

BURNT

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CITIZEN INVOLVEMENT WITH GOVERNMENT,
BUSINESS, AND ACADEMIA

17 January 2009

Kenneth L. Donaldson, Chairman
Tennessee Solid Waste Disposal Board
1955 Union Place, Apt 1-155
Columbia, TN 38401

Requested Action –Not Place Pending Solid Waste Regulations Out For Public Comment

Dear Chair Kenneth Donaldson:

The 1991 Solid Waste Act (T.C.A. 211-201-101) was preceded by a three year statutory planning effort. Eighteen years later, Tennessee is the only state which allows landfilled construction waste to count toward the 25% diversion goal meant for recycling and compost. Tennessee is a national leader in per capita landfilling. Our solid waste numbers are highly suspect. We ask the Board to shelve these Regulations to allow planning on how to manage the resources in solid waste as raw materials in business to create jobs, tax revenue, and profits. Tennessee needs solutions rather than unfunded local mandates banning food waste, yard waste, and electronic waste from the landfills. We have time now to fix this problem. An existing model for planning is Tennessee legislation *SB 1779/HB 1345*–year 2007.

The Solid Waste Reduction Task Force was appointed by TDEC to develop these Regulations (A BURNT member was on the Task Force and another BURNT member participated– we found TDEC staff and managers to be highly informed and engaged) The 24 member Task Force was all white, 22 out of 24 white males, and 21 out of 24 local solid waste managers–but the Task Force members knew solid waste. The Task Force voted unanimously among other recommendations

1. TDEC developed the wrong method to develop new solid waste regulations
2. An independent, part time Executive Director or environmental consultant was needed
3. Solid waste reform is a multi-year process including management controls for program evaluation
4. Tennessee solid waste numbers are not accurate (see attached letter concerning Nashville Plan)
5. The cornerstone of Tennessee solid waste–credit toward the 25% diversion rate for materials landfilled in Class IV Landfills of materials–has not worked

How can Public Comment fix the work product of a Task Force when veteran, skilled local

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solid waste managers who were on the Task Force make these statements? New Regulations must have management controls for future State Solid Waste Disposal Boards to evaluate solid waste progress, including

- 1.) how much food and yard waste is composted in county where generated;
- 2.) decrease in mileage solid waste is transported from Transfer Stations to landfills [currently more than 12 million miles annually],
- 3.) accuracy in solid waste numbers.

Reopening the planning process will help local governments and business who spend \$250 million annually to landfill solid waste and construction waste. We need solutions which create a higher value use for solid waste rather than unfunded mandates banning yard waste, food waste, and electronic waste from landfills. The Board can ask for new regulations which

1. use solid waste as a raw material for business to create jobs, and profits.
2. keep waste separate—particularly “wet” food and yard waste from all other waste
3. target compostable food and yard waste and construction waste to use as a raw material in business
4. reduce transport of solid waste—research how to compost on site at schools or business parks or in county of generation
5. concentrate on business and institutional waste which is 60% of the waste stream. Residential curbside recycling is very expensive and less productive.
6. require new regulations to result in good numbers. The only reliable number Tennessee has is amount of waste landfilled at Class I Landfills—all other numbers are speculation needed to fill out TDEC required reports (NOTE: letter to Nashville Regional Solid Waste Board).

We do not know what TDEC will offer to the Board on 3 February. We requested that TDEC managers meet with Dr. Neil Seldman, president of Institute for Local Self Reliance (www.ilsr.org) when he was in Nashville in December 2008. Dr. Seldman is a nationally recognized expert in diverting waste from landfills. However, TDEC did not respond. We ask these Regulations to not be put out for public comment. With basic research we can develop a State solid waste policy which provides accurate numbers, management tools for future Boards, and reduces landfilling by using solid waste as a raw material in business.

Thank you

Bruce Wood
President

R C Bartlett
Vice President

enc Letter to Metropolitan Nashville Regional Solid Waste Board concerning their Plan
cc: State Solid Waste Disposal Board and Members 'Solid Waste Reduction Task Force'
Director, Division of Solid Waste, TDEC
Governor Phil Bredesen
President, Tennessee Conference of NAACP and President, Nashville Branch of the NAACP