

Minutes
Loudon County Solid Waste Disposal Commission
January 13, 2015

The Loudon County Solid Waste Disposal Commission (Commission) met on January 13, 2015 at 6:30 p.m. at the Loudon County Courthouse Annex. The Commission was represented by Steve Field, Larry Jameson, Robert Harrison, Kelly Littleton-Brewster, John Watkins, Tom Paul and Art Stewart. Other attendees included Attorney Kevin Stevens; Santek representatives Cheryl Dunson and Levi Higdon; Dr. Bob Bachus with GeoSyntec Consultants; Loudon County Convenience Centers Director Chris Parks; Bill Hart with Loudon County Fire and Rescue; residents Betty Jo McAllister, Kaye Wallace, Ray Chadwick, Jackie Frady and Pat Hunter; a member of the local media; and several unidentified residents.

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

MOTION: Ms. Littleton-Brewster made a motion to approve the minutes. Mr. Stewart seconded the motion. The minutes were approved unanimously.

During Items of Public Concern, Mr. Chadwick questioned why the Commission didn't begin its meeting with the Pledge of Allegiance and a prayer. Mr. Field said it's never been the protocol of the Commission to begin its meetings in that manner.

Ms. Hunter asked if the information related to the testing of the Poplar Springs landfill would be disclosed. Mr. Harrison said a meeting of the Commission's stakeholders Jan. 21st would be a good opportunity to ask questions about the Poplar Springs facility. Ms. Hunter asked if the Commission has received a reply from the stakeholders regarding the Commission's recent letter request to the stakeholders seeking to extricate itself from the process of approving payments related to the Poplar Springs Landfill. Mr. Field said no. She also asked if the Loudon County Trustee had responded to the Commission attorney's letter about the one-percent management fee on the Commission's funds. Mr. Field said yes.

Ms. McAllister asked Ms. Littleton-Brewster why she made a motion in the November 2014 meeting to have all requests for information go through Mr. Stevens and, then, changed her position the following month. Ms. Littleton-Brewster explained her original motion was to keep the Loudon County attorney out of the process of public requests for information. However, she added, all requests for information should go through the Loudon County Mayor's office for record-keeping purposes. Ms. Littleton-Brewster said the reason for making another motion in the December meeting was to clarify the process.

Ms. Hunter asked if all of the Commission's records have been digitized. Mr. Field said some of the records had been digitized at the request of the Loudon County Mayor. Ms. Hunter asked who makes the decision to redact information. Mr. Field said she would need to ask the question to the Loudon County Mayor. Ms. Hunter asked into which bank accounts does the Loudon County Trustee deposit the Commission's funds. Mr. Field said he didn't know.

Ms. Dunson presented the December 2014 Cash Report. Mr. Jameson asked about the \$200 expenditure for mowing at the Purdy property. Mr. Field said the invoice was received late for the month of November and there would be no more invoices.

Ms. Dunson presented Santek's Operations Report.

Mr. Jameson said Mr. Hart has been in contact with the U.S. Environmental Protection Agency (EPA) about preparing the Purdy house for a fire training exercise. Mr. Jameson said EPA sent the Fire and

Rescue Department a list of required steps that must be taken before the house can be burned. Removal costs will exceed \$1,000, which caused the fire department to reevaluate the use of the home. Mr. Jameson said the Fire Department would now like to use the house as a training facility and not burn the house as previously discussed. Mr. Hart said the Fire Department would take care of mowing the grass on the right of way as well as at the side of the home. Mr. Paul asked about the Commission's exposure for potential liability. Mr. Jameson said the house has no electricity or water, and Mr. Hart has agreed to check on the house periodically throughout the month to ensure nobody is using the house. Mr. Stevens recommended drafting an agreement to clarify this arrangement which contains an indemnification clause to minimize any risk to the Commission, since the Commission will continue to own the home.

MOTION: Mr. Jameson made a motion to allow the fire and rescue squads to use the house at no cost to the agency. Mr. Watkins seconded the motion and it passed unanimously.

Mr. Hart said there was an old barn on the Purdy property that doesn't contain any asbestos so it could be burned. There was discussion among public attendees about the value of the barn's wood and it being used for other purposes, including being sold as a fundraiser for the fire and rescue squad.

MOTION: Mr. Jameson made a motion to give the barn to the fire and rescue squad for disposal. Mr. Harrison seconded the motion and it passed unanimously.

Dr. Bachus gave a Powerpoint presentation regarding the Assessment of (Matlock Bend) Landfill Height and Site Life issues. He said his goal was four-fold including presenting information regarding visual impact of the varying maximum landfill height; discussing the impact of maximum landfill height on disposal capacity; providing a case history for a previous site that faced similar concerns regarding landfill height; and updating the Commission on projected site life with and without the proposed expansion.

Dr. Bachus presented a variety of slides including life estimates and airspace capacity at various tonnages; engineering designs of the currently permitted landfill and the expansion; views from the entrance to Monterey Mushrooms and the Matlock Bend Landfill at various elevations; and a case study that Dr. Bachus worked on in Grayslake, Illinois in which a landfill owner and a neighboring property owner compromised on height issues. He concluded his presentation by stating, at current volumes, the landfill has approximately 39 years of life beyond the current contract and it was unlikely the landfill's entire footprint of the expansion would be developed during the current contract with Santek. He told the Commission the visual impacts of the landfill's height are minor, and can be incorporated into the landscape or adjusted at a later date.

Mr. Jameson asked if the peak elevation of the landfill had to be built now or 20 years from now. Dr. Bachus said it had to be built now in order to maximize the facility's geometry. Mr. Harrison suggested a land swap with Tennessee National which would give the landfill flexibility with its future development. Mr. Jameson asked about aggressive vegetation and whether the landfill had to be mowed. Dr. Bachus replied that in this geographic region shallow-rooted, drought-tolerant grasses are more suitable for planting, and the landfill must be mowed in accordance with post-closure care responsibilities established under state regulations. Mr. Harrison suggested growing a few cedar trees on the slope facing the Stop 'n Shop store on Highway 72 which Dr. Bachus said is possible if the Commission could demonstrate to the Tennessee Department of Environment and Conservation (TDEC) that the trees wouldn't disturb the integrity of the synthetic closure cap.

Mr. Field asked the Commission if they wanted to keep negotiating with Santek to address the landfill height which could result in significant cost, or recognize the elevation is sensitive and can be addressed later. Ms. Littleton-Brewster said the Commission had heard a lot of information tonight and there was no

rush to make a decision. Mr. Watkins said he would like to see a viewscape from the Tennessee National property which Dr. Bachus said was achievable.

Before Dr. Bachus left for the evening, Mr. Harrison asked him to address the letter from TDEC officials in Knoxville denying Santek's request to use the Kimberly Clark paper waste as Alternative Daily Cover (ADC). Dr. Bachus stated that he is working with Santek on a demonstration project to prove to TDEC regulators the Kimberly Clark waste is ideal and should be used for ADC.

Mr. Field directed the Commission to a slide presentation in their packets which he intends to present at the stakeholders' meeting January 21st at the Loudon County Office Building at 4 p.m. Mr. Field said the Loudon County Mayor is planning to address the Poplar Springs Landfill issue at the meeting. Mr. Harrison suggested the inclusion of an additional slide about the old landfill.

During the Attorney's Report, Mr. Stevens indicated that he sent a letter Dec. 31st, 2014 to Loudon County Trustee Chip Miller at the Commission's request, stating the trustee's practice of charging a one-percent fee to the Commission on funds Santek deposits into the Commission's account didn't appear to adhere to applicable TDEC statutes. Bob Bowman, who represents Loudon County, disagreed with Mr. Stevens' opinion, citing Tennessee Code Annotated (TCA) section 8-11-110(e) and further stated that the Commission is obligated to remit its tipping fees to the trustee pursuant to TCA section 68-211-835. Mr. Stevens stated that the trustee did not appear to be authorized to deduct a one-percent fee from the Commission's deposits because Santek, a for-profit entity, was not a County collecting officer under (TCA) section 8-11-110(e). He said the Commission has several options including doing nothing, or seeking guidance from the Tennessee Attorney General's (AG) office and asking the AG to interpret the law.

Mr. Jameson asked how much money would the Commission gain if the one-percent fee wasn't assessed. Mr. Stevens replied between \$4,000 and \$5,000 per year. Mr. Jameson also how much would it cost the Commission in legal fees to pursue an AG's opinion. Mr. Stevens replied a couple hours of work.

MOTION: Mr. Watkins made a motion to ask Mr. Stevens to write a letter to the AG seeking an opinion related to the trustee charging a one-percent management fee on Santek's monthly deposits into the Commission's bank account. Mr. Stewart seconded the motion. The motion passed on a four-to-three vote with Mr. Jameson, Ms. Littleton-Brewster and Mr. Stewart voting no.

MOTION: Mr. Harrison made a motion to seek an AG's opinion on Mr. Bowman's comments that the Commission is obligated to remit its tipping fees to the trustee TCA section 68-211-835. Mr. Stewart seconded the motion. The motion passed on a four-to-three vote with Mr. Field, Mr. Jameson and Ms. Littleton-Brewster voting no.

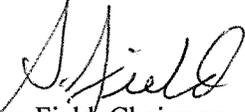
Mr. Jameson said he would like the Commission to consider having a discussion on cutting expenses. He said attorney fees are the Commission's highest expense and he asked commissioners to think about ways they can cut expenses. Mr. Paul suggested meeting quarterly or every other month. Mr. Jameson said he liked the idea and asked the Commission to have an action plan for expense cutting at next month's meeting.

MOTION: Mr. Jameson made a motion to begin the Commission meetings with the Pledge of Allegiance and a prayer. Ms. Littleton-Brewster seconded the motion. The motion passed on a six-to-one vote with Mr. Paul voting no.

MOTION: Ms. Littleton-Brewster made a motion to adjourn the meeting at 9:10 p.m. Mr. Watkins seconded the motion and it passed unanimously.

The Commission's next regularly scheduled meeting is February 10, 2015 at 6:30 p.m. at the Courthouse Annex.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Field", written in a cursive style.

Steve Field, Chairman
Loudon County Solid Waste Disposal Commission