

BURNT

IMPROVING THE ENVIRONMENT THROUGH
CITIZEN INVOLVEMENT WITH GOVERNMENT,
BUSINESS, AND ACADEMIA

30 May 2008

please reply also to
1285-D 4th Avenue South
Nashville, Tennessee 37210

Mr. John Lynch
Director
Metropolitan Nashville and Davidson County Department of Public Works
800 South 5th Street
Nashville, Tennessee

via hand and electronic delivery

RE Comments on DRAFT 'Davidson County Region Solid Waste Plan'

Dear Mr. Lynch:

We appreciate the opportunity to comment on this DRAFT Plan on behalf of BURNT although other BURNT members will submit comments.

We acknowledge there are many fine people in the Division of Solid Waste and in Public Works. Our goal is to try to make things better in our system. The DRAFT Plan does not place the solid waste problems of Nashville into context of Tennessee society. Our state has abysmal infant mortality, literacy, and obesity rates. If Tennessee were not in the United States it would be a third world country.

SUMMARY OF COMMENTS

A. This DRAFT Plan should stress that of the 50 States, Tennessee is the only state to allow materials landfilled in Class IV landfills to count toward the 25% diversion rate.

B. It is highly misleading to represent the DRAFT Plan's compliance with Tennessee solid waste laws (pg. 5-6, DRAFT Plan) without noting that the manipulations of calculating the 25% diversion rate have been highly politicized by County governments. For example, 17 years after passage of the 1991 Solid Waste Reform Act, the 23 members of a TDEC appointed "Solid Waste Reduction Task Force" unanimously voted that both the reporting process and the calculation of 25% diversion are totally discredited. (A senior member of Metro Department of Public Works is on this Task Force)

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- C. There does not seem to consideration of the environmental impact of transporting Metro solid waste 1,000,000 miles annually in 20 ton diesel trucks to out of county landfills.
- D. There is no investigation or consideration to horrific environmental impacts of the Southern Services Landfill which is located on the Cumberland River in a largely minority area of Nashville. Expert water consultants such as Mark Quarles and Barry Sulkin have testified to this repeatedly before the landfill friendly TDEC regulators.
- E. Repeated references to the “closure” of the downtown waste to energy facility are highly misleading and wrong. In point of fact, the incinerator burned down in a calamitous \$200 million fire caused by wanton and willful misconduct of Chace Anderson, then Director of Solid Waste, who assumed control of operations of the incinerator and created dangerous operating conditions which directly caused the fire when a truck with a hot tail pipe backed into overflowing garbage from an unpermitted construction.
- F. This DRAFT Plan should also directly mention that Mr. Anderson failed to deliver on many promises including yield from curb side and providing a range of sizes in recycling bins and that he resigned via e-mail while out of state.
- G. Apparently, the primary if not only information on amount of solid waste landfilled is the footnotes to Table 3-2, pg. 15.
- H. Metro needs a ‘Landfill Bill of Rights’ that no liquid or organic food and yard waste will be landfilled and also paper and waste
- I. Use of sewer sludge land application to gain credit toward the 25% diversion is not needed and is just another symptom of the corrupt Tennessee solid waste policies.

COMMENTS on SPECIFIC SECTIONS

Plan Purpose and Objectives [pg. 4]

- A. This entire Section is repetitive and full of unclear jargon which is not specific
- B. There is no consideration of the total inability of the State or Nashville to develop reasonable solid waste reduction goals in the last 17 years. How will history be reversed?
- C. It is totally untrue, and not in any way demonstrated, that this plan “...requires maximizing source reduction, recycling, and composting prior to sending materials to Class 1-4 landfills to the extent...economically and technically feasible.” (2nd Bullet, page 4)
- D. How can a Plan which does not address transporting waste 1 million miles in 20 ton diesel trucks or environmental injustice of a landfill in the primarily black North Nashville which by expert testimony heavily contaminates the Cumberland River be considered to “...present an integrated solid waste management system for the Metro system.” (8th bullet, page 4)

Tennessee Solid Waste Management Regulations—(pg. 5-6)

This entire section of the DRAFT Plan is misleading and wrong.

A. It should be made very clear that Tennessee is the only state out of fifty which allows “diversion” to Class IV landfills to count toward the 25% goal

B. It should be made very clear that the multiple changes in the 1991 Solid Waste Act were highly politicized and driven by local county governments.

C. The TDEC appointed “State Solid Waste Reduction Task Force” voted unanimously that

1.) The entire reporting process of Regions to the State did not create accurate numbers which reflected reality

2.) The 25% diversion rate did not work

D. 17 years after the 1991 Solid Waste Act, the entire TDEC reporting and monitoring system of solid waste is in disarray.

Demographics of the Region (pg. 8–12)

A. The DRAFT Plan does not reflect the reality of Nashville as a city which is highly segregated living pattern of the poor, minority citizens. For example, Nashville schools are now a majority of minority students because of flight of whites to private schools. This is germane because certain Curby routes in minority areas have very low participation.

B. Further, it is important to note that the largest landfill in the County—Class IV Southern Services—is located in a primarily black neighborhood on the Cumberland River and experts Barry Sulkin and Mark Quarles have testified about terrible pollution of landfilled Class IV Waste.

Waste Stream Characterization (pg. 13–19)

A. It is not entirely clear **how much is landfilled** in Class I and Class IV landfills
footnote—3-2

B. The DRAFT Plan apparently errs by not describing Construction and Demolition waste which is landfilled in a Class IV landfill as **credited** toward the 25% diversion under Tennessee law (pg. 13)

C. Apparently ‘Curby’, which is scarcely mentioned in the DRAFT Plan, is contained in line “Mixed Recyclables”, ‘MSW Recycling—Public Programs’ (Table 3-1, page 14) quantity of 13,241.08 tons Metro’s flagship program 1.3% of Metro’s waste stream.

D. Private sector recycling seems to be conjecture (Table 3-1, page 14)

1. There is no indication of how these numbers were developed from the thousands of Davidson County businesses

2. “Ferrous metals”–Private Sector–(Table 3-1, page 14) is said to be **128,001.17 tons.**

a. 128,001.17 tons is 15% .of the Metro waste stream. Where did this number come from, what is the source of this metal, who are these businesses?

b. How can “.17 ton” [128, 001.17 tons of ferrous metal] be measured? This is less than 400 pounds out of 256,000,000 pounds. The entire waste stream is plagued with these funny numbers.

E. Metro needs a ‘Landfill Bill of Rights’ that no liquid or organic food and yard waste will be landfilled and also paper and waste

F. TABLE 3-3, “Municipal Solid Waste Composition” (pg. 16) lists *paper and cardboard– 34% [302,000 tons]*, *food scraps– 12% [107,000]*, *yard trimmings–12%. [107,000 tons]*. This is 58% of the waste stream and should be subject to relentless separation in institutional, business, and residential for either recycling (paper) or composting (paper, yard and food waste). The DRAFT Plan is insufferably vague and complacent and misrepresents the entire opportunity

G. Table 3-4, “Characterization of C & D Waste in Davidson County” (pg. 17) lists *concrete and mixed rubble–45% [100,000 tons]*; *wood–25% [56,000 tons]*; *drywall– 10% , 22,000 tons* *metals– 2%, [5,000 tons]* *bricks –2% [5,000 tons]*. **Concrete, wood, drywall, metals, and bricks are 84% of the Construction and demolition waste–188,000 tons–why is any of this landfilled?**

The DRAFT Plan simply fails to connect the actual waste in the Municipal Waste stream and Construction and Demolition waste stream with actual opportunities.

Industrial Recyclables–(pg. 17–18)

A. The claim that industry recycles 175,769 tons–approximately 14% of the total waste from all sources–does not appear to be documented in any way.

B. Claim that 128,001 tons of ferrous metals are recycled–10% of the total waste stream–is not documented. What is the industry in Nashville which originates sufficient ferrous metals to recycle 128,001 tons?

The Metro Solid Waste System (pg. 19-35)

A. References to the “closure” of the downtown waste to energy facility is

misleading and wrong. In point of fact, the incinerator burned down in a calamitous \$200 million fire caused by wanton and willful misconduct of Chace Anderson, then Director of Solid Waste, who assumed control of operations of the incinerator and created dangerous operating conditions which directly caused the fire when a truck with a hot tail pipe backed into overflowing garbage from an unpermitted construction. (p., 20, 35, 45)

B. Rivergate Recycling processes waste collected by Metro and other cities. There are allegations that the returns to Metro for materials transported to Rivergate is very low. The alternative would be to cancel the contract and simply notify brokers when available raw materials in storage reach a critical mass. (pg. 20, 22, 30)

Waste Collection and Transportation Services (pg. 21)

A. There does not appear to be any consideration of the one million (1,00,000) miles traveled every year to transport Metro waste from Transfer Stations to landfills. This is a significant source of pollution, wear and tear on roads, and environmental degradation.

B. A high value should be placed on composting food and yard waste and even paper in county to avoid excessive transport costs.

Solid Waste Collection Services–USD Residents (pg. 21)

A. 125,000 residential homes in the USD get monthly curbside service which diverts 13,000 tons annually.

B. Apparently, each house averages 200 pounds a year or 16 pounds a month for a service which costs \$1 million annually.

C. Collection of co-mingled, single stream waste is done all over the state and country and is hardly “innovative” (pg. 23)

Residential Yard-Waste Collection (pg. 23-24)

A. Residential and business organic food and yard waste (25% of the waste stream) should be a priority in true solid waste reduction—not false credit for Class IV Landfills.

Source Reduction and Recycling Services (pg. 25–29)

A. The Statement: *“The Metro Nashville Source Reduction and Recycling Program is a comprehensive program consisting of several components”* (pg. 25) is neither documented as to effectiveness or what is actually done.

1. “Commercial recycling and Waste Reduction Outreach”—(pg. 25-26) Even though Metro claims 311,154 tons of private recycling there is NO documentation of this statistic including the basis of this claim or the activities of Metro which facilitated such a result.

2. We commend Metro for Recycling Drop Off Centers and Convenience Centers (pg. 26) We would like a comparison of costs and yield between 'Curby' and Drop-offs. Apparently, Drop offs cost about 12% of the Curby [Table 4-3, pg. 35] yet we believe Drop offs generate 60% of the waste of Curby.

3. We fundamentally question the efficacy and quality of the Metro Education Outreach Programs (pg. 27, 28)

4. The Metro Mulch and Composting Facility (pg. 28, p. 30) is woefully underutilized. The Facility processed 18,000 tons in 2007 yet food and yard waste are 24% of the waste stream—214,000 tons (Table 3-3, pg. 16)

5. We do not believe the "Public Information and Education Programs" (p. 33) are effective. We recommend targeting specific generators of organic food and yard waste and providing facilities to compost such waste.

Revenues and Expenses of the Current System (pg. 34–35)

A. Table 4-3 shows Expenses of \$14,9493,368.00 and Revenues. of \$4,128,060.00 Yet, BURNT sponsored a visit by Dr. Neil Seldman. President of the Institute for Local Self Reliance (www.ilsr.org) who demonstrates that solid waste has a value of \$100 a ton when managed as a resource for business. We strongly urge Metro to realize shipping solid waste out of country is uselessly squandering resources, jobs, and business opportunities.

Evaluation Criteria For the Region (P. 40)

A. This section is entirely irrelevant to a useful 'Evaluation Criteria for the Region'.

B. We suggest evaluation criteria should include

1. Amount of yard waste and food waste composted in county.
2. Businesses and jobs created by managing the resources of solid waste as a raw material for business in county
3. Diversification of solid waste hauling and business opportunities to small business rather than the monopoly haulers **Metro created** by eliminating multi-generation small haulers
4. Demonstrated composting of food and yard waste on site at schools, business parks, restaurants, hospitals, and government agencies
5. Reduction in one million miles (1,000,000 miles) traveled to landfill materials out of county
6. Reduction in purchase of household hazardous materials and chemicals through

education and point of sale alternatives

7. Rigorous and effective promotion of elimination of disposals in kitchens for grinding food

8. Absolute promotion and utilization of 'Drop off sites' and reduction in Curby.

Base Year Solid Waste Disposal Rate (pg. 41–42)

A. We have previously discussed the woeful, inconsistent, and highly politicized Tennessee Solid Waste Act which **makes our State the ONLY one to credit landfilling Class IV waste toward waste diversion.** [(pg. 5-6, DRAFT Plan)–pg. 2-3 above)

1. It is sickening and politically expedient for this Region to adapt the standards of the bankrupt TDEC to credit sewer sludge for diversion. Sewer sludge is the barely processed combination of human and business waste. It will go on golf courses and agriculture fields. Metro SHOULD landfill this toxic waste. To revel in claiming this as a CREDIT toward diversion is myopic and unacceptable.

2. Sewer sludge “As also discussed in Section 5.0, the recycling rate of the region will receive a substantial boost when the regional bio solids comes on line in 2008.” (Plan, pg. 42)

3. We respectfully ask the citizens on this Regional Board to refuse to sanction this cheap trick. You may not be able to stop this spreading of filth on our land but you can take a stand and **say figures for sewer sludge will not be submitted to the state.**

Evaluation of Future Waste Reduction Alternatives

A. Please see “**Evaluation Criteria For the Region**” , preceding page (p. 40)

B. This Ten Year plan is a terrible step back form the previous plan which committed to inspecting every piece of solid waste before it was burned or landfilled or composted.

C. **Waste Diversion** (P. 44) It is shocking that this plan embraces use of Class IV Landfill to count toward the diversion goal

1. No other state allows this

2. Even Tennessee has recognized this Credit for landfill is wrong and not appropriate (see page 2-3, above)

Recommended Action

We appreciate the opportunity to comment on this plan. Although we think this work is a significant improvement in scope and breadth over plans written by the Department, we

strongly urge that the Regional Board do not succumb to any pressure from the discredited TDEC to approve a plan. We ask for the consultant to deliver another DRAFT report incorporating basic factors above including

- acknowledged failure of Tennessee Solid Waste Act of 1991

- that the downtown incinerator burned down as result of wanton and willful violation of regulations. It did not close

- totally revise the Criteria for revising solid waste programs

- research the possibilities of creating jobs and small local businesses by using small local businesses based on using solid waste as a resource for business not a landfill material.

- that food and yard waste and paper are nearly 60% of the waste stream and should be the focus of solid waste strategy

- crediting sewer sludge as waste reduction is offensive and akin to the discredited 25% credit for Class IV landfills.

Thank you

Bruce Wood
President

R C Bartlett
Board member

