

Resolution 22-001

By Central Tennessee Regional Solid Waste Planning Board members - Bill Brock, Jim Bush, Donna Barrett, George Gannon, Darren Gore, Josh Roberts, Ron Lee, Blake O'Neal, David Orrick, Brian Reed, Bishop Wagener, Joe Whitefield.

A Resolution to appropriate dedicated funds to The Solid Waste Management Fund

WHEREAS, The Tennessee General Assembly enacted the Solid Waste Disposal Act in 1969, in order to protect public health, safety and welfare, prevent the spread of disease and creation of nuisances, conserve our natural resources, enhance the beauty and quality of our environment and provide a coordinated statewide solid waste disposal program; and

WHEREAS, In 1989, with the enactment of the Tennessee Solid Waste Planning and Recovery Act, the Tennessee General Assembly found that the public health, safety and welfare require comprehensive planning for the disposal of solid waste on a local, regional, and state level; and

WHEREAS, In this Act, the General Assembly further found that whenever economically and technically feasible, solid waste should be reduced at the source or recycled, consistent with market demand for recyclable materials, to decrease the volume of waste which must be disposed of by incineration or landfilling; and

WHEREAS, In 1991, The General Assembly enacted the Solid Waste Management Act which created regional solid waste planning boards and the Solid Waste Management Fund with dedicated revenue, enacted various grant programs to specifically aid local government and regions in attaining the state and regional goal of reducing by 25% the amount of solid waste disposed of at Class I municipal solid waste disposal facilities and incinerators; and

WHEREAS, Since, these grants ceased to be distributed in FY 2018/2019 even though the dedicated funds continue to be collected; therefore,

BE IT RESOLVED, That the Central Tennessee Regional Solid Waste Planning Board requests of the State of Tennessee that a sum equal to the collected Fiscal Years 2019/2020, 2020/2021, 2021/2022 dedicated Solid Waste Management Fund revenues and the Used Oil tax revenues be immediately restored and available for local and regional projects dedicated to the state, local and/or region's solid waste plan's priority of reducing the volume of waste going to incinerators or landfills by means of recycling and source reduction programs; and,

BE IT RESOLVED, That in FY 2022-2023 and subsequent fiscal years these funds be inaccessible and prohibited from transfer to any project other than those legislatively authorized in the Solid Waste Acts of 1989 and 1991 intended for local and regional projects dedicated to the state's solid waste plan's priority of reducing the volume of waste going to incinerators or landfills by means of recycling or source reduction programs; and

BE IT RESOLVED, The Central Tennessee Regional Solid Waste Planning Board, on behalf of our counties' residents, plea that The Honorable Bill Lee, Governor of Tennessee, the Honorable

Representatives and Senators representing the counties of Coffee, Cannon, Rutherford and Warren exert every effort to ensure the allocation of said funds.

Motion by: Donna Barrett

Seconded by:

ADOPTED: April 7, 2022 by unanimous vote.

Jim Bush, Acting Chairman -

Central Tennessee Regional Solid Waste Planning Board

Resolution 22-002

By Central Tennessee Regional Solid Waste Planning Board members - Bill Brock, Jim Bush, Donna Barrett, George Gannon, Darren Gore, Josh Roberts, Ron Lee, Blake O'Neal, David Orrick, Brian Reed, Bishop Wagener, Joe Whitefield.

A Resolution to secure collaboration with the counties with the Central Tennessee Region for the purpose of maximizing local and regional recycling goals.

WHEREAS, In 1989, with the enactment of the Tennessee Solid Waste Planning and Recovery Act, the Tennessee General Assembly found that the public health, safety and welfare require comprehensive planning for the disposal of solid waste on a local, regional, and state level; and

WHEREAS, In this Act, the General Assembly further found that whenever economically and technically feasible, solid waste should be reduced at the source or recycled, consistent with market demand for recyclable materials, to decrease the volume of waste which must be disposed of by incineration or landfilling; and

WHEREAS, In this Act, the General Assembly required the Commissioner of the Tennessee Department of Environment and Conservation (TDEC) to establish a comprehensive solid waste management plan for the state that shall have as its priority the reduction of the volume of wastes going to incinerators or landfills by means of local and regional recycling programs, etc.; and

WHEREAS, In 1991, The General Assembly enacted the Solid Waste Management Act which created regional solid waste planning boards, the Solid Waste Management Fund with dedicated revenue, enacting various grant programs to aid local government and regions in attaining the state and regional goal of reducing by 25% the amount of solid waste disposed of at Class I municipal solid waste disposal facilities and incinerators; and

WHEREAS, In the absence of a robust collection plan and collection centers to offer an economically feasible amount of recyclable material and the lack of local funds to establish such, counties suffer from the ability, individually, to attract vendors with a proven track record and evidence of ability to provide quality, long-term recycling or source reduction services; and,

WHEREAS, Each county within the Central Tennessee Regional Solid Waste Planning Board, in creating the Central Tennessee Regional Solid Waste Planning Board by County Resolutions in 1992, stated that development of a municipal solid waste regional plan that results in the most cost effective and efficient management of the municipal solid waste is in the best interest of the citizens of each county; therefore,

BE IT RESOLVED, That the Central Tennessee Regional Solid Waste Planning Board is committed to working with the Tennessee Department of Environment and Conservation (TDEC) to develop a comprehensive solid waste management plan for the Central Tennessee Region that shall have as its priority the reduction of the volume of waste going to incinerators or landfills by means of local and regional recycling and source reduction programs and could serve as a best practice for other regions; and

BE IT RESOLVED, That The Central Tennessee Regional Solid Waste Planning Board, on behalf of our counties' residents, plea for the commitment of each county and municipality within the Central Tennessee Region, to participate in identified recycling and source reduction programs - including grant opportunities, where there is either a revenue benefit, an expense reduction, an increase of recycling goal for the region or combination of any and remain until such time as the county/municipality finds a better program or the county/municipality participation is not feasible.

Motion by: Donna Barrett

Seconded by:

ADOPTED: April 7, 2022 by unanimous vote.

Jim Bush, Acting Chairman - Central Tennessee Regional Solid Waste Planning Board

Resolution 22-003

By Central Tennessee Regional Solid Waste Planning Board members - Bill Brock, Jim Bush, Donna Barrett, George Gannon, Darren Gore, Josh Roberts, Ron Lee, Blake O'Neal, David Orrick, Brian Reed, Bishop Wagener, Joe Whitefield.

A Resolution to restrict access to any landfills and incinerators in the Central Tennessee Region which dispose of municipal solid waste by excluding waste originating with persons or entities outside of the Region.

WHEREAS, In 1989, with the enactment of the Tennessee Solid Waste Planning and Recovery Act, the Tennessee General Assembly found that the public health, safety and welfare require comprehensive planning for the disposal of solid waste on a local, regional, and state level; and

WHEREAS, In 1991, The General Assembly enacted the Solid Waste Management Act which created regional solid waste planning boards with the directive, per TCA 68-211-813(b)(1)(A), of administering the activities of the region in attaining the state and regional goal of reducing by 25% the amount of solid waste disposed of at Class I municipal solid waste disposal facilities and incinerators; and

WHEREAS, In this Act, TCA 68-211-814 (b)(1)(B) states that the region or authority may restrict access to any landfills and incinerators which dispose of municipal solid waste by excluding waste originating with persons or entities outside of the region in order to effectuate the plan. If a facility within a region has accepted waste from a specific source outside the region prior to July 1, 1991, the region may not prohibit that facility from continuing to accept waste from that source, unless the facility's acceptance of that waste significantly impairs the region's ability to effectuate its plan; and

WHEREAS, The Central Tennessee Solid Waste Planning Region 2001 Five-Year Update to Regional Solid Waste Plan in Section 9.3 also provides for Inter-Regional Flow Control if the facility's acceptance of that waste significantly impairs the region's ability to effectuate its plan; and

WHEREAS, The Central Tennessee Regional Solid Waste Planning Board is comprised of Cannon, Coffee, Rutherford and Warren counties; and

WHEREAS, At least one facility located within the region, Middle Point landfill in Rutherford County, accepts waste originating with persons or entities outside of the region, and

WHEREAS, As documented in the 2019 Greater Nashville Regional Council Middle Tennessee Solid Waste Master Plan, Appendix E. Landfill Contributions, the identified out of region waste totals 70.27% of the total waste accepted at the in region landfill, with the following breakdown; Davidson - 46.90%, Sumner - 4.29%, Wilson - 4.04%, Williamson - 3.29%, Maury - 2.84%, Lincoln - 2.65%. Bedford - 2.29%, Franklin - 2.23% and Overton - 1.73%; and

WHEREAS, As Ordered in the 2011 Consent Order (Order VIII (2)(m)(ii) in the matter of State

of Tennessee, Department of Environment and Conservation, Division of Solid Waste vs BFI Waste Systems of Tennessee, LLC; BFI, due to accepting certain special wastes from persons or entities outside of the Region that created ongoing exothermic reactions, prematurely closed two sections of the Middle Point landfill resulting in reducing the space capacity and impaired the Region's ability to effectuate its plan; and

WHEREAS, The plan of the Central Tennessee Regional Solid Waste Planning Board is to attain the state and regional compliance goal, per TCA 68-211-861, of reducing by 25% the amount of solid waste disposed of at Class I municipal solid waste disposal facilities and incinerators; and

WHEREAS, In order to effectuate the region's plan, the availability of in region landfills is necessary for optional disposal of solid waste remaining after efforts to attain the state and regional goal of reducing by 25% the amount of solid waste disposed at Class I municipal solid waste disposal facilities and incinerators; therefore,

BE IT RESOLVED, That the Central Tennessee Regional Solid Waste Planning Board hereby restricts access to any and all in-region landfills and incinerators which dispose of municipal solid waste by excluding waste originating with persons or entities outside of the Central Tennessee Region (Cannon, Coffee, Rutherford and Warren counties), and

BE IT RESOLVED, That the Central Tennessee Regional Solid Waste Planning Board does hereby give notice that, public welfare requiring it, as of the date of this resolution, affected persons/entities are to cease the acceptance of out-of-region waste at in-region landfills or incinerators by no later than December 31, 2022.

Motion by: Donna Barrett

Seconded by:

ADOPTED: April 7, 2022 by unanimous vote.

Jim Bush, Acting Chairman - Central Tennessee Regional Solid Waste Planning Board