

**BILL NO. BL 2018-1280** (HASTINGS) – This ordinance would approve the plans for a non-hazardous liquid waste processing facility at 2832 Whites Creek Pike. This consists of parts of two (2) large parcels of land, including 0 Whites Creek Pike. The proposed facility would accept non-hazardous liquid waste to be recycled into various products.

Onsite Environmental, located at 1421 Baptist World Center Drive, has submitted an application and plans for a processing facility to the Division of Solid Waste Management of the Tennessee Department of Environment and Conservation (TDEC). This application was forwarded to the Department of Public Works. The location of the proposed facility is zoned SP-Industrial and is not within the 100-year floodplain. The facility would accept no more than 195,000 gallons of non-hazardous liquids per day.

On August 10, 2018, the Planning and Codes Departments issued a joint memorandum clarifying that the proposed facility would be categorized as a Recycling Facility. The current SP zoning for this location is divided into three districts: A, B and C. District B of the Specific Plan would permit a Recycling Facility use under current zoning. Districts A and C would not. In the event the Council did not approve this ordinance, it is the opinion of the Council office that a law of specific application (Tenn. Code Ann. §68-211-701, *et seq.*) would prohibit the intended use despite general zoning allowances.

The Council office has been advised by the applicant that the proposed facility would collect grease trap liquids, oily wastewater, and leachate. Grease collected from containers at restaurants and wastewater treatment units constitutes a “recovered material” that does not otherwise enter the waste stream. As such, the Jackson Law (Tenn. Code Ann. § 68-211-701, *et seq.*) would not apply to a facility collecting only grease trap liquids. The Tennessee Department of Environment and Conservation has confirmed, however, that oily wastewater and leachate constitute solid waste to which the Jackson Law does apply.

Pursuant to Tenn. Code Ann. § 68-211-704(b), the criteria to be considered by the Council in evaluating this proposal include the following:

1. the type of waste to be disposed of;
2. the method of disposal to be used;
3. the projected impact on surrounding areas from the noise and odor created;
4. the projected impact on property values on surrounding areas;
5. the adequacy of existing roads and bridges to carry the projected increased traffic;
6. the economic impact on the country, city, or both;
7. the compatibility with existing development or zoning plans; and
8. any other factor which may affect the public health, safety, or welfare.

Per Ordinance No. BL2016-484, the Council must approve all solid waste processing facilities and similar facilities prior to their construction. The provisions of Tennessee Code Annotated § 68-211-704 requires a public hearing and that final approval must be voted upon within thirty (30) days of the public hearing. The public hearing occurred August 7, 2018, and the September 4, 2018 meeting would be the last remaining regular meeting within the 30 day period.