Mr. Jameson suggested residents begin their discussions with the Loudon County Mayor.

Mr. Mark Rozwiek with Tennessee National told the Commission he was not originally opposed to the vertical expansion of the Matlock Bend Landfill, but the expansion has changed from the original plan. Mr. Field said there is a 17-foot difference between the current permitted elevation and the proposed permit elevation. Mr. Rozwiek later asked if there would be any future public meetings about the expansion and Mr. Field said the Tennessee Department of Environment and Conservation (TDEC) would hold a public hearing. Ms. Teresa Shaw said she's concerned with the extension because her property adjoins the landfill property. Mr. Field said the Commission is working with Santek representatives to lower the proposed elevation. Ms. Longmire said there's never been a vertical and horizontal expansion of the landfill in its history. She asked Ms. Dunson if the landfill is permitted to accept dead animals. Ms. Dunson replied in the affirmative.

Ms. Frances Humphreys said she lives in the Poplar Springs community and asked the Commission which bank owns the property. Mr. Field replied that he believed that Capital Bank (formerly Green Bank) owns the property. Ms. Humphreys asked if the Commission could do anything to help Poplar Springs' residents. Mr. Field told her to pursue discussion with the Loudon County Mayor and other governmental stakeholders as the Commission is not responsible for the Poplar Springs Landfill.

Mr. Robert Dishner asked Mr. Field what percent of the landfill's airspace has been consumed. Mr. Field said he would consult with Santek engineering personnel and respond back to Mr. Dishner after the meeting.

Ms. Pat Hunter asked Mr. Field about the actual size of the Poplar Springs Landfill and Mr. Field suggested officials with the City of Loudon or TDEC could more properly address her question. Ms. Hunter said she asked for the whereabouts of old Commission minutes six months ago and said she discovered a letter to the Tennessee Controller's office stating there were two sets of Commission records: one in the Loudon County Finance Office and one in the home of former Commission secretary Beth Burklin. Ms. Hunter also asked Mr. Field to which stakeholders had he spoken regarding the solid waste director's position. She said she's concerned about the Commission paying for this employee. Ms. Hunter said she believes landfill fees are public information.

Ms. Dunson presented the April 2014 Cash Activity Report. Mr. Watkins asked if \$5,319.80 for legal services was attributable to payments to Mr. Stevens' firm. Mr. Stevens confirmed the payments.

During the Landfill Operations Report, Mr. Jenkins asked Ms. Dunson to compare the percentage of new landfill customer Waste Corp's in-county waste to out-of-county waste. Waste Corp is a national company with a construction and demolition landfill in Knox County. The company is currently handling all the waste disposal needs associated with the construction of the Del-Conca ceramic tile plant on Hwy. 72.

Ms. Dunson presented the Commission with an update on the current status of negotiations with Commission for the Closure/Post-closure (C/PC) Security Fee deficit. Ms. Dunson summarized a proposed concept to deposit C/PC fees in a joint segregated bank account that will be governed by a control agreement to protect the funds. She said the concept includes the adjustment of the fees paid to the Commission every year to ensure the Commission maintains adequate reserves. The adjustment will be made according to various factors including remaining airspace; anticipated C/PC liabilities; existing C/PC reserves; TDEC's published inflation factor; and TDEC's anticipated C/PC liabilities.

Ms. Dunson said the Commission and Santek continue to negotiate several discussion points including the determination of: definitive methodologies and protocols for the annual adjustments; the appropriate amount of funds to place in the account; TDEC's financial assurance requirements for 5% contingency and one-year operations reserve; compensation by Santek to the Commission for the use of soil; potential cost for gas replacement wells; and the financial responsibility for phased closure work during the term of the landfill management agreement. She said she anticipates having more complete negotiations by the Commission's meeting in June.

During the Chairman's report, Mr. Field presented the Commission with a contract for Richard Hill to perform the 2014 audit. The contract represented a 3% increase from last year's audit price for a total cost of \$6,750.

MOTION: Mr. Paul made a motion to accept the contract. Mr. Jenkins seconded the motion and it passed unanimously.

Mr. Field also presented the Commission with a summary detailing Brown and Caldwell's expenses for the recent Land Use and Waste Reduction meeting.

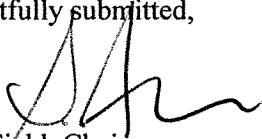
Mr. Field asked the Commission for a volunteer to work with the Loudon County Trustee and other financial institutions to research investment opportunities for the Commission's funds. Mr. Paul said he has already begun the process and would like to be the volunteer.

Mr. Field asked the Commissioners if they had given any additional thought to the solid waste director's position. Mr. Jenkins said he thought the position was premature relative to other issues currently facing the Commission. Mr. Jameson said he's not sure the Commission needs a solid waste director as much as it needs administrative help. He said the scope of the work should be defined first. Mr. Paul suggested the addition of a part-time administrative position or staff member currently employed with Loudon County who could be accessed any time.

MOTION: Mr. Jenkins made a motion to adjourn the meeting at 7:45 p.m. Mr. Jameson seconded the motion and it passed unanimously.

The Commission's next regularly scheduled meeting is June 10, 2014 at 6:30 p.m. at the Courthouse Annex.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Field', written over a faint, illegible typed name.

Steve Field, Chairman
Loudon County Solid Waste Disposal Commission