

Minutes

Loudon County Solid Waste Disposal Commission

December 8th, 2020

The Loudon County Solid Waste Disposal Commission met on December 8th, 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; Tim Brewster, Pat Hunter, Bill Satterfield, Gary Whitefield, Chris Parks.

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

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

Mr. John Watkins requested that the November 10th, 2020 meeting minutes be amended to better address his significant concerns about several AOC's which were reflected on the landfill's TDEC inspection.

Mr. Jameson also asked that the minutes be revised to include Mr. Tim Brewster's request for Mr. Steve Field to resign as the LCSWDC Chairman.

Ms. Kelly Littleton-Brewster also stated that Ms. Pat Hunter discussed several topics that were not included in the meeting minutes. Ms. Hunter stated that she would send an email outlining these topics for inclusion.

MOTION: Mr. Bruce Hamilton made a motion to approve the amended minutes of November 10th, 2020. Mr. Art Stewart seconded the motion. The amended minutes were approved.

During Items of Public Concern, Ms. Hunter reiterated her concerns about the March and April Operations Reports that were missing from the meeting packets when the meetings resumed after being cancelled due to Covid-19.

Ms. Hunter stated significant concerns with the delay or, in some cases, a complete lack of response to her records requests as well as the timeliness of posting records to the website. She requested that any additional documents which are provided during the meetings also be published on the website.

Ms. Hunter stated her disapproval of the vote that the LCSWDC made years ago to withhold the Summary Customer Activity Report from public record because it was considered proprietary. Ms. Hunter and Mr. Bill Satterfield both stated that this should not be privileged information and should be available to the public.

MOTION: Mr. Jameson made a motion to include the Summary Customer Activity Report in the online packet. Ms. Littleton-Brewster seconded the motion. It passed unanimously.

Ms. Littleton-Brewster asked Mr. Field and Mr. Stevens what needed to be done to ensure that the documents and meeting packets are posted in a timely manner. Mr. Jameson asked how long it takes to amend the meeting minutes and Mr. Stevens stated that it is usually done by the next day. Mr. Jameson asked if it would be safe to assume that the documents should be available on the website within seven days of the meeting. Mr. Field stated that this is dependent on the county IT process. Ms. Littleton-Brewster stated that she and Mayor Bradshaw had a discussion with the county IT department and it

was their understanding that as soon as the documents are received, they are posted. Mr. Field stated that this is true, as of recent, but has not always been the case in the past. Mr. Jameson requested that Mr. Johnston look into providing the LCSWDC a better PDF copy of the meeting packet to be uploaded to the website more expeditiously.

Ms. Hunter referenced a letter from Bass Berry and Sims dated May 22, 2018 which reflected the environmental fees that she then used to prepare a spreadsheet depicting Santek's estimated revenue from 2011 to 2017. She stated that Mr. Satterfield asked Santek's COO for information regarding Santek's yearly revenue total, but was unable to attain the information. Ms. Hunter stated that, based on the information provided and used in her spreadsheet, she estimates the six-and-a-half-year revenue total is approximately \$23.5 million. Ms. Hunter expressed significant concerns as to how this pertains to the LCSWDC's current liability and anticipated short fall in regards to closure and post closure of the landfill.

Ms. Hunter also spoke about the interlocal agreement which states that the Solid Waste Commission sets the tipping fees; however, the contract has delegated certain authority to Santek which could put them in a position to have a bias in regards to the tipping fees. Mr. Jameson stated that the LCSWDC should have never given Santek the authority to set the tipping fees and advised that there are laws guarding against it. Ms. Littleton-Brewster referenced a document from the TCA that addresses the regulations associated with host and tipping fees. She asked if the comptroller has a copy of the contract.

Ms. Hunter referenced a document from the Tonnage Report from December 2018 which reflects Santek giving TN Trash a favorable C&D rate of \$6.39. She stated that Santek should also extend the favorable rate to the stakeholders. Mr. Johnston stated that the rate reflected on the document for TN Trash was per yard and that it should be similar to the gate rate.

Mr. Field stated that Santek offered the LCSWDC the same Life of Landfill Contract which was given to Bradley County, but the Board rejected the offer based on the parameters associated with the tonnage and service area limits. Ms. Littleton-Brewster stated that the Board did not negotiate any other alternatives with Santek regarding the offer, specifically regarding a community service donation and more favorable host fees which were also granted to Bradley County. Mr. Jameson also stated that the tipping fees at Bradley County are substantially higher than those at Loudon County.

Mr. Tim Brewster inquired as to why none of the cells at the landfill have been closed during the life of the current contract. Mr. Johnston stated that none of the cells have reached final grade. Mr. Stevens stated that cell closure has been a point of contention for many years; however, the LCSWDC would be required to take legal action in order to have the cells closed, which would conflict with the ongoing contract negotiations for which the impetus has been the dispute relative to the closure. Mr. Brewster stated that if the Board is not confident with the negotiations associated with the contract modification, then he would suggest hiring an environmental attorney. Mr. Stevens informed that TDEC has not established firm guidelines for phased closure; however, TDEC has increased its regulatory requirements and recently distributed a letter requiring that Santek submit a phase closure plan by June 30th, 2021. Santek is required to provide a time table for completing the phase closure plan to TDEC by December 31st, 2020.

Ms. Littleton-Brewster referenced an email from Mr. Johnston that stated in the event that the Commission modifies the contract language to change how the daily volume is calculated, it could

drastically impact Santek's ability to uphold their financial commitments, thus Santek would not move forward with the Second Amendment. She stated that modifying the contract language to reflect the correct number of operational days would change the daily volume. Mr. Jameson stated that he hopes that the LCSWDC makes the decision to cease any further contract negotiations.

Ms. Kaitlyn Hampton presented the Cash Activity Report and the Operations Report for November 2020.

Mr. Jameson requested more information regarding the AOC for unlawful methods of disposal which was reflected in the landfill's November TDEC inspection. Mr. Adam Hall clarified that this was due to an area of overfill which will need to be removed. Mr. Jameson also inquired about the other AOC's from the inspection for unsatisfactory litter control and leachate observed at the site. Mr. Hall stated that these issues have since been resolved and a plan has been put into place and submitted to the TDEC inspector to allow for more sufficient leachate control.

Mr. Jameson spoke of a recent incident in which he was traveling behind a truck that had just exited the landfill and was losing litter due to their load not being tarped. Mr. Hall stated that the landfill enforces a tarping policy.

Ms. Littleton-Brewster stated that the County Commission voted 5-4 not to extend the contract. Ms. Littleton-Brewster stated that it was brought to her attention that Santek's Waste Services trucks are hauling waste from Roane County at a rate of \$20.53, less than the stakeholder rate of \$22.38. Mr. Johnston stated that the waste from Santek's trucks is an intercompany rate only, not what is being charged to the customers.

Ms. Kim Raia discussed the potential options for the landfill to supply an area for green waste disposal. She distributed a document which outlined this information.

Mr. Field stated that the election for Board Officials will be held in March 2021.

Mr. Stevens followed up with Ms. Hunter's question during the November meeting of whether the current contract specifically states that the stakeholders must take their waste to the Loudon Landfill. He stated that there is not a provision in the current contract, but it is in the interlocal agreement.

Mr. Johnston verified that the information presented at the November meeting that the landfill charges a \$30 fee per mattress was incorrectly communicated by a Santek representative and he apologized for the confusion.

Mr. Jameson inquired about the requirement for the number of members represented on the Commission. Mr. Field stated that the interlocal agreement requires seven representatives.

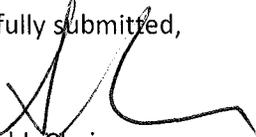
Mr. Field presented the Chairman's Report and disclosed the following expenditures: two invoices from Kennerly Montgomery for legal fees totaling \$2,500 each; employee payroll taxes totaling \$53.82.

Mr. Brewster presented an email between Mr. Field, Mr. Johnston, and Mr. Stevens in which Mr. Field was quoted as saying "our critics seem to be pulling numbers out of their hats." Mr. Brewster asked for clarification as to whom Mr. Field was referring to as a critic. Mr. Field stated that he was referring to Ms. Hunter. Mr. Brewster questioned whether Mr. Field is working for Santek or the LCSWDC.

MOTION: Mr. Stewart made a motion to adjourn the meeting at 8:51 p.m. and Mr. Hamilton seconded the motion. It passed unanimously.

The Commission's next scheduled meeting is January 12th, 2021 at 6:30 p.m. at the Loudon County Courthouse Annex.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Field', written over the text 'Respectfully submitted,'.

Steve Field, Chairman

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