

**LOUDON COUNTY SOLID WASTE DISPOSAL COMMISSION**

**LOUDON COUNTY, TENNESSEE**

**Thursday, December 19, 2024**

**Courthouse Annex Building**

**MINUTES**

**Opening of Meeting:**

BE IT REMEMBERED That the Loudon County Solid Waste Disposal Commission convened in regular session in Loudon, Tennessee on the 19<sup>th</sup> day of December 2024.

Commission Chairman Mr. Waller called the meeting to order at 6:00 p.m. eastern time.

**Roll Call:**

Upon Roll Call, the following Commission Members were present: Mr. Adam Waller, Mr. Gary Busch, Ms. Monty Ross, Ms. Dianah Mullis, Mr. Larry Jameson

Absent was Mr. Gary Hendrix and Mr. Andy Lawson

LCSWDC Legal Counsel Ms. Elizabeth Murphy participated via phone.

Also present from Republic Services were representatives – Ms. Teresa Fox and Mr. David Hollinshead.

**General Public Comments:**

Commission Chairman Mr. Waller publicly welcomed new LCSWDC member Ms. Mullis

Commission Chairman Mr. Waller then continued to public comments, noting that mud is an issue and there will be a discussion on that topic. He then proceeded to call to the floor those who had signed up for General Public Comments related to topics on the agenda.

The following individuals came to the floor: for public comments.

Mr Chris Kirby lives on Matlock Bend and brought two samples of the runoff from road into stream and eventually into the river.

Mr. Brian Viars provided a video showing the runoff directly across from the landfill clearly showing the runoff goes into the stream within minutes after the start of a heavy rainstorm. Looking for long-term resolutions, enough is enough.

Billy raised concerns that the material within the runoff and the impact it is having on his truck and the vehicles that have special coatings applications that cost over \$10k.

Ms. Hunter followed up on a couple of items, one regarding bid open and didn't hear about it not being held, like follow up on notice of deficiencies, status of latest NOV from water

division, mud on road, litter, buzzards, dirt issue, requesting additional actions on a number of additional items.

Lisa Vinton directed comments to Republic with regards to the red dirt on road and trash pick-up not happening on the highway and suggest any contract extension expands the distance from the entrance further out than ¼ mile distance. She requested to make sure it is picked up daily in accordance with the contract.

Loudon County Fire Chief also commented on better equipment cleaning roads, debris on the road along with the volume of mud into the creek over the last 20 years and eventually going into Watts Bar Lake.

**Approval of October 17<sup>th</sup> 2024 Minutes:**

Commission Chairman Mr. Waller requested a motion for the approval of the Loudon County Solid Waste Disposal Commission Minutes for the October 17<sup>th</sup> 2024 meeting.

Commission Member Ms. Ross made the motion to approve the Minutes of the Loudon County Solid Waste Disposal Commission’s Meeting for October 17, 2024

Commission Member Mr. Jameson seconded the motion.

Upon Voice Vote, the motion PASSED 5-0 unanimously.

**Invoices & Reimbursements:**

No Invoices or Reimbursements for Commission Review.

**2022-23 Audit:**

Commission Chairman Mr. Waller – Noted that the commission would need to come back to this.

Commission Member made a motion to table the vote until the next month’s January meeting.

Commission Member seconded the motion

Upon Voice Vote, the motion to table PASSED 5-0 unanimously

**Part II Update:**

Commission Chairman Mr. Waller asked Mr. Hollinshead if any updates on Part II, status and timeline. Mr. Hollinshead stated where he believes TDEC stands with permit and application, should expect to have the documents from them 1<sup>st</sup> or 2<sup>nd</sup> week of January.

Commission Chairman Mr. Waller stated public comments ends Dec. 23<sup>rd</sup> and TDEC will respond to the public comments then commission to make final determination 1<sup>st</sup> two weeks of January. Mr. Hollinshead agreed.

Commissioner Ms. Ross raised question to Republic related to Republic starting work to the expansion. Mr. Hollinshead responded favorably that Republic will start upon receipt of TDEC approval of permit. He also noted that TDEC is allowing Republic to proceed with some specific things prior to approval, but will begin construction as soon as possible

once Republic receives a permit.

## **2025 LCSWDC Meeting Schedule**

Commission Chairman Mr. Waller opened discussion on upcoming 2025 commission meeting schedule, noting the first meeting date January 16<sup>th</sup> asking commission what is the opinion on the quarterly workshop. Commission member Ms. Ross stated she was in favor of keeping the quarterly meeting. Commission member Mr. Busch raised question if a special workshop may be needed January 9<sup>th</sup> due to the status of TDEC permit response.

Commission Chairman Mr. Waller didn't believe there was any need for a response from the commission, confirmed by Republic Mr. Hollinshead.

Commission consensus was to keep the quarterly workshops with first one scheduled for February 13<sup>th</sup>.

## **Mud On Highway 72:**

Commission Chairman Mr. Waller – Opened the discussion for the mud on Hwy 72 issues. Requested Commissioner Mr. Jameson to start things off.

Commissioner Mr. Jameson provided his personal insight on this issue. Noting that the past few weeks he has personally been digging into the issues and trying to come up with solutions, however; the problem we have with the mud is not a quick fix. It will cost money and believes it's the duty of this commission and our contractor to put all efforts forward and we need to come up with an immediate solution. Mr. Jameson asked if Mr. Hollinshead would like to respond.

Republic's Mr. Hollinshead asked if he could make a few comments, first recognizing Lisa Vinton from public comments by acknowledging her comments regarding litter on the roads. Mr. Hollinshead asked Ms. Fox to explain daily procedures related to picking up of the litter. Ms. Fox's responded that she is dealing with a labor issue, difficulty getting labor or keeping labor to do that job. However, she committed to getting it done daily, even if it meant her going out to do it herself.

Commissioner Mr. Jameson wanted to continue with the wheel wash which is a substandard wheel wash and there are drivers going around the wash. At the end of the day, there is mud in the road and until we get that stopped, we will continue to talk about it, and he has been talking about this issue since 2007. He believes this commission is ready to do something about it and this commission's focus to get a handle on the mud once and for all.

Commission Chairman Mr. Waller stated that he went out to the landfill in November of this year with Ms. Murphy and witnessed a number of things that were disturbing. There were no litter pits at the top where dumping was taking place and there was litter everywhere. Question raised to Republic, was the litter pit installed and what is being done with litter fence?

Ms. Fox responded that the pits are in place and fencing is being moved regularly  
Commission Chairman Mr. Waller then ask if Republic could clarify impact on airspace since Republic is currently having to move around, why and overall effects.

Mr. Hollinshead responded that Republic works for the LCSWDC and due to the expansion permit approval delays has resulted in Republic having to move the face of the landfill daily. This problem has been exacerbated due to the delays in the Expansion Permit approval resulting in Republic moving of the working face every 2 to 3 days. Due to the sliver fills, this problem has been exacerbated due to the time is has taken to get this expansion done.

Commission Chairman Mr. Waller asked about getting textile at the top which was discussed while they were at the site. Ms. Fox from Republic responded that they have it and it is being used to hold the rock in place to hopefully help keep rock cleaner. First roll of geo-textile was just brought on site yesterday.

Commission Chairman Mr. Waller discussed the two different grades on the road and what can be done to improved this to help the mud issue.

Republic Mr. Hollinshead provided a response as to why there is two separate grades. The grade coming off the working face site forces the drivers to the wheel wash. There are incidents when drivers exiting the site avoid the wheel wash, because of this, Mr. Hollinshead made a request of the commission to allow Republic to ban any driver who violates the wheel wash requirement from coming back onto the site.

Commission member Mr. Jameson added to this comment that he has been on site and monitored trucks coming out of the site from Loudon and Lenoir City's, and Republic trucks don't like the wheel wash. This is no different than tarping of trailers, there is a TN Tarp law. Believes this is a good recommendation.

Commission Chairman Mr. Waller asked if LCSWDC legal counsel Ms. Murphy had any comments or insights.

Legal Counsel Ms. Murphy – started by clarifying a statement made by Mr. Hollinshead that Republic-Santek works for this commission, she informed everyone that this is incorrect. Republic has a contract, they are the operator, they are not an employee they don't quote "work for the commission." It is a miss-leading statement. Republic has responsibility of fulfilling their contractual responsibilities and the contract is very clear about keeping the roads clear of debris. Within the last three months, there has been between 7 to 9 significant violations of their obligations. The commission should also be aware that section 12.4 of the original contract, that section presumes that there can be fines or penalties assessed by the commission, and Santek-Republic is responsible for paying the fines. Section 5.7 and 5.8 of the original contract, speaks to their obligations, 12.4 speaks to the penalties the contractor has to pay. Cautions commission of taking responsibility off of Santek-Republic plate. Revenue for Republic in 2023 a \$16 billion dollar company

discussions asked a question if commissioners believe we should hold a workshop January 9th. Commission Member Ms. Ross acknowledged that she was in favor as did Mr. Busch.

Commission Chairman Mr. Waller - Asked Ms. Murphy about Geo Grids if it was fabric or other types of material. Ms. Murphy responded that there are various types of this material that could be used for the purpose being discussed.

Commissioner Mr. Jameson this is not a 30 day fix, it's going to have to start with Republic and the commission pushing it through no matter what it takes.

Commission Chairman Mr. Waller – commented that there is geo-grid, mulch coming in, litter pick up, asking if there were any other recommendations until the next workshop, Mr. Jameson responded, a lot of gravel.

Commissioner Ms. Mullis raised a question directed to Republic Ms. Fox if the discharge points of the Storm Water Pollution Prevention plan were meeting requirements. Ms. Fox responded that they were, and they are measured quarterly.

Commission Chairman Mr. Waller LCSWDS will plan on meeting for a workshop Jan 9<sup>th</sup> to discuss the camera costs, how the geo-tech, more gravel and mulch are doing. The workshop will be held at the County Office building starting at 4:00 pm.

Public member Ms. Hunter raised a question asking, “at what point will the LCSWDC put Republic on notice, something in writing that will finally get something done?”

Commission Chairman Mr. Waller responded that there is a six-page report that will be issued to Republic that captures all the issues and requested resolutions for each issue. Mr. Waller asked legal counsel Ms. Murphy “if the report that he will be issuing to Republic is the same thing as putting them on notice.”

Legal Counsel Ms. Murphy responded “that it depends on what the commission is putting them on notice for. Didn't believe she had heard anything specific to put them on notice of, nor was there a motion made to that regard.”

General public member Mr. Kirby noted that the day after the TDEC meeting, TDEC issued notes of violation for the mud on the road, they requested a definitive solution to the problem. Has Republic provided answered to TDEC yet? Republic Mr. Hollinshead responded that a reply has been submitted to TDEC, however; he has not seen it yet.

Commissioner Mr. Jameson commented that Ms. Hunter is correct and that this commission had previously put Santec on notice giving them 30 days, they corrected the

problem, and granted they benefited from dry weather at that time. This issue has been going on since 2007.

Commission Chairman Mr. Waller stated that he saw minutes from county commission meeting held in 1994 and this issue existed.

Commissioner Mr. Jameson stated that as far as putting Republic on notice that he will go along with his fellow commissioners, it needs to be something firm, they need to show improvement and is it a permanent fix.

v Legal Counsel, Ms. Murphy, put Republic on notice, and cautioned the commission not to make any motion that is the contractor's responsibility, regarding wheel wash and Mr. Hollinshead's request to the commission to participate in banning trucks. It is not legally on the commission to participate in such a request. If this is something that needs to be done, it is legally on Republic to issue such a ban. Furthermore, she warned the commission on any language within a motion that may incorporate that recommendation in any way. The commission does not need a provision to put the contractor on notice although the commission wants to do this anyway. The commission should identify the date(s) of the violations, establish the timeframe of the violations of concern, collect and document dates and data to support the notice. Ensure accuracy of the information so the motion carries with it factual support."

Commissioner Mr. Jameson made a motion to put Republic on 30-day notice for Breach of Contract with regards to the mud on road violations of the Contract under the Second Amendment section 5.7 revised breach of contract, seven known violations recorded between the dates of Sept. 25<sup>th</sup> to Dec. 19<sup>th</sup>, 2024. Commission reserves the rights to include any other violations prior to this timeframe along with known public submissions during this period. Ms. Ross seconded the motion; voice vote called, 5 – 0 unanimously approved

Commission Chairman Mr. Waller raised question with regards to fines and how to incorporate. Legal counsel Ms. Murphy informed the commission that it has the right to incorporate fines based on if Republic is properly responding to the notice. Mr. Waller requested a report be submitted to the commission by January 6<sup>th</sup> 2025, we'll discuss this topic more on January 9<sup>th</sup> 2025.

### **2023 Audit Update:**

Commission Chairman Mr. Waller requested a motion be made to approve the 2023 Audit inclusive of the language changes previously provided to the commission.

Commission member Ms. Ross made the motion to approve the 2023 Audit with the accepted language changes.

Commission member Mr. Jameson seconded the motion.

Upon Voice Vote being taken, the Motion PASSED 5-0 unanimously.

**Republic Report:**

Representative David Hollinshead provided general comments and would field any questions.

**Operations:**

Nothing noted.

**Host & Security Fees:**

Nothing noted.

**Airspace Utilization Report:**

Nothing noted.

**TDEC Inspection:**

Nothing noted.

**Loudon Financial Information:**

Nothing noted.

**Complaints Update**

**Action Items:**

Commission Chairman Mr. Waller noted the following action items as identified for next month's special called workshop meeting to be held on January 9<sup>th</sup> 2025 at this time.

- 1.) Cameras
- 2.) Proposed LCSWDC 2025 Meeting Calendar
- 3.) January 6<sup>th</sup> report from Republic

**Adjournment:**

There being no further business, a motion duly being made by Commission Member Mr. Jameson to adjourn the Loudon County Solid Waste Disposal Commission meeting.

Commission Member Mr. Busch seconded the Motion.

Commission Chairman Mr. Waller asked for a voice vote.

Upon Voice Vote being taken, the Motion PASSED 5-0 unanimously.

The December 19<sup>th</sup> 2024, Loudon County Solid Waste Disposal Commission was adjourned at 7:20p.m.

The next Loudon County Solid Waste Disposal Commission meeting will be held January 16<sup>th</sup> 2025, at 6:00p.m. at the Loudon County Annex Building.

Respectfully Submitted by Gary M Busch LCSWDC Secretary,

Adam Waller - Chairman

Loudon County Solid Waste Disposal Committee

NOTE: Full Video of LCSWDC meeting can be found at

[Loudon County Solid Waste Disposal Commission Meeting, December 19, 2024 \(youtube.com\)](https://www.youtube.com/watch?v=...)