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BEFORE THE SOLID WASTE REGION BOARD
5:30 p.m., Conference Center
Howard School Building
Nashville, Tennessee

EXCERPT OF PROCEEDINGS

March 29, 2012

BOARD MEMBER APPEARANCES:

- Sharon Smith, Public Works
- Theresa Costonis, Metro Legal
- Jenny Howard, Metro Legal
- Anna Alexander, Old Hickory
- Beth Reardon, Belle Meade
- Jack Vannatta, Lakewood
- Ashley Currie, Davidson County at large
- Robert Diehl, Davidson County at large
- John Sherman, Chair, Nashville
- Paul Hiltz, Davidson County at large
- Mike Pearigen, Davidson County at large
- Daniel Lane, Nashville
- Leslee Alexander, Davidson County at large
- Jamie Rounds, Berry Hill
- Jim Driver, Goodlettsville

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P R O C E E D I N G S

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3 MS. SMITH: Before I speak our
4 director wants to say just a few words.

5 MR. SHERMAN: As many as you like.

6 MR. LYNCH: I'll make it short. For
7 those that do not know me, my name is Billy Lynch.
8 I'm Director of Public Works. I wanted to come say
9 a few words. Back in 2002, I had the opportunity to
10 be appointed the Director of Public Works by former
11 Mayor Bill Purcell. My job was to recruit a new
12 director.

13 I came, I did, I left, and in 2004 I
14 came and have been here ever since. I've been asked
15 today to start Monday to be the new fire chief of
16 Nashville for my second time. Previously, I did it
17 back in 2000, and I wanted to come speak to you just
18 a second because I want you as a board to know,
19 number one, how much I appreciate all y'all have
20 done for Public Works, for the City of Nashville and
21 for me, in particular.

22 I also want you to know, for those
23 that don't know, the hard work that the staff at
24 Public Works puts in, and Paul Hiltz, Sharon Smith,
25 Sharon Wahlstrom, Veronica Frazier, the 367 people I

1 have working for me, to me, are as good as anybody
2 in Metro. They face many obstacles every day.

3 Eight years ago when I came I had 560
4 something people. Today I have 367, 200 people
5 less, yet the demands and services increase without
6 increase in revenue.

7 One thing I do want to point out, this
8 department, Public Works, won two national awards
9 for the work they did in the flood of 2010. During
10 that the Solid Waste section, while many people take
11 everything for granted, never once missed a day to
12 pick up the solid waste in this city of any home
13 that was not flooded.

14 I say all that because I want you to
15 understand the hard work and the expertise that
16 exists in Public Works from building Demonbreun
17 Bridge, Gateway Boulevard, Twelfth Avenue South,
18 Deaderick, to picking up 130,000 homes once a week,
19 80,000 customers on curbside recycling, 13 drop-off
20 sites, three convenience centers, to six crews going
21 down of public service workers every day, six days a
22 week, to help clean up this city.

23 And one thing I'm the proudest of when
24 we walk away, is we clean up Nashville downtown
25 every night of the week, and Nashville is clean. I

1 say that, too, because today you're going to have an
2 opportunity, in my opinion, to take the Public Works
3 Department and the recycling to another level.

4 When I came in 2002, all I heard --
5 and Charley Tigert was the councilman for the 35th
6 district, and it's now an at large, talked to me.
7 He said, "Billy why can't you get something out in
8 the southwest part of Nashville for recycling?"

9 I live in the southwest part. I live
10 in Belleview. I couldn't understand, but every time
11 I turned around I ran into obstacles, whether it
12 would be getting a site permit or whatever. You
13 just could never get it to fit. Tonight you have an
14 opportunity to build, to help Metro build a
15 convenience center on the southwest part of
16 Nashville at no cost to the taxpayers of Davidson
17 County.

18 It's something similar to what we did
19 with Omohumbro Drive, with Allied Waste many moons
20 ago. They built it, we run it, it's successful.
21 The same thing is going to be true here. One thing
22 I pride myself in -- I believe in hard work, honesty
23 and loyalty. I have 367 people that believe that.
24 It's like this report that everybody criticizes
25 every year.

1 We rely totally on documents given to
2 us by the solid waste companies and TDEC's law. I
3 said since the many years I've been in Public Works
4 -- and I can't remember because I've been in Metro
5 43 of them -- that we need to get help at the state
6 level to mandate recycling numbers from all entities
7 just like they do trash. That way you can compare
8 one side to the other.

9 The staff here has to fight that
10 obstacle every year. They do great. Veronica
11 Frazier is not here because of surgery. Sharon
12 Wahlstrom, our finance manager, is back in the back.
13 She has a 71 million dollar budget, a 50 million
14 dollar capital budget, over 60 contracts; and one
15 thing I compliment Sharon all the time, is she's
16 never been over budget, and that's something good in
17 government.

18 People say we waste money, and one
19 thing I'm proud of is that Public Works doesn't do
20 that even though people may say we do. But I just
21 want to go on record because this will probably be
22 my last board meeting unless I find a new fire
23 chief by next year. My replacement on an interim
24 basis is kind of ironic. He was my replacement. He
25 had been my assistant director when I was Director

1 of Human Resources.

2 He went to the Department of
3 Transportation under Governor Bredesen and was a
4 deputy commissioner there. I brought him back to
5 work for me a few months back because he not only is
6 a great worker, he is my friend. He will keep
7 Public Works on the right track, but he doesn't have
8 to. The 366 other people are going to make sure,
9 and I just want to say I thank you, and I also thank
10 my staff.

11 But it's a great opportunity tonight,
12 in my opinion, to take the southwest part of
13 Nashville and give them the opportunity that right
14 now only exists in Anderson Lane and two sites in
15 East Nashville. Thank you.

16 MR. SHERMAN: It's surprising and a
17 disappointment.

18 MR. LYNCH: It's a shock to me, but I
19 was ready for it. I kind of knew it.

20 MR. SHERMAN: I can only speak on
21 behalf of myself, but I just know that your
22 leadership at the department and your work with me,
23 as the chair of the board, I deeply appreciate it,
24 your forthrightness about what can be done and what
25 can't be done, and your willingness along with the

1 staff to go the extra mile when I ask you for stuff.
2 Not too much, I hope, but deeply appreciate it, so
3 thank you very much.

4 MR. LYNCH: Appreciate it. Sharon,
5 are you going to lead us off now?

6 MS. SMITH: Yes.

7 MR. SHERMAN: Mr. Lynch, if nothing
8 else, there could be a chairmanship of the Regional
9 Solid Waste.

10 MS. SMITH: I just have to say I've
11 been presenting to this board for I think ten years
12 now, except for one year that I was actually taking
13 care of my mother who had surgery. In the years
14 that I presented to this board there have been many
15 times that my boss was not here to support me, but
16 Billy has always been at these meetings to support
17 me, and I really appreciate it.

18 Anyway, on a lighter note we have a
19 landfill summary to talk about. The first thing
20 that we need to do and that I would like to share
21 with you all is sort of what the status is of our
22 landfills in Davidson County. Davidson County, as
23 you know, has no class one landfills. We have no
24 landfills that take household garbage, and we
25 haven't for quite a number of years, but we do have

1 two construction and demolition landfills.

2 We contacted TDEC because they changed
3 the practice, this type of thing to see what sort of
4 life expectancy we had on the two located in our
5 counties. Southern Services located over in the
6 Bordeaux area has 14 years, and approximately some
7 of that was eaten up a little more than expected
8 during the flood. There was a lot of debris that
9 was diverted there.

10 As you may remember from our report
11 last year, our C & D tons skyrocketed from picking
12 up flood debris. The other facility that's located
13 in the county is Central Pike landfill owned by Mr.
14 Binkley. It's out in the Hermitage area. That
15 landfill is -- does not have any expansion capacity,
16 so it is very likely in the next two to four years,
17 depending on how much they take in during that time,
18 to close, and the municipal solid waste landfills
19 outside the county have a range of nine to 25 years
20 of life expectancy.

21 So tonight we're going to be
22 considering an application, and the role of this
23 board in Tennessee code is very specific. It
24 basically asks one question. The board is to
25 determine, does the application fit within the

1 ten-year plan, and in 2008 -- in December of 2008,
2 this board -- and many of the people are still on
3 the board -- passed an updated plan. I really think
4 that this board should be commended. That plan was
5 not required.

6 Tennessee law did not require an
7 update. TDEC did not require it, and it is the most
8 aggressive ten-year plan for folks who might
9 criticize it in the state of Tennessee. What that
10 plan lays out is basically an action plan for
11 reducing waste over the plan period by 2018. Waste
12 reduction was reiterated over and over again
13 throughout the plan, ways to reduce waste.

14 So we'll look at anything that -- any
15 application that comes in as to how it will impact
16 the waste in the county. Is there going to be
17 recycling? Will it help us reach our goal of 60
18 percent diversion? The ten-year plan also had a
19 checklist that every application needs to address,
20 and that checklist is very straightforward.

21 If they're a host community benefit
22 program and have any host community issues been
23 addressed, this board in the plan said that even a
24 construction and demolition landfill will be
25 required to have a liner, and the board wanted that

1 issue addressed considering how the property will be
2 handled after it's closed.

3 Of course, TDEC does mandate certain
4 parts of that. Any landfill has to be -- has to go
5 through a post closure plan, which they approve.
6 There's monitoring. There's a site impact study to
7 determine noise or odors, how recycling will be
8 handled and, in fact, we'll talk in a minute.
9 Recycling is required in this checklist and loads
10 being inspected to ensure that no --

11 You don't want household garbage going
12 into a C & D landfill, or in the case of a municipal
13 solid waste landfill you wouldn't want some type of
14 hazardous waste or unauthorized material going in.
15 So this is sort of what we have to have in the back
16 of our minds as we listen today.

17 The ten-year plan also gives us a
18 little more information that will help us look at
19 this application today. So, for example, it says --
20 and these are two quotes from section 7.6.2. Says
21 Metro does not intend to approve the development of
22 another C & D landfill in Davidson County unless it
23 determines that the need for such a facility exists
24 to enhance marketplace competition or secure future
25 C & D disposal capacity.

1 A new applicant coming in that wants
2 to -- that's presenting to this board is going to
3 have to go through a process. First of all, when
4 they come to this board, they may need to do other
5 -- get other various permissions in Metro, but
6 ultimately it will go through the TDEC permitting
7 process that could take 12 months to 18 months.

8 Then they have to prepare the site.
9 The earliest we're looking at here, most likely,
10 best case scenario, is probably two years before
11 they would actually be opening up to accept any
12 material for recycling or landfilling.

13 The second point that is in the
14 ten-year plan is that no expansion of a current C &
15 D disposal facility or permitting a new C & D
16 disposal facility will be entertained by the board
17 unless comprehensive on-site recycling is actively
18 underway or is included in the new facility's plans.

19 And this application -- I think what
20 you will hear tonight -- is focused on recycling.
21 They are planning from the start of this facility to
22 have it primarily first as a recycling, and then any
23 residual material that will have to be disposed of
24 will be disposed of.

25 This is the first time I think

1 somebody has come before the board with an attempt
2 to make an honest effort at starting with recycling
3 first and landfilling second. The applicant is
4 located -- or the property is located in West
5 Nashville, but their focus on recycling and a very
6 aggressive community benefit program that you will
7 hear a little more about, and that our director
8 referenced, money will go back to the community
9 through revenue generated at a recycling drop-off
10 site.

11 The Belleview library and community
12 center have been designated by the council people to
13 support in revenues that are generated and, I'm
14 telling you, there are so many people that want a
15 convenience center out in West Nashville. This is
16 going to be a huge benefit. Right now, if you live
17 anywhere out in that area, and you have a computer
18 you want to recycle, you have a 20-minute or
19 30-minute drive.

20 We are going to be able to offer
21 electronics recycling, all different kinds of other
22 recycling including cardboard, glass, plastic,
23 carpet and carpet pad, so it's going to be a huge
24 benefit to the community. On top of that we're
25 looking at, in a couple of years, with one landfill

1 potentially having a monopoly of the construction
2 demolition waste, so I do think that this will
3 create an enhancement of marketplace competition.

4 At this point if there are no
5 questions of me, I would like to turn it over to the
6 engineer, the applicant, Mr. Joe House. Are there
7 any questions?

8 MR. SHERMAN: Thank you, Sharon. Are
9 there any questions of Sharon or any legal questions
10 we can ask our attorneys about either the plan or
11 the checklist at this time? Otherwise, we can hear
12 what the applicant has to say, and we'll have a
13 chance to revisit that during our discussion, so you
14 have plenty of time to ask questions.

15 MS. LESLEE ALEXANDER: I have a
16 question. Sharon, which landfill are you proposing
17 would be the only landfill?

18 MS. SMITH: Southern Services because
19 Odell Binkley's landfill is likely to close in two
20 years.

21 MS. LESLEE ALEXANDER: What about
22 Waste Management?

23 MS. SMITH: That is Waste Management.

24 MS. LESLEE ALEXANDER: That is Waste
25 Management. I was thinking of the new site.

1 MS. SMITH: They only have one C & D.
2 They have a recycling operation out near their waste
3 transfer station, but they have only that one
4 landfill in Davidson County. I think it's gone
5 through several names. I'm not sure exactly -- Joe
6 may -- because Joe has a better history on this than
7 me, why it was called Southern Services. I know
8 Waste Management has owned it for years, but I was
9 thinking it was Southern Services. Do you know why
10 it's --

11 MR. HOUSE: It was actually a site
12 that originally was a permit by rule facility when
13 that component was in the regulations, and Mike
14 Pearigen was working at the department at that time
15 where you would -- if you just open the C & D
16 landfill and it was limited to five acres, you could
17 permit a site under a permit by rule. Well, that
18 was taken out of the regs probably in '93, I think,
19 when promulgated the Subtitle D regs, but that was
20 Dick Adams owned that site initially, and he sold to
21 Sanifill, which was purchased by another company.
22 Then Waste Management purchased it.

23 MS. SMITH: But that is their
24 property.

25 MR. SHERMAN: If there's no further

1 questions at the moment I guess we will move to
2 hearing from the applicants. Please state your
3 name.

4 MR. HOUSE: My name is Joe House. I'm
5 an engineer who's worked in the solid waste industry
6 since probably 1990. Again working at the Division
7 of Solid Waste as -- in the technical section about
8 the time the regs, the initial drafts said in the
9 Subtitle D, the EPA regs were promulgated, and I
10 helped in developing policies to interpret the
11 regulations.

12 In 1995 I left and went into the
13 consulting arena and have been practicing as an
14 engineer and geologist in predominantly the solid
15 waste field since then. I also live in Belleview,
16 and this facility that we're going to talk about
17 tonight, actually I moved to Belleview in 1977, and
18 at that time I remember this particular facility.
19 It is currently -- I've got the greatest pointer
20 known to man, and it's at home.

21 Anyway, this was a fill, if you will,
22 for unregulated waste material, construction waste
23 material such as concrete, concrete block, brick,
24 stumps, pavement, concrete with rebar, and also soil
25 waste, spoils from certain construction projects

1 that can't be used for structural fill.

2 It's had a couple of different owners
3 over the years. This is actually, probably one mile
4 from the Old Hickory Boulevard exit off I-40 going
5 west. So at this time the current owner is also --
6 maintains a permit with the Division of Metro Storm
7 Water Division. He has a grading permit, and he is
8 allowed at this particular point in time to dispose
9 of these kind of materials out here, but what he has
10 really been trying to formulate for a number of
11 years is to create a recycling facility for this
12 type of material.

13 So he came up with the idea that it
14 would be synergistically beneficial, perhaps, to
15 have a convenience center for Metro where people
16 take their normal recyclables, and also at this same
17 location he would set up a facility that would take
18 in construction demolition materials and basically
19 sort those out such as landscape waste.

20 At this point in time the wood waste,
21 which used to, people like your electric company,
22 Middle Tennessee Electric and all, would give that
23 away, and they would have to find a place for it.
24 Now there's value on it. For instance, Inland Paper
25 comes all the way to Williamson County at times to

1 get their ground wood waste and pay \$20 a ton for
2 it.

3 So that was an encouragement to make
4 in a facility like this work. What, in my opinion,
5 has happened over the years to different entities
6 that have tried to -- attempted to set up a quote C
7 & D recycling facility is, that they don't have an
8 outlet for any of the residual materials. For
9 instance, if the construction industry takes a dip,
10 or there's not really a market for certain parts of
11 the waste stream, then they end up --

12 They would have to reload this
13 material, take it to a landfill and pay the normal
14 tip fee. Well, you just can't make the economics
15 work that way, but with this facility, the beauty of
16 this is in my opinion, is that they have also a
17 place to stage these type of materials, and then
18 also a place for the residuals that cannot be
19 recycled.

20 Keep in mind, too -- you say, well,
21 some people might say this is just kind of a unique
22 way to do a landfill. Well not -- in my opinion,
23 that's really not the focus of this because this
24 particular piece of property, the topography is such
25 that it is not laid out so that this can turn into a

1 mega landfill, and so you have to be very efficient,
2 in my opinion, in your operation to make this work
3 and to sustain this operation. You want to limit
4 the amount of material that does end up being
5 disposed in the fill.

6 That being said, again, what I've just
7 been discussing is we want to provide a facility,
8 which like I say, I have to drive to -- the closest
9 convenience center is Ellington Parkway so it takes
10 me about 25 or 30 minutes from my home to get to
11 that facility, so we would have a drop-off site, and
12 it would be 24-7 for your recycling materials.

13 Again, this facility would be situated
14 adjacent to the recycling, the convenience center
15 for household recyclables. Again EPA has --
16 believes that all this waste should be recycled.
17 Another waste stream that is real difficult to deal
18 with at a demolition fill is mattresses, for
19 instance. You generate a tremendous number of
20 mattresses now.

21 You can imagine how hard it is to push
22 these mattresses into a waste fill and try to work
23 with them. Now you can recycle an entire mattress,
24 every part of it, so that's another reason why
25 there's a good opportunity for this facility. And

1 again here are some common C & D materials on the
2 screen. Of course, lumber and drywall, and with
3 that drywall I'll say this.

4 Several years ago I worked with
5 Tennessee Waste and also Williamson County. The
6 focus was -- what they do -- they were crunching the
7 waste with a track hoe, load it on a screen and
8 pulling all the metal and the large rock and pieces
9 out, and were going to use that for alternate daily
10 cover in the landfill.

11 But what hurt that operation was the
12 fact that the drywall wasn't pulled out, and so some
13 of the class one landfills that this alternate daily
14 cover, which is called recovered screened
15 material -- Florida is really focused on this aspect
16 of recycling. But the problem that we were faced
17 with is the landfills didn't want to take it because
18 they felt like there was too much drywall in the
19 material, and so they would generate too much
20 hydrogen sulfide gas.

21 So that market kind of dried up for us
22 so we -- with that we got to keep in mind that even
23 drywall needs to be separated if we're going to
24 generate alternate daily cover. But that is a
25 potential material that you could process and use in

1 a landfill. So roofing shingles, there's a facility
2 out on Central Pike that was trying to recycle
3 roofing shingles.

4 I suppose the market kind of took a
5 dive. They didn't have an outlet for it. Then they
6 ended up kind of walking away, and they've got this
7 mass of material, nowhere to put it. They can't
8 afford to reload it up, take it to a landfill
9 because they're out of business anyway. Again,
10 having this residual fill as a backup for some kind
11 of event like that, makes sense to me.

12 Of course, I mentioned mattresses,
13 paper and cardboard, plastic, concrete, leaves,
14 brush. Also, the concrete is potentially a viable
15 market, but we need an area to store that material
16 until at which time we can have a grinder come in
17 and process that material for construction projects.

18 This slide depicts the kind of layout.
19 I apologize again. I don't have my pointer;
20 however, if you will look, you may be able to read C
21 & D placement, that rectangular outline, heavy bold
22 line that is just above the north there. The
23 facility is going to be off of Charlotte, and
24 there's a driveway that serves both the convenience
25 center and the recycling process facility.

1 And as you come in the entrance, the
2 first right you take -- and you'll see a number of
3 parallel lines there, that depicts where the
4 recycling bins will be, and that will be the 24-hour
5 drop-off area. Then as you move south into that
6 larger trapezoidal looking area with the lines that
7 are kind of angled at 2 o'clock, that depicts where
8 the roll-offs will be where people can come in and
9 drop their waste off.

10 Now to the right of that, also a
11 trapezoidal area, that's where the C & D material
12 will come into and be processed. Then there's a
13 larger footprint that I've depicted down on the
14 bottom for C & D placement. That shows a buffer
15 over the property line. So anyway, we haven't
16 graded this in yet. What we wanted to do first was
17 come before you guys and present this before we
18 really went to the state.

19 Again, I've talked about a 24-hour,
20 seven-day recycling drop-off, and the revenue, if I
21 understand it correctly, will go to the Belleview
22 Library and possibly Red Caboose Park. Then I also
23 want to say that we've had a community meeting, a
24 neighborhood meeting two weeks ago at the Gower
25 School, and Councilman Weiner and Councilman

1 Mitchell both were in attendance, as well as 20 to
2 30 residents.

3 And we made this same presentation
4 with a little bit more detail as to issues that they
5 would specifically have about the facility, and we
6 basically received no real loud, negative comments
7 about what we're proposing to do.

8 This map right here kind of gives you
9 a depiction of where the current facilities are,
10 which that would be more in that beige color there.
11 The proposed facility would be down in the southwest
12 corner, the lower-left corner on this map, which is
13 the square shape that's got the yellow fill in it.
14 So as you can see, pretty much all the current
15 facilities are slanted on the east side of Davidson
16 County.

17 This one would serve the southwest
18 area, which again hasn't had a place to go with
19 material. This is one of the convenience centers
20 just to kind of show you how it can be aesthetically
21 pleasing. As Sharon mentioned earlier, the board
22 passed some regs, basically, tenants, which they're
23 actually more stringent than the Division of Solid
24 Waste based geologic buffer requirements, which they
25 require five feet of one times ten minus six

1 centimeters per second above the seasonal high water
2 table, or ten feet of one times ten minus five
3 centimeters per second.

4 This clay soil, this would also
5 require a geosynthetic liner material in the base of
6 the landfill to further protect ground water. Site
7 impact study, Metro regs also regulate noise to 70
8 decibels between the hours of 9 and 6 a.m. A lawn
9 mower is 90 decibels, so you can see that's pretty
10 stringent limits on that noise. I've done noise
11 surveys at numerous landfills, and for the most part
12 you rarely get --

13 I haven't had hardly any 90 readings
14 at the working phase. Never have I had one 200 feet
15 off of working phase. Again, odor, the
16 non-putrescible nature of the waste allows materials
17 not to generate methane gas and noxious odors.
18 There are no real -- in reviewing the records of the
19 site inspections from landfills across Middle
20 Tennessee, there really have been no landfills cited
21 for odor, and CBM will be cognizant of this as well
22 and follow all the guidelines on operating a
23 landfill with compliance to both Metro and the
24 state.

25 Now, again, our goal is to recycle all

1 or most of the material. One thing about it, by
2 having the facility up front we'll be able to
3 evaluate what material comes in before it's
4 transported to the fill area. Then all recyclables
5 will be sorted, processed and sold or reused as we
6 can. Then we'll have bins up front for any
7 unacceptable material to be placed in and diverted
8 to another landfill.

9 I guess there was one other point
10 probably I would like to make. Currently they have
11 a permit to develop most of this site by filling of
12 this material, and he has just one entity that
13 regulates it. That's in the Division of Water
14 Pollution Control. When he takes this step, then
15 what's going to happen now is he's under the purview
16 of the Tennessee Division of Water Pollution
17 Control, and he's under the regulatory purview of
18 the Division of Solid Waste Management.

19 So now he's going to have three
20 entities that are going to be inspected, and if he
21 grinds concrete, then he's going to be under the
22 purview of the Division of Air Pollution Control, so
23 there's four different entities that are now going
24 to be looking at this deal, whereas right now
25 there's just the one, and they're just looking at

1 storm water; so really he's being, in my opinion,
2 being responsible, and moving in this direction and
3 trying to make a difference with our recycling goals
4 for Metro.

5 You know, years ago I made a mistake
6 when I was at the state. I guess I made a lot of
7 mistakes in my life, but we had a lady that was
8 legally blind. I'm not going to blame it on her.
9 I'm taking all the fault for it. We had two sets of
10 regulations. One was for the class three landfills,
11 which was landscape and yard waste, and we had a
12 class four reg.

13 What happened was that the class four
14 regs got put under class three heading. The three
15 regs, landscape waste, got put under the four,
16 construction/demolition. Well, the construction/
17 demolition landfill didn't have to have ground water
18 monitoring. It had to have an order of magnitude
19 less of permeability under it, and it also only had
20 to cover 30 days rather than 14.

21 They fixed that now where it's only
22 class three landfills, and you have to monitor
23 ground water. So I guess where I was going with
24 this was: We had the rule where you had to reduce
25 your waste by 25 percent. Well the way most

1 counties achieved that goal was they permitted a
2 class four landfill with the RCRA regs, and they
3 used that, and by just diverting C & D material to
4 the class four, that helped them achieve their 25
5 percent waste reduction goal, but at this point it's
6 changed in the past.

7 So things are being maybe improved for
8 the better, and we hope that this project can be
9 approved, and we can try to demonstrate that we can
10 make this work. So with that ...

11 MR. SHERMAN: Thank you, Mr. House. I
12 think we'll have Mr. Mitchell speak, and then we'll
13 take questions from the board.

14 MR. MITCHELL: Hello, I'm Mickey
15 Mitchell. I'm the owner of the property. I've
16 owned the property since 1999, and as Joe said, some
17 of the things I say I'll repeat them, the same thing
18 that he had said, but just reiterate it. The
19 existing permit now is inert materials. It's been
20 that way for years before I owned the property.

21 My plan is to continue owning and
22 operating the site within inert material permit that
23 I have now, or if I get this new permit, then it's
24 my plan to continue operating it with a new permit
25 with the recycling center component, the component

1 of the C & D and with the recycling center. That's
2 what my plan has been for a long time.

3 About six months ago I was approached
4 with the idea of partnering with Metro in order for
5 them to get a convenience center in the area, so we
6 have come up with a plan to upgrade my permit to a C
7 & D classification and me furnishing the land along
8 with spending 150 to \$200,000 to put in this
9 convenience center. This will accommodate the
10 community and fill a need for Metro.

11 As Joe said, about a few weeks ago Ms.
12 Weiner and Mr. Mitchell -- and he is not any kin to
13 me. Two of the local council members hosted a
14 community meeting at Gower School, which is in the
15 Belleview area, in support of the plan. We met with
16 the community, and for the most part had total
17 support.

18 At the end of the meeting the neighbor
19 that has been there for years before I bought it and
20 has been there since I've had it, he stood up to say
21 that he was there during the previous owner, and the
22 guy was a complete nuisance, and it was a problem
23 constantly.

24 He said that he has not had one
25 problem since I've owned it and that he was in total

1 support. So that's the way that that meeting ended,
2 so I appreciate your time tonight, and this is our
3 next step, so thank you guys very much.

4 MR. SHERMAN: Thank you, Mr. Mitchell.
5 I'll turn it to the board and see if the board has
6 any questions of either Mr. House or Mr. Mitchell or
7 of the department or any legal issues.

8 MR. LANE: I have one question.

9 MR. SHERMAN: Mr. Lane.

10 MR. LANE: Approximately what
11 percentage are we talking about in terms of
12 recycling? I know you said you wanted to try to
13 recycle most of it, but realistically, approximately
14 what percentage?

15 MR. MITCHELL: Sir, it would all
16 depend on what material you're talking about. Like
17 rocks that come in, we'll recycle a hundred percent
18 of the shot rock. The dirt, we'll filter it and
19 whatever stumps and debris, we'll chip it; and the
20 dirt, we'll screen it, and it will go back out.
21 Lumber, we'll chip it, it will go back out.
22 Concrete, we'll get the rebar out, and the steel
23 will go back out, and the concrete will go in.

24 So what our number one goal is, just
25 like Joe said, is to put the very least amount into

1 the fill as we can because of the limited air space
2 that we have, and so this is a true recycling center
3 with a C & D component, and so the recycling centers
4 and other places haven't worked because they don't
5 have the C & D component because they have to pick
6 it up and truck it to a place, so the trucking
7 expense and then the expense of dumping it. So
8 right now it would depend on what material we're
9 talking about, so globally I wouldn't know because
10 we don't know what we'll be taking.

11 MR. LANE: What about just your C & D
12 type material?

13 MR. MITCHELL: It's all called C & D.
14 All of it is called C & D. It's a construction
15 demolition material. All of it is classified as C &
16 D, so we would anticipate trying to recycle as much
17 as we can, but I don't have a number for you for
18 that.

19 MR. SHERMAN: Thank you, Mr. Lane.

20 MS. LESLEE ALEXANDER: There is
21 currently a certification for recycling C & D
22 facilities that was released actually on Monday of
23 this week. Are you familiar with that?

24 MR. MITCHELL: No, ma'am, I'm not.

25 MS. LESLEE ALEXANDER: It was released

1 by the Construction Demolition Recycling World,
2 which is a national association. They're working
3 with the U.S. Green Building Council and the EPA to
4 develop a national standard for recycling C & D
5 materials, and I would encourage you to become a
6 participant in that program because I think the
7 standards are heading in that direction as far as
8 everybody knowing what's going on at the C & D
9 facilities.

10 MR. MITCHELL: Does it have a
11 component about the tax benefits for the companies
12 to recycle, to send their stuff to a recycling
13 center? Is that a part of it?

14 MS. LESLEE ALEXANDER: I think the
15 hope is that the certified facilities will be the
16 ones that are used, because people can --

17 MR. MITCHELL: I'm aware of that
18 portion of it, but I'm not aware of the one that is
19 just passed, but I will become aware of it. Thank
20 you.

21 MR. LANE: I have a follow-up
22 question. I'm thinking about the sales and services
23 since we got the Bordeaux area which, from what I
24 understand there's very little recycling. How would
25 you compare what you plan to do to what is happening

1 out there?

2 MR. HOUSE: Their number one focus is
3 they purchased Tennessee Waste Operation, and
4 they've hired some people to work with their
5 department, too, in sustainability now. I know a
6 couple of people that that's what their purpose is,
7 so they're going to be moving in that direction as
8 well, but I don't know many people know about
9 recovered screen material. Tennessee Waste did.

10 That's what I was describing earlier
11 where they were crunching material and screening it
12 and taking that material. For instance, in Florida
13 they use it as unregulated fill material because
14 Florida doesn't have a whole lot of extra soil if
15 you fill below it. We also -- the State of
16 Tennessee has also permitted that type of activity,
17 that you could take that recovered screen material
18 and use it, say, for a soccer field or whatever.
19 It's on a site-by-site basis as the situation
20 arises.

21 So if you've got a project where you
22 want to use that material, you go to the Division of
23 Solid Waste, and you present the project to him, and
24 then they have you run tests on that material to see
25 what will leach out of it. Then he makes a decision

1 on whether you can use that material for a specific
2 project.

3 MR. LANE: I'm more concerned about
4 one of added to an approach because it's my opinion
5 that Southern Service is rejecting recycling, and
6 you are proposing to do it. That's why, you know,
7 so I'm looking at some comparison. Do you
8 anticipate 50 percent of what you get will be
9 recycled?

10 MR. MITCHELL: Yes, sir, but my
11 facility and Southern Services' facility will be day
12 and night apart. Southern Services' facility is
13 like Joe says, is a dump site. Everything that
14 comes to that site, they take it to the site and
15 dump it, compact it, and it's gone. When it comes
16 to my site, it's a recycling center with a C & D
17 component. There's a C & D site, end of story.

18 They talk about recycling, but they
19 haven't added a recycling component to theirs
20 because it adds a whole new market segment to their
21 business. They are good at what they're doing, have
22 plenty of air space so they don't have that
23 component to it. So this is a recycling center with
24 a C & D component, so instead of taking it to the
25 dump and dumping it in the dump face, then he'll

1 take it and dump it in places where it's like dirt,
2 I will have a place to dump dirt.

3 Concrete and shot rock will have a
4 place. C & D material will go into a building where
5 it will be segregated. This will be a true
6 recycling center with a convenience center beside
7 it.

8 MR. SHERMAN: Mr. Diehl?

9 MR. DIEHL: What is the proximity of
10 the site to the Harpeth River?

11 MR. HOUSE: Five miles.

12 MR. DIEHL: The last -- Joe, you
13 remember. The last time they landfilled in that
14 area the county came up. It failed at the state
15 level because of a regulation that had been modified
16 years earlier to prevent such a site.

17 MR. HOUSE: This is about five miles.

18 MR. SHERMAN: Other questions? I was
19 interested in -- you said there isn't that much air
20 space there and that much land space. What's your
21 projected life expectancy of this if, in fact, you
22 recycle as just whatever the market has done over
23 the last ten years, some trend in terms of -- are we
24 talking about a three-year life span, or are we
25 talking 30?

1 MR. MITCHELL: 15 to 20.

2 MR. SHERMAN: 15 to 20?

3 MR. MITCHELL: Yes, sir.

4 MR. SHERMAN: Thank you. This is kind
5 of building what Robert said. So there's that
6 permit by rule originally from the state for around
7 the storm water management. Are there any wetlands,
8 regulated wetlands, blue line streams? Anything
9 that you would have to work around or get other
10 permits from the state?

11 MR. MITCHELL: We already have all
12 that checked out before we got this far, so no.

13 MR. SHERMAN: That's great because the
14 last two we've had, we've had that conversation.
15 There's no composting that's going to happen on this
16 site though; is that right?

17 MR. HOUSE: Yes, sir.

18 MR. SHERMAN: Yes, sir, no composting?

19 MR. HOUSE: Yes, sir, there will be
20 composting.

21 MR. SHERMAN: Is there a particular
22 order issue that is a concern there?

23 MR. HOUSE: It may be something on the
24 lines of an Agbag system, which is composting in an
25 enclosed bag. I don't know if you've seen that

1 before where you inject air and liquid into the bag
2 to heat it, work it that way.

3 MR. SHERMAN: Sounds like a good
4 science experiment. So those are my most
5 significant ones. What I didn't know -- and I
6 think, Mr. House, you covered this -- is the
7 difference between the kind of waste that goes there
8 now and C & D waste. Is what's going to happen now
9 just a subset, or is C & D waste, you can do any C &
10 D waste out there now and call it what you're doing?

11 MR. HOUSE: In the division of Solid
12 Waste regulations, they have exempted materials from
13 regulatory purview, and those are the ones that I
14 listed, the concrete pavement.

15 MR. SHERMAN: Any other questions?

16 MR. VANNATTA: I have one question.
17 If, for some reason, three, five, six years from now
18 you just walk away from it, are you bonded? Who
19 would close it if you walked away for some reason,
20 you were financially unstable or declared
21 bankruptcy? What happens to the landfill?

22 MR. HOUSE: That's a good question.
23 As part of the permitting process with the division,
24 what you are tasked to do is to prepare closure,
25 post-closure plan, and with that you prepare reg

1 sheets and estimate what your closure costs and what
2 your post-closure care costs are. You submit that
3 to the state. They look at it. They add a ten
4 percent contingency to that.

5 They add 30 days worth of estimated
6 volume what the tip fee would be for 30 days. Then
7 they send you back a letter saying this is how much
8 money we need up front as a surety bond or some kind
9 of stocks or trust or whatever. There's several
10 different financial instruments that you use, and
11 you have to post that before you can open the
12 facility.

13 So that is in the event of that, a
14 facility were to go bankrupt, then the state would
15 have revenue to go in and close the facility
16 properly and take care of it.

17 MR. VANNATTA: Has that number been
18 determined?

19 MR. HOUSE: No, not yet. We haven't
20 done the application. That's probably -- this
21 application process is probably at least a year and
22 a half or more, so with that all these different
23 issues -- the regulations are 200 and something
24 pages that you have to comply with.

25 MR. VANNATTA: So you make money

1 basically by tipping fees and recycling revenue. Is
2 that it?

3 MR. HOUSE: That's correct.

4 MR. VANNATTA: Hopefully, that's more
5 than the expenses?

6 MR. HOUSE: Exactly.

7 MR. DIEHL: One other question. If I
8 were better at reading this topographical map, I
9 might be able to tell for myself, but what happened
10 there May of 2010 on the site?

11 MR. MITCHELL: Nothing, no, sir.

12 MR. DIEHL: So if the Corps of
13 Engineers screws up royally again ...

14 MR. MITCHELL: We're okay. We're five
15 miles from the creek, and the water, as deep as it
16 is, it went out of there pretty quickly.

17 MR. SHERMAN: Any other questions?
18 Ms. Hughes?

19 MS. HUGHES: Well actually -- so the
20 flood from May, 2010, it really didn't affect this
21 spot. It just flowed through?

22 MR. MITCHELL: Yes, ma'am.

23 MR. SHERMAN: I think we've exhausted
24 ourselves up here with questions. So we're going to
25 open it up now to the public. There's a couple of

1 things before we do. First of all, there was a
2 suggestion made by actually one of the publics about
3 limiting time of presentation. As those who have
4 been with me as the chair for the past few years,
5 I'm actually very willing to hear it. I honestly
6 want to until I've had enough, I guess, but --

7 I'm willing to have open conversation,
8 as long as it's on point; however, I will, if the
9 board feels strongly about limiting it, then I will
10 understand any conversation about that. We're going
11 to open up the floor, and I would first invite, if
12 there's anybody in the media community that either
13 attended the meeting the other night or just has --
14 is from there, would like to speak first. I would
15 urge you to come up first.

16 I also would like to read into the
17 record a letter from Councilwoman Sheri Weiner about
18 this sent to me on March 14:

19 "Dear Mr. Sherman: I am the Council
20 person for District 22. The proposed C & D
21 Recycling and Fill Facility with a Residential
22 Convenience Center and recycling drop-off site is in
23 my councilmanic district, and is up for
24 consideration on your agenda for March 29. I will
25 be out of town on that date and wanted to convey my

1 thoughts to you in writing.

2 I have been engaged for several months
3 with discussions about this proposed use with
4 representatives of the Metro Public Works
5 Department, representatives of the owners of the
6 property, several of the neighbors in the area, and
7 Councilman Bo Mitchell who is in the contiguous
8 councilmanic district to mine.

9 On Tuesday, March 13, I conducted,
10 along with Councilman Mitchell, a joint informal
11 meeting that included representatives of the Public
12 Works Department, owners of the property, their
13 experts and a question and answer period by those
14 that attended. The response by those in attendance
15 was very positive, and I feel strongly that the
16 proposal would be a significant asset, not just for
17 my district, but for the entire City of Nashville.
18 I am asking that this matter be approved at your
19 meeting on March 29.

20 Please share my letter with the
21 members of the Board, Sincerely, Sheri Weiner."

22 So with that read I'll open up for
23 public comment.

24 MS. SMITH: We do have one person here
25 who, if at all possible, we would like to address

1 the recycling drop-off, who can speak from firsthand
2 experience as one of our partners.

3 MR. SHERMAN: Is this another
4 public --

5 MS. SMITH: Yes.

6 MR. SHERMAN: That's fine. So, of
7 course, anybody is welcome to come up and speak, as
8 long as you are on point. So please.

9 MS. MARTIN: Hi. My name is Liz
10 Martin, and I'm here -- basically we are the
11 community partner that works with the Belleview site
12 currently that is at the MTA's lot. Are you guys
13 familiar with where I'm talking about? I'm with
14 Fifty Forward. I'm the center director. We are a
15 nonprofit organization that's in Davidson County and
16 actually Williamson County.

17 I run a senior center, and we actually
18 partner with Metro in monitoring the recycling site
19 on a daily basis to make sure that things are
20 running smoothly to supplement -- the staff can't be
21 there all the time. Basically, I have a crew of
22 volunteers that are very interested in a -- they are
23 interested in Belleview. They are very interested
24 in their community.

25 It's a great program for us because we

1 need a lot of volunteers to monitor the site every
2 day of the year, seven days a week, 365 days. Our
3 volunteers are out there checking the site.
4 Basically, what we do is try and be the hands of
5 Metro because they can't be every second of the day.
6 What we're monitoring for is just to make sure the
7 place is clean. We do sometimes have people that
8 will leave things that are not supposed to be there.
9 By and large it really goes very smoothly.

10 We're just -- you know, they go and do
11 their recycling that day, and in the event that
12 someone were to leave something, or, you know,
13 there's a big increase in what's been left, we can,
14 you know, talk with Metro right away, and then they
15 are able to get manpower out there to take care of
16 that.

17 So what do we get in return? Well, We
18 get a percentage of the per ton -- and I can't
19 remember the exact amount. Sharon commented on
20 that. It equals out to be about 24 or 25,000 a
21 year. For a nonprofit like I work with, if you want
22 to talk about real people this last year -- it
23 really helps us run our transportation services for
24 seniors that are no longer able to drive.

25 It helped us pay for a new van that we

1 purchased last year, so these are real dollars that
2 stayed right in Belleview. Our people are very
3 committed to the program. They don't miss. On
4 Christmas Day I was talking to someone with Metro
5 because we see a big uptake in recycling around the
6 holidays.

7 So it's a great program. I actually
8 live in Donelson on the other side of town and work
9 in Belleview. I'm familiar with the other sites.
10 It is a big distance for the people that live in
11 Belleview to have to go and drop off other recycles.
12 I think it's a great thing. I don't really see it's
13 competition for our site because I personally
14 believe in recycling and think the more recycling
15 response that we can have in Davidson County, the
16 better.

17 So I just wanted to let you guys know,
18 I'm an actual recipient of the funding that
19 actually, in turn, really helps people right there
20 in Belleview. That's all. Does anybody have any
21 questions about anything?

22 MR. SHERMAN: Thank you. So will you
23 be the community partner for this facility as well?

24 MS. MARTIN: No.

25 MR. SHERMAN: So your story is about

1 how it works for you?

2 MS. MARTIN: How it works for us. I
3 think the other sites would be the library and the
4 community center. They would be someone like us,
5 but they would, in turn, keep the dollars right
6 there in Belleview.

7 MR. SHERMAN: Thank you. Any
8 questions? Other -- anybody else in the public want
9 to speak? Please.

10 MS. HAYSLIP: Anna Hayslip. Mr.
11 House, I wonder if you would just briefly talk about
12 your marketing possibilities with roofing shingles,
13 the cardboard. Cardboard is a problem at some sites
14 because it's in such a bad condition, they don't
15 have a market for it because it's not clean enough.
16 Could you describe -- I guess it's a physical
17 limitation that would keep this from getting to be a
18 big dump basically. I know it's a lot at one time.

19 MR. HOUSE: Well, shingles is another
20 one of those, I guess, waste materials that can be
21 used, or TDOT has tried to use that material in the
22 past. People have tried to grind them. The
23 facility on Central Pike, you know, again tried
24 unsuccessfully, I think, because of the economic
25 downturn, and that's what we kind of got to try to

1 work through, focus on which materials are
2 economically viable at the time. For instance,
3 stockpile some that we see. Like cardboard will go
4 up, and it will go down.

5 So if we got a way to kind of stage
6 some of this and stockpile it for the future, then
7 it's not like -- and I thought about this for tires
8 as well. Not necessarily tires for this site but,
9 you know, the fuel costs as they are, there's -- for
10 instance, tires get five to six quarts of oil in it.
11 So as we go forward the value of that waste, tires
12 are going to be more and more as tire derived fuel.

13 So there's a company coming into
14 Tennessee at some point from Georgia that's going to
15 make recycling tires better. Again like Mickey kind
16 of said, we just -- to make this work we have to
17 have a component where we can either stage or
18 literally store this material until at which time we
19 can make it work economically.

20 So maybe some of the waste that goes
21 to that fill, to talk about this, placing it in an
22 area with the same type material so that when that
23 material becomes economically worth processing, then
24 we can go get that material so that it won't be just
25 all thrown in together.

1 Then you try to mind that. I did a
2 permit for Central Pike for mining that landfill out
3 there, but they tried it, and just really didn't --
4 the material was contaminated with other material,
5 so what we're planning to do is kind of have certain
6 areas for certain materials so you can go back at
7 some point in the future and reclaim some of that.

8 MR. SHERMAN: Very good. Thank you.

9 MS. HAYSLIP: It was the same
10 situation ...

11 MR. SHERMAN: Excuse me. Can you get
12 up there if you have another question or comment for
13 the board?

14 MS. HAYSLIP: It's the same question.
15 He didn't answer it, about what limits, what keeps
16 the site from getting to be just a landfill. You
17 said there was some physical limitation.

18 MR. HOUSE: If you want to sustain
19 this facility, you know, what you go permit with the
20 state is -- for instance, let's just say we're
21 standing in the landfill right now, and I'm standing
22 on the floor that's been permitted. In other words,
23 they give you an elevation that you can cut to, and
24 they give you an elevation like this ceiling that
25 you can fill to.

1 Well, due to the topography out there,
2 it's not like you got a big area, open area like
3 near a flood plain, whatever, that you can just, you
4 know, back up and fill as much as you can. You are
5 restrained by filling because, for instance, if I
6 got this hill over here next to me, I can't really
7 get up that high, so I got a limited amount of air
8 space. That becomes valuable now to you, and so
9 what you want to do is preserve that to make your
10 facility work.

11 You're going to try to divert as much
12 as you can going into that fill because that's going
13 to be consumed at some point, and then you're kind
14 of ...

15 MS. HAYSLIP: Done. Thank you.

16 MR. HOUSE: You're done.

17 MR. SHERMAN: Let's just raise your
18 hand so I will at least know if there are folks who
19 need to participate. There will be at least three
20 more. Whoever, step on up.

21 MR. WOOD: Thank you very much. My
22 name is Bruce Wood. I'm the elected president of
23 Burnt, a 23-year-old nonprofit environmental group
24 in Nashville. We've shut down chronic polluters and
25 helped the value of commercial real estate

1 throughout the City of Nashville, and now we're
2 active on solid waste reform in the State of
3 Tennessee, and my basic fundamental point is to ask
4 you to not approve this tonight.

5 Once you approve this tonight it's
6 gone. Metro will never have another opportunity to
7 regulate or control this site because it will all be
8 the State of Tennessee. Mr. Mitchell is very nice
9 and conscientious man. He might sell this in two
10 years to somebody else who's not so conscientious
11 and nice. I'll talk about that later. I don't
12 understand. Like Southern Services is in that area.
13 I didn't see that when that came up on the map.

14 There's a big drop-off in Belleview at
15 the Park and Ride. It has a lot of use there, so
16 it's not like this area is not utilized. I would
17 ask -- I didn't see. I've heard that they did
18 submit a USGS topographical map. Did they submit a
19 part one application to the state? Did they submit
20 a description of the key personnel?

21 MS. SMITH: Yes.

22 MR. WOOD: Okay. I would like to say
23 that again. You can come back. You could have -- I
24 hate to be radical, but another meeting sooner than
25 a year to approve this application. I do not think

1 that this is adequately public noticed. The public
2 notice, which I have Saturday, March 24 paper, says
3 the Metro Solid Waste Regional Board will consider
4 the following: Board bylaws, ten-year solid waste
5 plan and the CBM C & D recycling. Will consider?

6 That's quite different from approving
7 a permit for a landfill that could exist for a long
8 time and a recycling center. So I think that the
9 public notice is not adequate. I would suggest
10 basically what you've seen is a slide show rather
11 than engineering plans, which I think is very
12 germane and needed. On this we've just had
13 difficult, say, experience with solid waste in
14 Nashville.

15 We landfilled 200,000 tons in Camden
16 that's going out of county. This is not been
17 sufficiently public noticed. It's a slide show
18 rather than the plans with engineers, sign, and it
19 is -- you've got to change the ten-year plan. The
20 ten-year plan says that Metro does not intend to
21 approve the development of another C & D landfill
22 unless it determines that the need for such a
23 facility exists to enhance the marketplace
24 competition or secure future C & D disposal.

25 Secondly, no expansion of a current C

1 & D disposal facility or permitting a new C & D
2 disposal facility will be entertained by the Solid
3 Waste Board unless comprehensive on-site recycling
4 is actively underway, or is included in the new
5 facility plan. I just don't think you can make
6 those calculations now tonight, that you should have
7 more substantive indication of what the plans are.

8 You should not be amending the
9 ten-year plan basically on the back of an envelope,
10 and what are we going to say, what are we going to
11 do? This is very concrete that Metro does not want
12 another landfill. Now, it's said to be a recycling
13 coming on. I certainly hope that happens, but we
14 would urge -- I urge to come back, first do
15 sufficient public notice to let the citizens know
16 what's going to happen, that we're going to have
17 another landfill in Davidson County.

18 That's a very serious undertaking.
19 Secondly, public notice it and third, have the staff
20 and then circulate it to yourselves, the people that
21 come to these things, what the new language will be
22 for the ten-year plan. So my point and position is
23 that it's premature to approve this permit now, and
24 to have better public notice, and to draft the
25 language if you're going to amend the ten-year plan.

1 Thank you very much.

2 MR. SHERMAN: Thank you, Bruce. A
3 quick question for Theresa. Talk about the public
4 notice, please.

5 MS. COSTONIS: Yes, sir. For this
6 hearing the rules provide that the public notice
7 must be given in accordance with Title 8, Chapter 44
8 of the Tennessee Code, which is the Open Meetings
9 Act.

10 The Open Meetings Act as to notice
11 says any such governmental body which holds a
12 meeting previously scheduled shall give adequate
13 public notice of such meeting, and it just uses that
14 general term, "adequate public notice." That's been
15 interpreted in case law, and the case law generally
16 held that that is something that is determined under
17 the circumstances.

18 So there's not any right line rule as
19 to what exactly constitutes adequate public notice.
20 In this particular case, based on the notice that
21 I'm familiar with that was given, I would say it is
22 very consistent with the case law and absolutely
23 would have been considered adequate notice.
24 Publication in the newspaper, for example, is not
25 the only kind of notice that you can have. In this

1 case there was publication in the newspaper with an
2 agenda six days before the meeting.

3 There was also posting on the Web site
4 like a good two weeks beforehand, and e-mail sent
5 out to all interested persons and, you know, there's
6 a case, for example, that holds that even without an
7 agenda, public notification beforehand would be
8 fine. You know, Metro regulations don't require
9 more extensive notice than was given.

10 MR. SHERMAN: Thank you. I think we
11 can have that conversation more as a board about the
12 legal versus the ethical about this. Obviously,
13 there's not a right line, so that's helpful. Thank
14 you.

15 MS. FORCE: Good evening. My name is
16 Sherry Force. I only have a couple of questions.
17 Mr. Lane asked earlier what percentage of the
18 material would be recyclable, or what would be left,
19 and you could not give a figure on that. Could you
20 give us a better idea of what some of the residuals
21 are?

22 I know it came out through some of the
23 questions that she was asking, shingles and tires.
24 They seem pretty problematic. What other kind of
25 residuals would end up in the C & D landfill?

1 MR. HOUSE: It would be wood waste
2 that might be what you call contaminated with other
3 materials that we couldn't separate to grind.
4 That -- for instance, if somebody demolished your
5 house, and it was insulation mixed in with some
6 boards or some drywall that we couldn't separate, or
7 grind and use, albeit again that would cover screen
8 material. If we can crunch that material together
9 and screen it, then market it as an alternate daily
10 cover for class one landfills; but it's just as the
11 market will allow that basically.

12 I know there's one landfill in
13 particular that's a class one landfill that
14 literally has no more soil to cover it, so we feel
15 like this might be a viable market for it. But in
16 the event ...

17 MS. FORCE: I'm not really up on
18 shingles. Do you still have asbestos in them, or
19 are they fiberglas now or --

20 MR. HOUSE: Fiberglas.

21 MS. FORCE: You made a statement that
22 the EPA mandates that most C & D materials can be
23 recycled. My question is: Why is Southern Services
24 allowed to continue their operation if they're not
25 recycling any of these materials?

1 MR. HOUSE: It's their position that
2 it can be, but they have not changed the regulations
3 yet.

4 MS. FORCE: I may have missed this
5 earlier when I stepped out of the room, when Ms.
6 Martin was speaking. You say that the revenues are
7 going to the library. Are you a nonprofit? How are
8 you going to run if all the revenues are going to
9 the library?

10 MR. MITCHELL: They were speaking of
11 the convenience center.

12 MS. SMITH: This is the recycling
13 drop-off area.

14 MS. FORCE: Okay. Thank you.

15 MR. SHERMAN: Thank you. Mr. Van der
16 Harst.

17 MR. VAN dER HARST: John Van der
18 Harst, Recycling Advocates of Middle Tennessee. I
19 think some things have changed between last time we
20 met and here. I think you heard from Sherry Bruce
21 and me last year. RAM has gotten some more people
22 to work with. You see some on the first two rows
23 here: Karen Sissler, Anna Hayslip, Michael Goth,
24 Leslie Allen, Jeff Pursall. We've been operating
25 way differently with Metro Government, Metro

1 Council.

2 Sheri Weiner has been to one of our
3 adjudication sessions; so far, 16 other council
4 members. We're meeting with one this upcoming week.
5 We are in the process of meeting with Public Works
6 in the Mayor's office, some meeting already. If
7 we're successful in doing, this has bearing on this
8 issue in this way. We feel we have the basic
9 workings of a plan to transform our landfill into
10 recycling primarily through changing the user fees
11 slash tax level, which was discussed in the board
12 last year re: C & D and then -- but no action was
13 taken.

14 Where that has bearing on is all the
15 questions that Daniel and the others have asked, as
16 to what can be recovered in a landfill like this.
17 Currently, you know, talked to Odell Binkley over
18 there. It's not a lined landfill, limited life, so
19 it's a smaller footprint, but they're getting about
20 30 percent recovery.

21 That's all they can afford under the
22 present structure. What we're talking about -- and
23 we think we can be successful politically on, is
24 with a new fee structure, will enable recyclers to
25 get over 90 percent easily because they can then

1 undercut disposal facilities and still afford the
2 high recovery rate.

3 So fear is the situation -- with this
4 situation is that, you know, we'll meet with Joe. I
5 didn't know about this thing until last night
6 basically. That's my fault for the way I operate,
7 but it seems to me like this applicant basically is
8 asking for your approval, and they're basing what
9 they have and haven't done so far under the --
10 they're not trying to get too far on the planning
11 process before they get approvals to spend the money
12 on grading plans and --

13 But they were operating under the
14 assumption, thinking under the assumption that the
15 way things were economically in the past was going
16 to continue. Okay. If that's the case then this
17 facility, yeah, they might get 30 percent recovery
18 and maybe -- maybe. If we're talking about
19 realistically being able to get -- I've seen 94
20 percent recovery out in California.

21 I think we can do that here easily,
22 especially with the approved marketing conditions.
23 So if we do that, then what we have is a situation
24 where if you were to approve the recycling functions
25 of this project, but not the disposal function,

1 which is an option you have, I think, as a board, I
2 mean, looking at the disposal capacity of Southern
3 Services, if we --

4 If they're only getting a residual of
5 five percent of the waste, the C & D waste from
6 recycling facilities around the county, that's
7 what's happening, they have a life then that goes to
8 the middle of the next century, you know, in terms
9 of air space, then plus COT. I mean, that's past
10 the life of us, our kids, our grandkids put
11 together.

12 That's a long ways out, and that's
13 just currently, assuming current recovery
14 capabilities, which may get better over time, and
15 we're going to keep working on making that happen,
16 so really what it looks like to me here is that
17 you're being asked to make a decision in a setting
18 that once we get to talk with you further, later
19 parts of the agenda here and what we're working on,
20 you may understand that things are going to be way
21 different.

22 And if things are going to be way
23 different, then it would be the prudent thing for
24 the board to hold off on the permitting of -- I mean
25 the approval of the disposal portion of this -- I

1 mean, the recycling part seems fine as near as I can
2 tell, and we'll see if any of the other public has
3 any problems with it, but the convenience center,
4 recycling is fine.

5 But the disposal, just when the ball
6 game may be changing drastically here, the question
7 is: Wouldn't it be prudent to hold off on that
8 until we get a little bit more certainty in terms of
9 the disposal picture for the county? In fact, it's
10 actually kind of your obligation. If you look at
11 the ten-year plan, you're obligated to follow at
12 this point until you change it, because it basically
13 talks about, you know, permitting relative to life
14 span, competition and those sorts of things, which
15 may be changing here.

16 I think that's the most pertinent
17 point I can make is the decision to allow the
18 disposal portion of this project. If you approve it
19 now and then things change as we think they're going
20 to change within this next year, next year you're
21 going gee, we could have waited a year and made a
22 much more informed decision on that.

23 Currently, if they get the approval to
24 go ahead with the recycling function, Southern
25 Services is ten miles away roughly. They got to put

1 it on a vehicle anyhow to get it back into their
2 recycling facility to cart it to a disposal
3 facility, even if it's a couple of hundred yards
4 away at their facility, or someplace else.

5 I guess the differences is on-road
6 permitting for a vehicle, which would probably be
7 minor, so there would be some cost difference there,
8 but I wouldn't imagine it would be a huge amount.
9 So the approval of the recycling portion, but not
10 the disposal portion would still allow the projects
11 and the recycling part of it to push ahead. I just
12 ask you to consider that in the decision.

13 The safe thing to do would be hold off
14 on disposal until we -- and we can explain this in
15 more detail as other members and myself talk about
16 what we're working on in the next portions of your
17 agenda here. Sorry to have to word it that way, but
18 I think that's the most helpful thing I can do in a
19 situation where you're facing the permitting
20 decision on this thing ahead of the ten-year plan
21 data and the old progress report. We'll be talking
22 about what we're doing there, too.

23 MR. SHERMAN: Thank you, John. Are
24 there other comments? I just wanted to make sure
25 there's anybody else that hasn't spoken yet that

1 wants to speak. I don't want to have a recycling of
2 everybody, but you get an exception. Everybody has
3 their shot. We'll be here all night.

4 MS. HAYSLIP: Just briefly. I have to
5 agree with Bruce. I have to think there's -- maybe
6 you did your best, but I think as far as people who
7 care about this issue, there's just not enough
8 people here. You know there's more people in
9 Nashville that care about this issue. They're not
10 here. If they had found out about it they would
11 have been here.

12 But too, I also think that we haven't
13 researched this enough to say -- I really, really
14 like what Mr. Mitchell has to say, what Mr. House
15 has said. I think they're going in the right
16 direction where we need to go, away from just
17 throwing things away and actually recycling; but I
18 do think, what would it hurt for us all to take a
19 field trip.

20 It's not that far to take a field
21 trip, and Mr. Mitchell, Mr. House could tell us
22 exactly -- we could totally have a visual, and it's
23 kind of fun to stop for lunch somewhere and have a
24 visual and actually see what's going on out there,
25 and we could clearly -- you could clearly make a

1 decision that way, better informed decision. Thank
2 you.

3 MR. SHERMAN: Thank you. I'm not
4 seeing any further hands. I want to turn it back
5 now for any other conversation of the board before
6 we entertain motions. Anybody have any particular
7 questions, comments?

8 MR. DRIVER: Where does this board fit
9 into the permitting process? I've heard it's going
10 to be a long drawn-out process, but where do we fit
11 in that process?

12 MS. SMITH: This board's role is to
13 determine if the application is within or fits with
14 the ten-year plan, and that is it.

15 MR. DRIVER: Secondly, what is the
16 applicant required to provide us with, and have they
17 done that?

18 MS. SMITH: They have. They are
19 required -- state law requires them to submit the
20 application that you have in front of you. The ten-
21 year plan required the more extensive information
22 about the host community information, the landfill
23 liner. All of those items that were presented in
24 the presentation actually go above and beyond what
25 is required by the State of Tennessee to submit

1 because this is sort of step one.

2 It's not a technical review. It is
3 very simply: Does this application fit within the
4 ten-year plan? From here, then they go through very
5 rigorous technical reviews, but this is actually
6 very straightforward.

7 MR. DRIVER: I had heard we need
8 detailed information. I wasn't sure that was
9 required at this step.

10 MS. SMITH: It is not.

11 MR. SHERMAN: Other questions?

12 MR. DIEHL: I do have a comment. I
13 would assume -- everybody is trying to get numbers,
14 give me a percentage of how much you're going to
15 recycle. I would assume that the goal is 100
16 percent of the C & D waste that's brought to your
17 facility. I mean, if we can go by Phillip Nappi,
18 Tennessee Waste, recycled to the tune of 65 percent,
19 is what he used to tell me --

20 As a matter of fact, Southern Services
21 used that number after they bought Tennessee Waste
22 as their own number, so I'm intrigued by the
23 conversations of something that's going to change,
24 and I wonder if we should consider that before we
25 grant the permit. Fair enough. Other comments?

1 MR. LANE: My comment: I like what
2 they presented, because when I compare them to what
3 Southern Services is doing, it's like night and day.
4 They are focusing on trying to recycle. I
5 understand that's their goal. I don't have a
6 problem coming back and giving more public notice.
7 Morally, do you think there's been enough time? If
8 not, I won't mind coming back in 30 days just to
9 deal with that issue, a reasonable time to review
10 it, but I would like to propose it.

11 MR. SHERMAN: Others?

12 MS. HUGHES: You know, we meet every
13 year, and John and Sherry and -- they're always
14 here, I mean always here, but what if we gave them
15 three months notice? Are we going to have any more
16 than we have here tonight? I mean, those that come
17 will come, and like the attorney said, I mean, I
18 think it was adequate notice given but -- I think it
19 was adequate notice given, personally.

20 MS. ANNA ALEXANDER: I do too, because
21 I was called a month ago, and I put it on my
22 calendar for this date.

23 MS. HUGHES: Let me piggyback on that.
24 I did receive something, an e-mail from RAM. I
25 think I received that three days ago, and I received

1 something from Burnt yesterday. I don't know at
2 what point they got the information, but I did get
3 something from them, and I printed it out.

4 MR. DIEHL: On the subject of public
5 notice, keep in mind, also, that a public hearing
6 had been conducted by the council people in the area
7 for the people who are most affected by the
8 facility, the area residents.

9 MR. SHERMAN: I'm also thinking about
10 this. There's two things. I'm going to look to the
11 state, look to Sharon, so we have a recycling center
12 that is -- how much of that do we think we're just
13 going to be grabbing from the current amount of
14 recycling that's happening, and what's our
15 experience? Is it actually going to be above and
16 beyond what we're already doing? I do know that
17 we've heard several times that recycling and
18 drop-off centers are a bargain in terms of their
19 cost per ton compared to our -- I don't know if Mr.
20 House, Sharon, do you have any --

21 MS. SMITH: I can address the
22 recycling drop-offs. Part of the reason we don't
23 think that adding one here is going to affect any of
24 the others is that we've had a recycling drop-off on
25 Charlotte Pike at different times; just slightly off

1 Charlotte Pike at Nashville Tech a number of years
2 ago. We had to move it for various reasons. It
3 moved down the road. In fact, the people in that
4 area are probably getting kind of annoyed.

5 It moved down the road near the Strike
6 and Spare. They wanted to develop that and put in a
7 Chick-Fil-A, so we got evicted. Then we moved out
8 to Wal-Mart off Charlotte Pike. Wal-Mart had a
9 corporate decision passed down from up above saying
10 that none of their stores could host a recycling
11 drop-off site because of a legal matter in another
12 state.

13 We were evicted. We went to the VFW
14 on Charlotte Pike. We were there for a number of
15 months, not sure exactly how long. We had to leave
16 there. The people in this community have been
17 patient and continue to follow us around the
18 Charlotte Pike area. We, over the years, have not
19 noticed a decrease in the recycling drop-off tons,
20 but, generally speaking, it increases so I don't
21 think there will be an issue. In fact, I think
22 there will be relief that we finally found one more
23 permanent place for a drop-off.

24 MR. MITCHELL: I can speak for the
25 site, the recycling site. As we all know everything

1 is moving toward recycling and so there's tax
2 benefits for the corporations that are sending their
3 C & D and their trash to Southern Services, that
4 they don't have a recycling component.

5 That's the reason the talk has been --
6 it's been talked about the recycling component, but
7 they hadn't started it. Ours is a recycling center,
8 so whenever these corporations send their stuff to
9 us, they will get the tax benefit. So as soon as we
10 open our doors we'll be getting some of Southern
11 Services' businesses because of the tax benefits
12 they will be getting from that.

13 So as soon as we open the doors we'll
14 have business because we're a recycling center with
15 a C & D component. They will always be a C & D site
16 if they ever add recycling components.

17 MR. SHERMAN: Thank you for that.
18 This is one of those really hard things. The one
19 hand, I mean -- there's a couple of points. On one
20 hand we hear John talking about there may be
21 changes, and I think we all know that there may be.
22 As we all know, there may not be. It's just we know
23 politics. So there's that. That's right, we could
24 wait on it. The other thing is, we keep on going
25 back to Southern Services. It's equally true at any

1 C & D landfill or any landfill.

2 One, we're concerned about siting
3 these landfills anywhere. We're concerned about
4 especially if there's an environmental justice
5 issue. So here we have Southern Services, and if
6 we're going to actually promote more recycling, we
7 can have that thing go on for another two
8 generations. I don't know if that's what we want.

9 That's my -- what I'm struggling with
10 is what's better here? I don't know if there's any
11 better, but these are issues that I think about.
12 That's my soliloquy. Are there other comments? If
13 not, we're at the point of entertaining a motion for
14 either approval, disapproval or putting in abeyance.
15 I will entertain one.

16 MR. VANNATTA: Mr. Chairman, I move
17 approval of this landfill application.

18 MR. SHERMAN: Mr. Jack Vannatta moves
19 approval of the application as is.

20 MR. LANE: I'll second.

21 MS. LESLEE ALEXANDER: Second.

22 MR. SHERMAN: Mr. Lane has tied Ms.
23 Alexander for seconding it. Any further
24 conversations, discussions before we move forward?

25 MR. PEARIGEN: Do we have to make an

1 affirmative finding that the application is
2 consistent with the ten-year plan?

3 MS. COSTONIS: I would recommend doing
4 that, yes.

5 MR. SHERMAN: We would need to put
6 this motion in abeyance. We'll have to -- I suggest
7 this. I suggest we table this motion until we first
8 entertain the motion of whether it comports with the
9 plan. So if Mr. Vannatta is comfortable with
10 tabling this for a moment, and we'll get back to it
11 as soon as we address the issue.

12 MR. VANNATTA: I'll table the motion.

13 MR. SHERMAN: Mr. Pearigen?

14 MR. PEARIGEN: I believe it would be
15 appropriate to make a motion that the board finds
16 the application to be consistent with the ten-year
17 plan.

18 MR. SHERMAN: Mr. Pearigen has made a
19 motion that the application is in compliance with
20 the ten-year plan. Is there a second?

21 MR. ROUNDS: Second.

22 MR. SHERMAN: Jamie seconds it. Any
23 conversations, discussions on this point? All in
24 favor?

25 (Board members say aye.)

1 MR. SHERMAN: Any opposed? Thank you.
2 We're going to go back to the motion that was
3 tabled. Mr. Vannatta moved that we approve the plan
4 as submitted to us. It was seconded by a duo, and
5 now we're back to discussion on it. Any further
6 discussion? All in favor?

7 (Board members say aye.)

8 MR. SHERMAN: Opposed? Motion
9 carries, so we are now at -- we have a few more
10 items we have to address here. The ten-year Solid
11 Waste Plan status, and then the next piece will be
12 on the progress report, which will also invite
13 public comment on. I'm aware of the time. It's
14 7:19. I'll look to my board members if they're
15 concerned about poking me and moving this along
16 right now. That's where we are.

17 MS. SMITH: Are we ready to continue?

18 MR. SHERMAN: We're ready to continue.

19 (Whereupon, this was all of the
20 requested excerpt of proceedings heard in this
21 cause, this the 29th day of March, 2012.)
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24
25

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2
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