

Minutes

Loudon County Solid Waste Disposal Commission

August 11th, 2020

The Loudon County Solid Waste Disposal Commission met on August 11th, 2020 at 6:30 p.m. at the Loudon County Courthouse Annex. The Commission was represented by Steve Field, Art Stewart, John Watkins, Bruce Hamilton, Kelly Littleton-Brewster, Larry Jameson, and Tammi Bivens. Other attendees included Attorney Kevin Stevens; Santek representatives Ben Johnston, Kaitlyn Hampton, and Adam Hall; Richard Anklin and Pat Hunter.

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

Ms. Tammi Bivens led the Commission in the Pledge of Allegiance and Mr. Larry Jameson led the invocation.

MOTION: Ms. Kelly Littleton-Brewster made a motion to approve the minutes of July 14th, 2020. Mr. Art Stewart seconded the motion. The minutes were approved.

Mr. Field asked if Ms. Littleton-Brewster had a chance to review the amended minutes from June 9th, 2020 with the added corrections that she requested. She stated that she had just recently received them from Mr. Kevin Stevens and had not had the chance to review them yet.

During Items of Public Concern, Ms. Pat Hunter requested to see the amended minutes from June 9th, 2020. She also inquired about the tipping fees, specifically regarding the letter dated August 11th, 2020 from Santek which shows the governmental users and the general tipping fee but it does not show the tipping fees for other volume users. She stated that, per the contract, this information is required to be distributed to the Commission. Mr. Ben Johnston stated that Mr. Field brought this to his attention last month and that he has been working internally to gather this information. Mr. Field stated that in January, the Commission received the updated list of tipping fees; however, Santek has since implemented a rate adjustment, which they are entitled to do. He agreed to make a note that the Commission has not yet received a comprehensive list of customers and their disposal rates. Ms. Hunter asked that this topic be added to the agenda until an updated document has been presented.

Ms. Hunter also spoke about the motion that was made on July 14th, 2020 with regards to reduce the service area for the landfill from 150 miles to 75 miles. She inquired whether the topic would be discussed at the current meeting. Mr. Kevin Stevens stated that the motion was proposed to Santek, but rejected and the topic would be discussed further at a later point in the meeting. Mr. Johnston stated that, due to the pending transaction with Republic, the motion to change the service area at this time would be a potential representations and warranties concern and reflect as materially different than what Republic and the DOJ had received at the initial time of the definitive agreement. Mr. Johnston stated that Santek is willing to discuss this topic in the future and he agreed to reiterate internally the significance of this proposal.

Ms. Kelly Littleton-Brewster questioned the validity of the statement that was made by Santek representative Mr. Chris Holstrom during the July 14th, 2020 meeting that the Commission could propose and implement changes to the current contract before the purchase agreement is finalized with Republic. Mr. Johnston stated that it was his understanding that the Second Amendment negotiations

can continue; however, anything outside of that cannot. He agreed to verify this information and update at the next meeting.

Ms. Hunter inquired whether the Commission has ever explored other options for the future of the landfill, outside of continuing with the Second Amendment negotiations with Santek to extend the current contract. Ms. Littleton-Brewster stated that she had previously proposed this to the County Commission but did not receive any feedback.

Mr. Richard Anklin expressed concerns about the way he was quoted in the June 9th, 2020 meeting minutes. He stated that he expressed much more than just concerns of the potential impact of the Republic acquisition on the landfill. He stated that he had previously sent an email to the Commission which included an outline from a waste magazine article suggesting what Republic's intentions are once the purchase agreement with Santek is finalized. He specifically recalled the article stating that it could be advantageous for Loudon Landfill's future disposal capacity to receive waste from around the Atlanta area.

Mr. Field stated that he had not received the Cash Activity Report from the finance office. It will be added to the September 2020 meeting.

Ms. Kaitlyn Hampton presented the Operations Report for July 2020.

Mr. Stevens discussed the ongoing Contract Modification process. He distributed a copy of the latest Second Amendment draft in which Santek has agreed to close the final cells in the expanded footprint of approximately 10.7 acres within 270 days of the conclusion of the agreement or by the year 2038, whichever is later. Santek has also agreed to close all 53 acres of the expanded footprint and will bond the entire closure obligation. Mr. Stevens inquired as to how the Commission would like to proceed with the contract, given that the proposal to limit the acceptable waste from a 150-mile radius to 75 miles was rejected by Santek.

Mr. Stewart asked if the same outcome could be achieved from reducing the tonnage volume rather than the service area. Mr. Jameson stated that it could be, but it wouldn't stop Republic from potentially allowing waste from anywhere within the 150-mile radius, which has been a concern from the public. Mr. Field stated that the Commission has allowed the landfill to exceed the 800 tons per day tonnage limit in the past to support local businesses such as Kimberly Clark and Tate and Lyle at a significantly reduced disposal rate.

Mr. Stevens stated that the most significant leverage the Commission would have in reducing the service area would be to add it to the proposed Second Amendment Contract and refuse to move forward unless agreed upon.

Mr. Johnston asked if the Commission would consider a reduction of service area to a 100-mile radius.

MOTION: Mr. Bruce Hamilton made a motion to add the reduction of service area to a 75-mile radius to the proposed Second Amendment Contract. Mr. Art Stewart seconded the motion. The motion was approved 4-3, with Mr. Jameson, Ms. Littleton-Brewster, and Mr. Stewart all voting against.

Mr. Stevens agreed to add this language to the proposed Second Amendment Contract.

Mr. Stevens updated that he had not received any complaints about the condition of the highway outside of the landfill. Mr. Jameson stated that on July 31st, 2020 he witnessed mud on the highway,

following an inclement weather event; however, he stated that Mr. Adam Hall and the landfill employees were actively working to resolve the issue. Mr. Hall updated that he automatically utilizes the pressurized wheel wash system during and following any inclement weather as well as stationing an employee to pressure wash the trucks once they exit the wheel wash system.

Mr. Field presented the Chairman's Report and disclosed the regular monthly invoice from Kennerly Montgomery for legal fees totaling \$2,500.

MOTION: Mr. Jameson made a motion to adjourn the meeting at 7:43 p.m. and Ms. Littleton-Brewster seconded the motion. It passed unanimously.

The Commission's next scheduled meeting is September 15th, 2020 at 6:30 p.m. at the County Office Building.

Respectfully submitted,



Steve Field, Chairman

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