

## Proposed Rule Changes

### Rule Chapter 1200-01-07

### Solid Waste Processing and Disposal

#### Proposed Amendments

Paragraph (2) of Rule 1200-01-07-.01 Solid Waste Disposal Control System: General is amended by adding the following definitions alphabetically to the definitions at paragraph (2).

“Generation” means the total tonnage of Class I, Class III, and Class IV disposal and all recycled materials by local governments.

“**Municipal Solid Waste**” (**MSW**) means any garbage, refuse, industrial lunchroom or office waste, household waste, household hazardous waste, yard waste and any other material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities which are required to be disposed of in a Class I landfill, as defined in regulations adopted pursuant to T.C.A. Title 68, Chapter 211; provided, that “municipal solid waste” does not include the following:

- (a) Radioactive waste;
- (b) Hazardous waste as defined in T.C.A. §68-212-104;
- (c) Infectious wastes;
- (d) Materials that are being transported to a facility for reprocessing or reuse; provided further, that reprocessing or reuse does not include incineration or placement in a landfill; and
- (e) Industrial waste which may include office, domestic or cafeteria waste, managed in a privately owned solid waste disposal system or resource recovery facility, if such waste is generated solely by the owner of the solid waste disposal system or resource recovery facility.

“**E-scrap**” means any electronic device with a circuit board or cathode ray tube (CRT) that no longer is needed and has exceeded its desired or usable life and would be destined for disposal. This includes but not limited to CPU’s, laptops, monitors, televisions, copiers, cell phones, uninterruptable power supply (UPS) systems, and game consoles.

“Local government” means any county, municipality, city or other political subdivision of this state, including any school districts or school systems created thereby.

“Material derived fuels” means materials taken from a waste stream such as scrap tires or wood waste that can be used in the production or use as fuel for energy recovery.

“Waste to energy Facility/Combustor” means a facility where recovered municipal solid waste is converted into a usable form of energy, usually through combustion.

Regulatory Authority: T.C.A. §§ 68-211-102(a), 68-211-105 (b), 68-211-105(c), 68-211-106(a)(1), 68-211-107(a), and 68-211-111(d)(1).

Rule 1200-01-07-.09 Waste Disposal Reduction Goal is amended by deleting the current rule in its entirety and substituting the following, so that, as amended, the rule shall read as follows:

1200-01-07-.09 Waste Disposal Reduction Goal

(1) General Purpose and Applicability

~~(a) The goal of the state is to reduce by twenty-five percent (25%) the amount of solid waste disposed of at municipal solid waste disposal facilities and incinerators by December 31, 2003, as measured on a per capita basis within Tennessee by weight. The goal shall also apply to each municipal solid waste region; but does not apply to individual disposal facilities or incinerators. Individual disposal facilities or incinerators are used only as measurement locations for assessing the achievement of a region's waste reduction efforts. As an alternative to calculating the waste reduction goal on a per capita basis, regions shall have the option of calculating the goal on an economic growth basis using the method prescribed by the Department and approved by the Municipal Solid Waste Advisory Committee.~~

(a) The goal of the state is to reduce annually the amount of solid waste going to Class I, Class III, and Class IV landfills.

**(b) Any generator of Municipal Solid Waste shall reduce annually its waste going to landfills to reach a level of the maximum practicable reduction.**

1. Municipalities and other local governments with populations greater than or equal to three thousand (3,000) people according to the most current U.S. Census Estimated Population or municipalities with a current waste management program are required to meet this goal.

2. Unincorporated areas, municipalities and other local governments with less than three thousand (3,000) people according to the most current U.S. Census Estimated Population that do not have a current waste management program will be included under the county government's responsibility to meet this waste reduction goal.

3. Municipalities and other local governments with less than three thousand people according to the most current U. S. Census Estimated Population that maintain a solid waste system either by contract or through public operation will be required to meet this goal.

- 4. County governments are required to meet this goal.
- 5. **Private entities are required to meet this goal. Progress will be determined through a private sector survey as described in subparagraph (d) in this rule to benchmark recycling activity.**
- 6. Individuals are considered under their perspective jurisdictional government.

(c) For the purpose of this rule, the term covered local governments shall mean all of the local governments described in parts (1)(b)1 through 4 of this rule and their agencies, boards, and other subdivisions.

(d) **All covered local governments shall meet a 20% recycling goal and reduce waste going to landfills annually. They shall accomplish this goal within five (5) years of the effective date of this rule and shall be measured using a recycling ratio formula as noted below:**

$$\% \text{ Reduction} = \frac{\text{Materials recycled that are controlled by the covered local government}}{\text{Total of all materials generated that are controlled by the covered local government}}$$

(e) **The Department shall complete a survey of the private sector, to be conducted in years ending in zero (0) and five (5), to establish initially a baseline index for waste reduction and recycling activities in the private sector and then to monitor change.**

- 1. The private sector survey will:
  - (i) Be an index type survey based on Standard Industrial Classification (or SIC) code sectors performed by the Department or its representative.
  - (ii) Identify and report barriers that interfere with the private sector's attempts to recycle.
  - (iii) Be designed to facilitate data collection and reporting.

(f) The Department shall review the waste reduction goal every five years and recommend amendments to this rule to provide a challenging, but reasonable, waste reduction goal.

(g) Covered local governments will implement a four tier infrastructure goal to move their programs towards a fully integrated solid waste management system as defined in Table 1 of this rule. Upon reaching each tier, the next tier would become the goal for the covered local government to achieve.

(h) All Class I, III, IV landfills shall submit reports to the Department as required by paragraph

(6) of this rule.

(2) Waste Reduction Methods

~~(a) The Department may consider a variety of options that a region shall take into account in meeting the twenty-five percent (25%) goal. As used in rule 1200-1-7-.09, "municipal solid waste" (MSW) means any garbage, refuse, industrial lunchroom or office waste, household waste, household hazardous waste, yard waste and any other material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities which are required to be disposed of in a Class I landfill, as defined in regulations adopted pursuant to T.C.A. Title 68, Chapter 211; provided, that "municipal solid waste" does not include the following:~~

~~1. Radioactive waste;~~

~~2. Hazardous waste as defined in T.C.A. §68-212-104;~~

~~3. Infectious wastes;~~

~~4. Materials that are being transported to a facility for reprocessing or reuse; provided further, that reprocessing or reuse does not include incineration or placement in a landfill; and~~

~~5. Industrial waste which may include office, domestic or cafeteria waste, managed in a privately owned solid waste disposal system or resource recovery facility, if such waste is generated solely by the owner of the solid waste disposal system or resource recovery facility.~~

**(a) Landfill Bans.** Due to the dynamic nature of solid waste and the fact that the variety and availability of local markets vary, **covered local governments** will be responsible to implement bans on the following waste stream materials by the targeted date:

1. **Yard trimmings**, metals, corrugated cardboard, elemental mercury, mercury containing devices, and e-scrap. Covered local governments shall adopt ordinances by July 1, 2015 that will ban these materials from being disposed in landfills with implementation to begin with two years of passage of said ordinance.

2. **Food scraps.** Covered local governments shall adopt an ordinance by July 1, 2020 that will redirect food, food scraps and similar organic wastes from being disposed in landfills and directed to other beneficial end uses. These beneficial end uses include, but are not be limited to, meals for the needy, composting, and other similar activities. Any ordinance passed must take into account all applicable food and composting laws, ordinances, rules, regulations and policies.

~~(b) Waste reduction methods or activities include, but are not limited to, the following:~~

~~1. Any "municipal solid waste" diverted from a Class I disposal facility to a Class III or Class IV disposal facility as provided under rules 1200-1-7-.01 through 1200-1-7-.04 adopted pursuant to the provisions of T.C.A. Title 68, Chapter 211, Part 1:~~

(b) Class III and Class IV materials. Materials received at a Class III or Class IV landfills are not considered toward the waste reduction goal unless the materials are recycled or used for beneficial use activities, including but not limited to use as alternate daily cover (ADC) at landfills.

(c) Energy recovery and production. Materials redirected for energy recovery and production shall be considered waste reduction.

1. To calculate the tons of waste reduction the following formula shall apply:

$$T^i - T^o = T^d$$

Where:

$T^i$  = tons of raw material input into the energy recovery system;

$T^o$  = tons of residual material output from the energy recovery system; and

$T^d$  = tons diverted.

2. Waste incinerated where the primary purpose is not energy recovery is not considered waste reduction.

~~2:(d) Composting of "municipal solid waste". The composting of municipal solid waste must have a market for such composted product in order to be considered as a method for waste reduction. Only the portion of composted municipal solid waste that is sold or beneficially used may be counted as recycling or towards the waste reduction goal.~~

~~3:(e) Recycling. Recycling constitutes a method of waste reduction so long as the recovered materials are marketed for recycling, or are stored for recycling at a solid waste management facility and at least seventy-five percent (75%) of the stored material must be marketed within the succeeding twelve (12) months. The following processes shall not be considered as marketing of recyclable materials nor counted toward the 25% waste reduction goal:~~

~~(i)1. Collection or material handling in preparation for buyers pending market.~~

~~(ii)2. Storage of unprocessed or processed materials. Unprocessed municipal solid waste is not considered as being recyclable pending market.~~

~~4:(f) Source reduction of "municipal solid waste". Source reduction measures as a method of waste reduction may include industrial process modification, feedstock substitutions or improvements in feedstock purity, various housekeeping and management practices,~~

increases in the efficiency of machinery, and recycling within a process.

(i)1. Source reduction may also include reduction in the amount and toxicity of waste generated by residential and commercial sectors, through such measures as product substitution, home composting and recycling.

(ii)2. Source reduction may also be achieved through the encouragement of consumer habits that include the selection of products that have reduced and recyclable packaging, and the re-use of durable goods.

~~5. Problem waste diversion. The diversion of waste tires, used oil, lead acid batteries, paints and other problem waste, as determined and identified by the Department, from a Class I disposal facility for recycling constitutes waste reduction. Problem wastes diverted from a Class I disposal facility and stored for recycling at a municipal solid waste management facility until marketed qualifies as waste reduction when diverted.~~

6-(g) Mulching of "municipal solid waste". ~~Any non-treated wood waste that may be converted to a mulch must have a market in order to be considered as a method for waste reduction. Only the portion of mulch made from municipal solid waste that is sold or beneficially used may be counted as recycling or towards the waste reduction goal.~~

(h) **The Department shall prepare waste reduction best management practices that covered local governments will implement as needed to attain the statewide waste reduction and local recycling goals.**

(i) New or expanded solid waste facilities. Operators of solid waste facilities seeking to apply, renew, or expand a current permit, pursuant to Rule 1200-01-01-.02, shall implement a plan to partner with the local government in the jurisdiction where the facility is located to reduce and recycle the waste stream as part of their permit conditions.

Such plan shall include:

1. Methods to assist in the establishment of recycling collection points;
2. Programs promoting recycling and waste reduction;
3. Assistance to local governments in implementing local material bans; and
4. Information on recycling for the local governments that utilize the facility.

(3) ~~Region's~~ Waste Reduction Plan

(a) All covered local governments shall prepare and implement a waste reduction plan.

Municipalities shall submit a copy of the plan to the county who will then submit an aggregated copy of all plans to the municipal solid waste planning region for submission to the Department.

~~(a)(b)~~ A region's covered local government's waste reduction plan shall be consistent with T.C.A. § 68-211-815, the municipal solid waste planning region's plan, the guidelines issued by the ~~Division~~ Department, and the State's solid waste reduction plan. Such a plan shall explain the region's covered local government's waste reduction methods, strategies, and timetables for implementation. The region's covered local government may use any combination of methods; ~~however, the following methods or practices will not be considered in the calculation for the region's waste reduction plan:~~ as described in subparagraphs (2)(a) through (i) of this rule.

~~1. Incineration;~~

~~2. Unmarketed municipal solid waste compost;~~

~~3. Recovered materials (other than problem wastes) stored for recycling without being marketed as prescribed by rule 1200-1-7-.09(2)(b)3; and~~

~~4. Illegal or unauthorized storage or disposal of municipal solid waste.~~

~~(b)~~ The twenty-five percent (25%) goal applies to only the waste that has been going to Class Handfills or municipal solid waste incinerators. Measurements of waste are to be based on the amount of waste entering a disposal facility prior to combustion or landfilling. Materials recovered or collected for recycling at these facilities prior to combustion or landfilling shall be weighed and deducted from the total amount being disposed.

~~(c)~~ The region shall present its calculation of the twenty-five percent (25%) reduction on a per capita basis or the economic growth basis to be prescribed by the Department in accordance with paragraph (1) of this rule. The county waste reduction plan shall be the aggregate of the county government and all the covered local governments' waste reduction plans within the county.

~~(d)~~ The region plan shall utilize the base year of 1995 for measuring waste reduction unless a region can demonstrate that the 1995 data is clearly in error. A region may receive credit toward the waste reduction goal from recycling and source reduction programs prior to 1995, but no earlier than 1985. The region shall notify in writing the Division Director of such an error and request approval of any adjustment to the 1995 data. All municipal solid waste planning regions shall submit a waste reduction plan that is an aggregate of all covered local governments' plans within the planning region. The municipal solid waste planning region's plan will be the aggregate of all covered local governments waste reduction plans within the solid waste planning region including all counties and municipalities within that solid waste planning region.

~~(e)~~ Waste reduction plans in accordance with T.C.A. §68-211-815 will also contain at a minimum but not limited to:

1. Specific waste reduction programs current offered;
2. A schedule of waste reduction programs and services to be offered with the implementation dates;
3. Plan for marketing commodities collected for recycling;
4. An assessment of infrastructures needed to implement the plan; and
5. A plan to manage debris during disaster situations that provides for waste reduction and diversion of material from landfills resulting from such disasters.

~~(e)(f) By March 31 of each year, each region~~ Each municipal solid waste planning region shall submit the aggregated waste reduction plan and an annual progress report to the ~~Division~~ Department in accordance with paragraph (6) of this rule. Pursuant to T.C.A. §§ 68-211-816 and 68-211-871, such reports shall include, at a minimum, the amount and type of recycled materials collected in the region.

(g) **To implement the new waste reduction goal, the Department shall require an update of all solid waste plans to be completed by June 30, 2015.** This update will address all changes relating to the waste reduction and recycling goals defined in this Rule Chapter.

(h) This waste reduction plan shall be a component of the region's municipal solid waste plan.

(4) ~~Qualitative Assessment Methods~~ Accounting. In accordance with T.C.A. § 68-211-874 covered local governments shall use an enterprise fund system of accounting for all solid waste programs, unless at the discretion of the Commissioner, a special revenue fund is allowed. The Commissioner may, at his discretion, allow a Special Revenue Fund system of accounting to be used for a particular solid waste program if he determines that the accounting discloses, at a minimum, all expenditures, all revenues, and the cost per household for solid waste services.

~~(a) An assessment method shall be developed by the Department of Environment and Conservation and approved by the Municipal Solid Waste Advisory Committee. This assessment will be applied to Municipal Solid Waste Planning Regions that failed to meet the twenty-five percent (25%) waste reduction and diversion goal stated in T.C.A. §68-211-861(a) according to the 2003 Annual Progress Report submitted to the Division. The qualitative assessment will objectively assess the activities and expenditures of both the Municipal Solid Waste Planning Region and the local governments in the region to determine whether the region's program is qualitatively equivalent to other regions that meet the goal and whether the failure is due to factors beyond the control of the region.~~

~~(b) The qualitative assessment shall be done in the following two steps:~~

- ~~1. The Department shall use the waste and diversion reported by the solid waste region for the most current reporting period to determine whether in that year~~

~~twenty-five percent of the solid waste generated in that year was either diverted from class I facilities or recycled. If it was, the region meets the qualitative assessment and the department does not proceed to the next step.~~

~~2. The Department shall evaluate the programs in those regions that do not satisfy subparagraph (2)(a) above to determine if they are qualitatively equivalent to those that did meet the 25% recycling and diversion goal by evaluating at least the following solid waste program activities for the most current reporting period, giving the first two items the greatest weight:~~

~~(i) waste reduction and recycling programs and systems;~~

~~(ii) waste diversion programs and systems;~~

~~(iii) solid waste education programs and systems;~~

~~(iv) waste collection and handling systems; and~~

~~(v) solid waste program budgets and staffing.~~

~~The methodology shall make comparisons between regions that are similar as possible in terms of population and social-economic level to the region that failed to meet the goal.~~

(5) Enforcement

(a) Except as provided in subparagraph (b), failure to comply with the applicable requirements of this rule will subject any entity to the penalties provided by T.C.A. §§ 68-211-816 and 68-211-861.

(b) Covered local governments failing to meet the waste reduction or recycling goal after 2015 shall be reviewed by the Department. A determination will be made based on the following as to the course of action required by the covered local government to attain the goal.

1. Covered local governments with Recycling Ratios of 15%-19% as calculated by subparagraph (1)(c). The covered local government will be notified of non-compliance. The Department shall qualitatively assess covered local governments failing to meet the established statewide waste reduction and local recycling goals. The Department shall determine and recommend waste reduction programs, best management practices, and activities to be implemented to improve the covered local government's waste reduction efforts. The covered local governments shall timely implement by ordinance the identified recommendations and within two (2) years achieve the goal. If the covered local government fails to comply with this part, the Commissioner may assess penalties stated in T.C.A. §§ 68-211-816 and 68-211-861.

2. Covered local governments with Recycling Ratios of 10% -14% as calculated by

subparagraph (1)(c). The covered local government shall be notified of non-compliance. The Department shall direct the local development district to provide a comprehensive Needs Assessment of all solid waste systems under the control of that covered local government identifying deficiencies in their solid waste programs. The Department, based on the Needs Assessment, will make recommendations of programs, best management practices, and activities to be implemented to improve waste reduction efforts. The covered local government shall timely implement by ordinance the identified recommendations and within two (2) years achieve the goal. If the covered local government fails to comply with this part, the Commissioner may assess penalties stated in T.C.A. §§ 68-211-816 and 68-211-861.

3. Covered local governments with Recycling Ratios of 0%-9% as calculated by subparagraph (1)(c). The covered local government shall be notified of non-compliance. The Department shall direct the local development district to provide a comprehensive Needs Assessment of all solid waste systems under the control of the covered local government identifying deficiencies in their solid waste programs. The Department, based on the Needs Assessment, will make recommendations of programs, best management practices, and activities to be implemented to improve waste reduction efforts. The Department shall set quarterly milestones to monitor the covered local government's progress towards the goal. Quarterly progress reports shall be made to the Department updating the milestone progress. The covered local government shall timely implement by ordinance the identified recommendations and within two (2) years achieve the goal. If the covered local government fails to comply with this part, the Commissioner may assess penalties stated in T.C.A. §§ 68-211-816 and 68-211-861.

**(6) Reporting**

- (a) Class I, Class III, and Class IV landfills shall report to the Department, on forms provided by the Department, the origin and tonnage (construction and demolition materials converted from cubic yards at 4 cubic yards per ton) on a quarterly basis within thirty (30) days after the end of the quarter.
- (b) All municipal solid waste planning regions shall submit by March 31<sup>st</sup> in the calendar year immediately following the reporting year their annual progress report. The covered local government may request in writing prior to the due date an additional thirty (30) days to submit all required information. Additional time may be granted by the Commissioner for good cause shown.

TABLE 1

Category	Tier 1	Tier 2	Tier 3	Tier 4
Collection	At least one Convenience Center and or additional based on SWMA requirements	Add additional Convenience Centers to fully serve needs conveniently located around county, start moving towards higher level of service in populated areas	Curbside Higher level of service, mandatory countywide service	Curbside Higher level of service, mandatory countywide service  Curbside recycling programs in place (Public or Private)
Disposal	Local or Regional	Local or Regional	One Transfer	Class I disposal

	Class I Landfill Disposal for Class I and III/IV waste	Class I and Class III/IV landfills disposal of waste by type to correct Landfill.  Transfer Station, use of pit burners or air curtain destructors	station, Class I waste going to class I facilities, Class III/IV waste going to Class III/IV facilities.	being directed to digesters or composters, or moving some waste to material derived fuels or WTE or other waste reduction conservation disposal program.  Methane Recovery For Power At Landfill  Work to only dispose of what is actually necessary and have no other location to send materials to
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Disposal	Local or Regional Class I Landfill Disposal for Class I and III/IV waste	Local or Regional Class I and Class III/IV landfills disposal of waste by type to correct Landfill.  Transfer Station, use of pit burners or air curtain destructors	One Transfer station, Class I waste going to class I facilities, Class III/IV waste going to Class III/IV facilities.	Class I disposal being directed to digesters or composters, or moving some waste to material derived fuels or WTE or other waste reduction conservation disposal program.  Methane Recovery For Power At Landfill  Work to only dispose of what is actually necessary and have no other location to send materials to
Waste Reduction	A minimal recycling program to include at least a fiber category (cardboard, paper, etc.), Metal, and waste tires	Expand existing recycling program to include multiple fiber, multiple metal, white good materials, used oil and anti-freeze	Expand existing recycling program to include full spectrum of fiber and metals, include multiple types of plastics, glass recycling or management if end user available, white goods, Treat anti	All traditional recyclables (Fiber, Metals, Plastics, Glass <when markets are available>, Tires, reusing oil in burners, Other non-traditional recyclables

			freeze, used oil as recyclable or resource not waste	Implementing many other waste reduction strategies (PAYT, product stewardship, WasteWise, LEEDS etc.) Some curbside recycling (Public or Private)
Problem Wastes	Public or Private sites to collect and manage Lead Acid Batteries, Tires, Oil, other automotive fluids  Host occasional Mobile HHW collection event	In addition to Tier 1, host yearly a mobile HHW collection event, Program to manage latex paint, e-scrap management	Smaller Permanent Household Hazardous Waste Facility, Used oil and anti-freeze management, e-scrap management through cooperative marketing, Latex paint management, gas cylinder management	Full Size Permanent Household Hazardous Waste Facility (may handle regional needs) Used oil and anti-freeze management strong e-scrap recycling management program, Latex paint management, gas cylinder management
Education/Awareness	Signage at convenience centers, some K-12 promotion (can be through TN-SWEP)	Signage at convenience centers, some K-12 education (can be through TN-SWEP). Increased media materials, multimedia presentations, educate on e-waste and paint management.	K-12 education programs regularly administered, public service announcements, how-to and awareness campaigns, regular promotion of waste reduction, Regular use of programs like Recycle Guys, Adult targeted programs, Employee programs	K-12 curriculum and Programming Adult Programming  Regular media outlets, Multi language education, Education centers available to educate on recycling (Public or Private)
Population Served	Low population, very Rural Counties  Minimum level of service	Fair to moderate Population base, Larger more developed Rural counties	Moderate to Large Population base, Moderate to Large Counties with moderate to large urban influences	Large to very Large Population Base, Larger very Urban Counties / Municipalities
Economic	Full Cost Accounting (Disclosure)/ Enterprise Fund Accounting for Solid Waste and Recycling Programs	Full Cost Accounting (Disclosure)/ Enterprise Fund Accounting for Solid Waste and Recycling Programs	Full Cost Accounting (Disclosure)/ Enterprise Fund Accounting for Solid Waste and Recycling Programs	Full Cost Accounting (Disclosure)/ Enterprise Fund Accounting for Solid Waste and Recycling Programs

Regulatory Authority: T.C.A. §§ 68-203-103(b)(3), 68-211-102(a), 68-211-105(c), 68-211-106(a)(1), 68-211-107(a), 68-211-111(d)(1) and (2), 68-211-851(a), 68-211-852, 68-211-853, 68-211-861.

Paragraph (1) of Rule 1200-01-07-.10 Convenience Centers/County Public Collection Receptacles is amended by deleting the current paragraph and substituting the following language, so that, as amended, the paragraph shall read as follows:

- (1) Purpose
  - (a) This rule shall establish the minimum level of service which every county must provide in order to assure that all residents of a county are provided with collection and disposal service.
  - (b) This rule shall establish minimum standards for the design and operation of convenience centers if such service is selected by a County.
  - ~~(c) This rule shall establish the economic index and local matching rates for grant assistance to counties to establish and upgrade convenience centers.~~
  - (c) This rule shall establish requirements for operation and use of county public collection receptacles for municipal solid waste.

Paragraph (5) of Rule 1200-01-07-.10 Convenience Centers/County Public Collection Receptacles is amended by deleting the current paragraph in its entirety and renumbering the remaining paragraphs in the Rule.

- ~~(5) Economic Index~~
  - ~~(a) Matching rates for convenience center grants shall be determined using the mean of a county's rank for equalized property tax generation and per capita income. Property tax generation shall be the equalized value of property as published in the Tennessee State Tax Aggregate Report by the State Board of Equalization. Per capita income shall be the income figure published by the United States Department of Commerce, Bureau of Economic Analysis.~~
  - ~~(b) The Department shall issue annually in March the County ranking based on this mean.~~
  - ~~(c) The local share required to match grant funds shall be 10% for those counties in the lower one-half (½) of the economic index. Those counties in the upper one-half (½) of the economic index shall be required to provide a 20% local match.~~

Subparagraph (a) of paragraph (6) of Rule 1200-01-07-.10 Convenience Center/County Public Collection Receptacles is amended by deleting the current subparagraph and substituting the following language, so that, as amended the subparagraph shall read as follows:

- (a) ~~By March 31 of each year,~~ Each county which maintains and uses receptacles for the collection of municipal solid waste from the general public at sites separate from a convenience center shall develop a plan for the elimination or conversion to manned convenience centers as defined in paragraph (2) of Rule 1200-01-07-.01 by June 30, 2015 to be implemented by June 30, 2020. The county will include the following information as

part of the ~~Solid Waste Region's~~ municipal solid waste planning region's annual report (which is submitted to the Department) until said collection receptacles are eliminated or converted:

1. The number of receptacles in the County;
2. The location of all receptacles by street address and geo-code (longitude and latitude);
3. Collection times for such receptacles; and
4. Operation procedures and security measures adopted and enforced to maintain and service the receptacles and to ensure the protection of public health and safety. Such information ~~is~~ required by this part must be in the form of a narrative manual and meet the minimum requirements of subparagraph (b) of this paragraph.

Regulatory Authority: T.C.A. §§ 68-203-103(b)(3), 68-211-102(a), 68-211-106(a)(1), 68-211-107(a), 68-211-111(d)(1) and (2), 68-211-105(b), 68-211-851(a), and 68-211-853.

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**Municipal Solid Waste” (MSW)** means any garbage, refuse, industrial lunchroom or office waste, household waste, household hazardous waste, yard waste and any other material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities which are required to be

disposed of in a Class I landfill, as defined in regulations adopted pursuant to T.C.A. Title 68, Chapter 211; provided, that "municipal solid waste" does not include the following:

5. **Private entities are required to meet this goal. Progress will be determined through a private sector survey as described in subparagraph (d) in this rule to benchmark recycling activity.**

6. Individuals are considered under their perspective jurisdictional government.

(c) For the purpose of this rule, the term covered local governments shall mean all of the local governments described in parts (1)(b)1 through 4 of this rule and their agencies, boards, and other subdivisions.

(d) **All covered local governments shall meet a 20% recycling goal and reduce waste going to landfills annually. They shall accomplish this goal within five (5) years of the effective date of this rule and shall be measured using a recycling ratio formula as noted below:**

**% Reduction = Materials recycled that are controlled by the covered local government / Total of all materials generated that are controlled by the covered local government**

(e) **The Department shall complete a survey of the private sector, to be conducted in years ending in zero (0) and five (5), to establish initially a baseline index for waste reduction and recycling activities in the private sector and then to monitor change.**

**MSW==type or material generated OR who picks it up**

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(a) **Landfill Bans.** Due to the dynamic nature of solid waste and the fact that the variety and availability of local markets vary, **covered local governments** will be responsible to implement bans on the following waste stream materials by the targeted date:

1. **Yard trimmings**, metals, corrugated cardboard, elemental mercury, mercury containing devices, and e-scrap. Covered local governments shall adopt ordinances by July 1, 2015 that will ban these materials from being disposed in landfills with implementation to begin with two years of passage of said ordinance.

2. **Food scraps.** Covered local governments shall adopt an ordinance by July 1, 2020 that will redirect food, food scraps and similar organic wastes from being disposed in landfills and directed to other beneficial end uses. These beneficial end uses include, but are not be limited to, meals for the needy, composting, and other similar activities. Any ordinance passed must take into account all applicable food and composting laws, ordinances, rules, regulations and policies.

23 September

Thank you for sending the regulations--I think there are some good things such as automatic penalties for local governments according to degree they do not meet standards and apparent elimination of "qualitative" review--this may eliminate some political pressure. There will be opportunities to make points, however I would like to say the apparent shortcoming of this approach is reliance on LOCAL REPORTS. We do not need spiffy local reports--we need food waste [12%] and yard waste [13%] and paper/cardboard [36%] kept out of the waste stream and landfills. See most recent numbers from Metro below.

#### COMMENTS

- A. this appears to create two classes of MSW--that collected by local governments and all other waste. This is an artificial construct which will do no good.
  - B. ALL waste, particularly out of state should demonstrate by record it has been checked. All waste should be examined at wither landfill or Transfer Station.
  - C. where is diversion of 'e-waste' addressed?
  - D. "bans" on yard waste are too late [2015] and apparently limited to waste collected by local governments.
  - E. "bans" on food waste are too late [2020] and apparently limited to waste collected by local governments
  - F. PLEASE NOTE--the Task Force, comprised of local solid waste managers determined unanimously that local reports [and 25% credit] were not effective and did not reflect reality--for example, see Metro Nashville numbers from 2007 and also new "10 Year Plan"
  - G. survey of state business---67% of waste stream--seems highly suspect
  - G. The basic flaw here is that it will take 12--17 years to determine if the program works.
- >>>we urge--immediate, right now, TDEC research and assistance to local governments to divert food and yard waste**

EPA, water consultant, call local officials, transport, what we want--Class IV, food waste, local numbers, business, accountability, bad process--RESEARCH,

why WAIT–food and yard waste– all WASTE Checked–water and landfills  
DO NOT do things for local government

how about bottle bill?

–good things--

**Plans**