

BURNT

If you have questions or comments, please call (615-327-8515) or write BURNT [burnt.tn@gmail.com]

State Solid Waste Policy—1991 and Current Reform

[leaving out the 1969 State Solid Waste Act, Tennessee's first solid waste act which MANDATED the State to permit and regulate landfills in such a way to protect the environment and humans]

BIG PICTURE—Tennessee spends at least \$210,000,000 [\$210 million] on Tip Fees to dispose of solid waste at Class I Municipal Waste and another \$40,000,000 million [\$40 million] at Class IV landfills. There is no inspection of waste at landfills or Transfer Stations. Groundwater pollution is a hazard. Solid Waste is worth \$100 a ton if used as a raw material in business or compost. Tennessee is among national leaders in per capita landfilling. (www.ilsr.org)

Previous solid waste reform in Tennessee began in 1988 with a three year planning process as required by Statute. The result of state wide meetings and consultants was the “1991 Solid Waste Act” (*T.C.A. 68-211-101*) which required a then reasonable 25% diversion from Class I Landfills through composting or recycling. In 1996, TDEC and County Officials persuaded the Legislature to amend the law so that landfilling in Class IV Construction & Demolition Landfills counted toward the 25% diversion rate.

RESULT OF 1991 SOLID WASTE ACT—Tennessee is the ONLY State in the country which allows Class IV C & D waste to count toward 25% goal. We have more than fifty (50) landfills in ground water assessment because landfills have excessive groundwater pollution Appendix II pollutants. Tennessee is among the highest per capita landfill states in the country. **Ironically, 1991 was BURNT's first year at the State Legislature.** *We supported the 1991 Solid Waste Act.*

Present Solid Waste Reform in Tennessee began in year 2007 with the passage of a bill backed by Governor Phil Bredesen [‘an administration bill’] *SB 2267/HB 2289* which required the State Solid Waste Disposal Board to consider new regulations (pg. 4-5) as well as efforts to remediate some groundwater pollution from some landfills, additional state employee recycling, and purchasing of greater state purchase of recycled materials.

TDEC (Tennessee Department of Environment and Conservation) named a “Solid Waste Reduction Task Force” comprised of 24 out of 24 white people, 22 out of 24 white males, and 21 out 24 local solid waste officials. A BURNT member was selected to the Task Force. Another BURNT member also attended every meeting. In April 2008 BURNT sponsored a presentation by Dr. Neil Seldman, president of the Institute for Local Self Reliance (www.ilsr.org) to the Task Force. Neil Seldman met with Legislative leaders, met with Mayor Karl Dean, and other private and public officials.

What was the work product of the Task Force? Based on meetings of the Task Force and TDEC decisions, ‘Proposed Regulations’ [**StateSolidWasteRegs–Sept2008**] were presented to the State Solid Waste Control Board BURNT wrote to the Board [**StatesolwasteSept2008.222**], the Governor [**BURNTgovSolwasteBoard2008**], and other elected officials asking that these Proposed Regulations be rejected because—

A. **Unfunded mandates for local governments** to ban yard waste, food waste, and electronic waste with no research based programs on HOW to do this

B. **Bans on food waste and yard waste were far in the future**—2015 and 2020. We recommend *immediate* steps to begin reducing compostable food and yard waste state wide such as all schools divert food waste and all large food stores—landfills create methane gas.

C. **Expanding local government Annual Solid Waste reports** even though local solid waste managers on the Task Force voted unanimously that local reports had little basis in fact or reality

D. **Local governments will report ONLY on the waste they pick up or contract**—a very small portion of the waste stream.

E. **No accountability until year 2025** when food and yard waste bans are in effect AND a “survey” of state wide businesses kicks in—business waste is 70% of the waste stream.

F. **This reform process was flawed.** The Task Force voted unanimously the TDEC designed process needed--

1. An independent ‘Executive Director’

2. Should have taken multiple years including design of management controls

Three Fundamental Reasons to Oppose These Regulations

1. **Environmental injustice**—[link being prepared] the burden of landfills falls on black and poor, particularly black. Yet, no black members of the Task Force and no efforts to examine how to reduce solid waste going to landfills

2. **No recognition of poor performance** Tennessee is among the national leaders in per capita landfilling. Local reports are time consuming but provide little useful report. Empty bans in the far future are unreliable.

3. **We can do so much better**—solid waste is food waste (12%), yard waste (13%), paper/cardboard (36%), Construction and Demolition (20%)—81% of the waste....not counting metals or plastic. **Composting food and yard waste reduces future methane gas.**

4. **Minimal research**—there were knowledgeable TDEC staff and managers and local solid waste officials but NO independent, academic research was provided.

The next meeting of the State Solid Waste Disposal Board is 4 December but the next vote will come 4 January 2009. We urge you to write NOW to question these regulations

Kenneth L. Donaldson, Chairman
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>>TDEC—Mr. Chuck Head (chuck.head@state.tn.us) and Mike Apple (mike.apple@state.tn.us)

>>You can address your letter to the Governor & copy those above (phil.bredesen@state.tn.us)
lydia.lenker@state.tn.us

Ask That Your Letter Be placed in the Board's Packet (you might copy BURNT)