

These minutes are approved!

## MINUTES

### LOUDON COUNTY SOLID WASTE DISPOSAL COMMISSION

August 10, 2021

The Loudon County Solid Waste Disposal Commission met on August 10<sup>th</sup>, 2021 at 6:00 p.m. at the Loudon City Municipal Building. The Commission was represented by Chairwoman Ms. Kelly Littleton-Brewster, Ms. Tammi Bivens, Ms. Pat Hunter, Mr. Larry Jameson, Mr. Art Stewart, Mr. Terry Small and Mr. Steve Field. Other attendees included Attorney Mr. Kevin Stevens; Republic/Santek representatives included Mr. Adam Hall, Mr. Jeff Haworth, and Ms. Shelby Boyer; Public attendees included Mr. Richard Anklin.

Chairwoman Ms. Kelly Littleton-Brewster called the meeting to order at 6:10 p.m.

Ms. Tammi Bivens led the room in the Pledge of Allegiance.

Mr. Larry Jameson led the room in the invocation.

**MOTION:** Chairwoman Ms. Littleton-Brewster asked for a motion to approve the July 13<sup>th</sup>, 2021, minutes. Ms. Bivens made a motion and Mr. Field seconded the motion. Mr. Field asked for clarification on the 10-minute guideline for items of public concern, and Ms. Littleton-Brewster stated that the guideline was per public attendee. The minutes were approved unanimously.

**MOTION:** Chairwoman Ms. Littleton-Brewster asked for a motion to approve the amended August agenda, adding Bylaws Amendment Vote to the Attorney's Report. Ms. Pat Hunter asked Mr. Stevens for a written copy of the Amendment to the Bylaws of the LCSWDC. Ms. Hunter stated that the amendment itself should have been on the agenda and a written copy distributed prior to the meeting, as this is an important matter. Ms. Bivens made a motion to approve the amended August agenda, changing the time and location of the LCSWDC meetings to 6 p.m. at the Loudon City Municipal Building. Mr. Stewart seconded the motion. The motion passed unanimously.

During items of public concern, Mr. Richard Anklin presented The Commission with a Freedom of Information Act Request Letter, requesting the following document(s) be provided to him. One, the latest Phased Closure Plan and the 2021 Annual Engineering Report Topographic Maps in either "D" or "E" size. Two, the Santek/Republic letter to TDEC regarding operator "change of ownership" per Rule 0400-11-01-02 outlined in paragraph 3. Three, a written copy of The Commission's recommendation(s) on the Closure and Post-Closure Plan that was prepared by Santek in June of 2021. Four, what actions will the Chairperson take to "post" future meeting(s) in the agenda as well as a published newspaper. Five, the response by each commission member to the Questionnaire that was presented by himself in the July meeting. Mr. Anklin stated that a response to the questionnaire by The Commission members will only benefit the conversations to be had at individual stakeholder meetings. Mr. Anklin distributed a copy of his records request to the Commissioners and Attorney.

In response to the requests, Ms. Littleton-Brewster stated that the maps were requested from Dr. Bachus, the 90-day notice to TDEC of "change of ownership" (if any) was supposed to be presented at this meeting; however, there was an absence of Santek/Republic representatives. Mr. Stevens stated that the deadline for an announcement in the newspaper had expired before the change of the meeting time and location could be published for the August meeting; however, it will be run publicly for the remainder of the year. Mr. Stevens stated that he would reach out to Dr. Bachus again for the updated maps as well as a Republic/ Santek member for any 90-day notice.

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During the Attorney's Report, Mr. Stevens stated that the amended Bylaws that were distributed would include a change to the time and location of the LCSWDC meeting, but all other language in the Bylaws will remain the same. A copy of the Amended By-law change is attached to the minutes.

**MOTION:** Ms. Bivens made a motion to accept the amendment to the Bylaws and Mr. Field seconded the motion. Ms. Hunter stated that she would like The Commission, in the future, to look at all the Bylaws and make changes to keep the bylaws in a general format so that future changes to the Bylaws wouldn't need an amendment to do accommodate minor process changes such as meeting time or location. Mr. Field stated that the Commission is created under TDEC's Tennessee code for solid waste boards, and the Bylaws may be derived from the solid waste rules. Mr. Field stated that the Tennessee code may dictate how the Commission could update the Bylaws. Mr. Stevens stated that he was not aware of any code that would prohibit making the Bylaws more generalized. The motion passed 6 to 1, Ms. Hunter voted against the motion.

Mr. Stevens stated that he emailed The Commission in response to Mr. Small's request for simulation drawings provided by Dr. Bachus relative to potential views of the landfill at different elevations. Mr. Stevens stated that he did receive a response from Dr. Bachus regarding the questions that were submitted by Ms. Hunter and will be emailing those to the Commission as well. Ms. Hunter stated that there were several changes from Dr. Bachus' first and second report. Dr. Bachus used 1125 elevation in his presentation slide, which was not adopted by the LCSWDC. Mr. Stevens stated that he would follow up on that. Ms. Hunter asked who else sent comments and Mr. Stevens replied Mr. Field.

Ms. Boyer presented the cash activity report for the month of July. Ms. Boyer also presented the Commission with the operation reports as outlined in the packets distributed to the Commission. Ms. Hunter asked if there was any maintenance or planned maintenance happening at The Poplar Springs Landfill. Ms. Littleton-Brewster stated that two months ago there was routine maintenance checks as well as TDEC inspections that normally occur. Mr. Hall addressed the inspection AOC's and said the areas of concern have been addressed.

Mr. Stevens updated the board on the phased closure plan and stated that per Dr. Bachus' presentation at the special meeting, the plan report meets all TDEC requirements and does not need any changes as this time. He stated that the report is preliminary and will likely change as permit modifications are made to the landfill. Mr. Jameson suggested a vote for acceptance to allow Republic/Santek to proceed with submitting the report to TDEC to allow deadlines to be met. Mr. Stevens stated this acceptance by the Commission is not an acceptance of the report itself, but an acceptance to allow Republic/Santek to proceed with the filing process. Mr. Small stated that he would like to see an attached letter to be filed with the report stating that the Commission is not necessarily accepting all points in the report.

**MOTION:** Mr. Field made a motion to allow Republic/Santek to file the Phased Closure Plan with TDEC as presented, but not specifically approving the timing or sequencing, with an attached letter stating this is a preliminary document that is subject to change with permit modifications or landfill expansions. Mr. Stewart seconded the motion. The motion passed unanimously.

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During the Chairman's Report Ms. Littleton-Brewster presented the Commission with 4 invoices. An invoice for the clearing of land at the landfill, 2 invoices for ads in the newspaper regarding meeting days and times, and the attorney's invoice.

**MOTION:** Ms. Bivens made a motion to approve the invoice for clearing the landfill boundaries, subject to Mr. Hall asking the workers to come back and clear one area for no additional fee as it was missed in the clearing of the land. Mr. Field seconded this motion. A rollcall vote was taken, and the motion passed unanimously.

**MOTION:** Mr. Field made a motion to approve the 2 invoices for newspaper ads, Ms. Bivens seconded this motion. A rollcall vote was taken, and the motion passed unanimously.

Ms. Hunter asked if the Commission had received an invoice from Dr. Bachus. Mr. Stevens stated that one has not been received, but he will follow up on that as well.

During the matter of old business, regarding the Questionnaire, Ms. Bivens stated that she would like to see a contract modification as the next step. Ms. Bivens stated that during the time of working with Republic Services, they seem more than willing to work with the Commission, and feels it is time to start the negotiation process. Ms. Littleton-Brewster stated that in the 7-year time frame left in the current contract, many commission members will change and for that reason we want to leave the landfill in a better condition. Mr. Jameson stated that he would like to see the negotiation process start up with Republic Services as well. Mr. Field stated that opening the negotiation process is an appropriate move and allows the County more stability going forward. Mr. Field stated that it seems to be time to draw the Commission's line in the sand and present the issues the Board would like addressed. Mr. Jameson stated that he would like the Commission to review the current draft and come back with a list of individual concerns. Ms. Bivens suggested an executive session for the Commission to review and discuss concerns with the current draft, to be prepared to present to Republic Services. Ms. Hunter stated a few concerns she would like to address in the negotiations including, the 90/10 split, who oversees the tipping fee, and the 150-mile radius that the landfill accepts waste, and LCSWDC setting tipping fees. Ms. Hunter would like the Commission to look at all options for the future of the landfill based on the Commission's liability.

**MOTION:** Mr. Jameson made a motion to hold an executive session for the Commission on August 24<sup>th</sup>, 2021, at the Loudon City Municipal Building at 6 p.m. Mr. Stewart seconded this motion. The motion passed unanimously. This closed meeting will be advertised in The News Herald.

Ms. Bivens stated that she would like a new business matter to be added to the September agenda to discuss a general Bylaws review.

**MOTION:** Mr. Jameson made a motion to adjourn. Ms. Bivens seconded this motion. The motion passed unanimously.

The next Loudon County Solid Waste Disposal Commission meeting will be held September 14<sup>th</sup>, 2021, at 6 p.m. at the Loudon City Municipal Building.