

MINUTES

LOUDON COUNTY SOLID WAST DISPOSAL COMMISSON

FEBRUARY 9TH, 2021

The Loudon County Solid Waste Disposal Commission met on February 9th, 2021 at 6:30 p.m. at the Loudon County Courthouse Annex. The Commission was represented by Steve Field, Art Stewart, Larry Jameson, Kelly Littleton-Brewster, Tammi Bivens and Terry Small. Public attendees included J.J. Cox, Matt Chapman and Brian Viars. Other attendees included Attorney Kevin Stevens; Santek representatives Ben Johnston, Hannah Burrell, and Adam Hall; Richard Anklin.

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

Mr. Steve Field announced new board member, Terry Small.

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

MOTION Mr. Steve Field asked for the motion to approve the January meeting minutes. Ms. Kelly Littleton-Brewster made the motion and Mr. Art Stewart seconded the motion.

Ms. Kelly Littleton-Brewster asked Mr. Kevin Stevens to include Adam Beasley's full name in the minutes.

Ms. Brewster also referred to page 3 where she asked why the letter from TDEC on November 3rd was not received in a timely manner. The minutes said that Mr. Field stated that the letter did not go out on that date and he had to request it directly from TDEC in early December. Ms. Brewster states she thought that it had been discussed that Kaitlynn Hampton received it first and it was her understanding that it had been addressed to Kaitlynn. Mr. Field stated that it was addressed to Ms. Hampton but he was not sure that she actually physically received it. Ms. Brewster asked if they could go back and check that on video.

Mr. Field asked if there was any other discussion. Mr. Stevens confirmed that changes had been noted and amended minutes were approved unanimously.

During the items of Public Concern, Mr. Matt Chapman spoke about the mud on the road. He said that the road condition had improved significantly when rock was first put down on the landfill access road, but the road condition is poor now. He suggested that money be spent repairing the landfill access road or paving the road to solve the problem. Mr. Chapman stated that he could watch the sweeper make 150 passes a day and there would be very little improvement. He asked if the wheel wash was still being used and Adam Hall replied that it is used every day. Mr. Chapman stated that even on a perfect day, when he drives his clean car on the road, it's just destroyed and the turn lane is just as bad as the travel lane. He stated that nobody is doing anything to stop it. He asked at what point does anyone care enough to stop what is going on. Larry Jameson and Kelly Littleton-Brewster stated that they do care. Mr. Jameson stated that he has been fighting that battle for well over 5 years and there have been improvements but it's on on-going challenge to keep the dirt in the landfill.

Ms. Brewster asked Mr. Chapman what his suggestion would be to the matter. Mr. Chapman suggested paving the landfill access road from the bottom to the top. He said that he believed if it was paved from the point of access to the point past the wheel wash there would be plenty of room between start and stop to get the mud off of the wheels. Mr. Chapman stated that he was going to get a petition together and get as many signatures as he can because everybody is fed up with it.

Ms. Brewster asked Mr. Hall how far it would be to pave the landfill access road and Mr. Hall replied it would be a little over 1/8 mile. Mr. Jameson described the paving job that would entail a 6 inch base and filler and a 1 inch minimal on top, which is expensive. He said that he would be 100% for paving if that fixed the problem on the road.

Ms. Brewster asked Mr. Hall how much was spent on rock and he replied \$10,000 every month, give or take. Mr. Jameson stated that gravel and transportation costs have gone through the roof.

Ms. Brewster stated that the problem is that the contract with Santek says they will make a reasonable effort. That was the wording when that contract was signed years ago. Santek has taken a number of steps over the years to address the road condition, but the current condition is not acceptable

Mr. Steve Field stated that the landfill is operated like a construction site in terms of the storm water requirements. Santek operates a large site and they have trucks coming in and out all the time. They have the same requirements in terms of not having anything coming out of the work site. Mr. Field stated that the State requirements are not being met.

Mr. Chapman asked why the road is watered when there is dust on it. Mr. Jameson replied that they have talked to Santek about that. Wash it when it rains, sweep it when it's dry. Mr. Jameson stated that's the only alternative that they have right now. He asked Ben Johnston if putting in a permanent road going to the wheel wash is something that Santek could consider and Mr. Johnston replied that he can discuss it internally.

Mr. Brian Viars spoke on behalf of a couple of people that were not able to show up. Mr. Viars stated that Brian Rabbie who works at Kimberly Clark has complained about the roads and wants to see a resolution. Mr. Viars stated he has been coming to the meetings for two years. He said that he has high end cars that he doesn't want to drive through the mess. He stated that his wife is tired of it, he is tired of it and his neighbors are tired of it. He said if he has to get a bunch of people there, he will do so.

Ms. Brewster stated to Mr. Johnston that she knows the two men who spoke and also Brian Rabbie and that if they say they will start packing the house, they will start packing the house. She said that they need to move forward with this issue again and they are at a point where they need to try something else.

Mr. Viars showed pictures on his phone showing the road and stated that he was behind a truck coming out and the pictures shows globs of mud, not little chunks. He said that the road is slick and dangerous and that it almost caused him to have an accident.

Mr. Steve Field stated to Mr. Adam Hall that if Santek is not in compliance with TDEC rules, they are going to get hammered from the public's perspective and that the biggest complaint they get is mud on the road. He suggested that maybe a different street sweeper is needed. From a corporate standpoint, something needs to be done.

Mr. Brian Viars asked how long “reasonable effort” has been in the contract. Ms. Brewster stated that was an attorney question.

Mr. Kevin Stevens stated that Santek was determined to be in default last year based upon its failure to maintain proper road conditions. He sent a formal letter of default under the contract last year, and in response to that they installed the wheel wash at a cost of two to three hundred thousand dollars. He said that they thought that improved the situation and based on reports it had for a number of months.

Mr. Viars asked if the amendment has gone through and Mr. Jameson stated that it has not. Mr. Viars asked about the amendment being re-worded to address the road more specifically. Ms. Brewster stated that they were not in contract negotiations right now.

Mr. Larry Jameson stated that this is an addendum to the present day contract with wording in there to help get this under control, but the condition is deteriorating. He said that he welcomes filling up the room and everyone’s support on the problem. Mr. Jameson said that Santek has got the responsibility and any dirt needs to stay in the landfill.

Mr. Matt Chapman asked what options are there besides going to meetings and Ms. Brewster stated that the option is put another default on Santek. She said that they will give Mr. Ben Johnston a chance to talk to Santek about paving in the road and see what they say and if they don’t have a suitable answer as to what they are going to do then they will talk about default. She stated then she will take action and ask for a vote on the default.

Mr. Ben Johnston stated the adjusted cash activity report balance 2020 combined ending balance was \$4,345,887.44; Poplar Springs balance Dec 2020 was \$57,256.33. Total combined operating of Poplar Springs balance was \$4,371,534.47.

Mr. Johnston stated the landfill operations 30 day average tons was 294.68 tons and the 22 ½ day average was 392.917.

Mr. Johnston asked the commission to look at the customer activity report. Mr. Larry Jameson asked when TVA is coming back in. Mr. Johnston stated that in 2020 that job was complete and there was no volume coming in.

Mr. Johnston talked about personnel changes and Mr. Hall introduced Hannah Burrell.

Mr. Johnston asked Mr. Hall to talk about the January inspection. He said the only AOC they had was #8180. One of the berms had eroded down. It was an easy fix. Mr. Jameson asked about #8570 and Mr. Hall stated that he didn’t have an AOC for that. Mr. Jameson stated that the inspection outlines that operations do not correspond with engineering plans. Mr. Johnston stated the “operation does not correspond with engineering plans” statement on the inspection, is a pre-populated and generic description of the area being observed by the inspector, and standard wording on every inspection. The boxes next to the description of the area being observed indicate that the inspector gave Santek an “NVO” indicating no violation observed.

Mr. Ben Johnston stated that material classification report showed 7,073 tons of MSW, Special Waste at 1,318 tons, sludge at 449 tons for a total of material of 8,870 tons, 80% MSW 20% Special Waste and 5% Sludge.

Mr. Johnston asked the commission to look over the waste characterization report. Mr. Jameson asked if the tires were in tons and Mr. Johnston confirmed. He explained that the tire numbers show inbound and outbound. Mr. Johnston stated that the tire report showed 53.17 tons for a total annual tonnage of 236.51 tons.

Mr. Johnston stated that the landfill origin report showed 30,604.58 tons in the 4th quarter. He reported the airspace utilization report had a full date of April 2024 and the 3 month average was 9,658 tons. He stated that the host fee was \$10,572.50 and security fee was \$11,301.75.

Mr. Larry Jameson asked Mr. Kevin Stevens if he had a chance to think about the possibility of selling the Purdy house. Mr. Stevens stated that they were approached by Mr. Adam Beasley to possibly purchase the adjacent home, barn and structure along with property around it. In terms of the selling process, they would refer to the County process of selling and advertising the property. They cannot offer the property to just one person. The property would have to be put up for sale to any potential buyers. Mr. Stevens said that they have not discussed further what use the property has since Mr. Beasley was there.

Ms. Kelly Littleton-Brewster stated that the property maintains a barrier against the landfill so it's essential they keep the property where it is and that her suggestion is to not sell the property. Mr. Stevens stated that the rescue squad currently uses the property for training.

MOTION Mr. Larry Jameson made a motion to hold the property and not sell. Ms. Kelly Littleton-Brewster seconded the motion. The motion was approved unanimously.

Mr. Larry Jameson spoke about the contract modification update. He asked Mr. Johnston for an update on the Republic purchase and Mr. Johnston said that it continues to be under DOJ review and that Santek is hopeful it will close soon. Mr. Jameson asked Mr. Johnston if he thought there was a correlation to the permit modification and the sale being held up and Mr. Johnston stated that he did not.

Mr. Art Stewart discussed green waste processing options. Mr. Stewart said that he talked to different people about green waste handling. Mr. Steve Field asked Mr. Ben Johnston what Santek could contribute and if he could come up with an outline. Mr. Johnston stated that he presented various options 4 to 6 months ago. He stated that Santek has a facility where roughly 500 tons of debris is collected then a 3rd party is brought in every 6 months for 3 to 5 days to chip it up for a cost to the county, roughly \$20,000.

Mr. Stevens continued the discussion from the last meeting about the TDEC phased closure requirements. He stated that TDEC sent a letter dated November 3rd, but they did not receive it until December. In that letter it noted some new TDEC regulations effective from January 1, 2020. The regulations require a submission of a new phased closure and post closure plan. The new requirement discusses phased closure during the operational life of the landfill. TDEC asked for all operators to submit a timetable for a plan by December 31, 2020 and then to submit the actual plan by June 30, 2021. Mr. Stevens stated that there are cells that have not been closed that they think are appropriate to close for many years. He said that he prepared a demand letter to Santek outlining a few requirements relative to the plan. They require that the Board approve in writing the plan being submitted to TDEC and for Santek to send the Board any proposed documents within 90 days of

submission to TDEC that way they can review, consult and provide comments for discussion. With regards to the plan itself there are other requirements. They want closure plans to include deadlines for closure of specific cells. They also want closure dates for all dormant cells. Mr. Stevens stated that they believe Santek's failure to close dormant cells violates TDEC regulations and constitutes a breach of contract. He said that he received a letter today from Santek's attorney and it says very little and does not respond to what was asked specifically. Mr. Stevens said that the letter did say they would submit a closure plan in advance for approval. They denied that Santek was in violation of any solid waste laws or TDEC regulations or that they have failed to comply with their requirements under the contract.

Mr. Steve Field asked Mr. Stevens who was responsible for fines and penalties assessed by TDEC and Mr. Stevens said there haven't been any fines or penalties assessed. TDEC didn't have firm guidelines for interim closure and they are just starting to tighten up those guidelines. Mr. Field stated that the main point of the contract states that Santek has to meet TDEC requirements. Mr. Stevens said that the contract requires closure when a cell reaches final elevation. He said that if a cell hasn't received waste in many years, that's an indication that it's at final elevation. Mr. Field stated that Santek has built the landfill 2 or 3 feet below the final elevation on purpose because if it hit final grade, Santek would have to close it. Mr. Johnston said that Santek has asked their consultant to take all this into consideration when he is looking at the closure plan. Ms. Brewster stated that there are 13 cells open and have been open for several years.

Mr. Terry Small asked Mr. Johnston why were cells open. Mr. Johnston stated that it's part of the design and build-out. You can't close something that will be accepting waste at a later date.

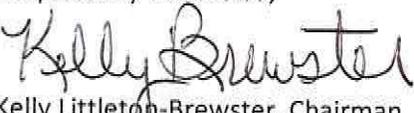
Mr. Larry Jameson asked Mr. Ben Johnston for a response in regards to getting the plan finished. Mr. Johnston stated that they had a meeting last week with the consultant and they are working to get it done within 6 to 8 weeks.

Mr. Steve Field talked about expenses including invoices received and payroll taxes to pay.

Mr. Larry Jameson talked about getting a clear boundary around the landfill property. He suggested to open up the boundary lines so there is a clear sight of where the property line is. Several contractors can be used to clear the boundary area. Mr. Jameson asked Mr. Adam Hall if Santek would be interested in helping to get pricing and Mr. Hall responded that they would. Ms. Brewster stated that maybe they could contact the University of Tennessee and see if their engineering department would want to help and send out students.

Motion Ms. Kelly Littleton-Brewster made a motion to dismiss and was seconded. The motion passed unanimously.

Respectfully submitted,



Kelly Littleton-Brewster, Chairman

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