

Davidson County Solid Waste Regional Board
Minutes for March 24, 2021

The meeting of the Davidson County Solid Waste Regional Board was held on March 24, 2021 at 4 PM via WebEx teleconference. The meeting information including how to login to WebEx, listen by phone or watch the live stream was posted on the Boards website, the Metro Government calendar and in the Tennessean.

The meeting was called to order by Mr. John Sherman, Chairman, and roll call was taken. The following members were present: Damita Beck-Taylor, Robert Diehl, Dale Grimes, Jennifer Hackett, Midori Lockett, Jeff McCormick, Beth Reardon, Jason Repsher and Lisa Smith. Michael Sullivan was in the meeting as an attendee and was unable to speak during the roll call.

Chair Sherman requested a motion that "Pursuant to Governor Lee's Executive Order No. 16 regarding electronic meetings, as extended by Executive Orders No. 78, I make a motion that the Davidson County Solid Waste Region Board's meeting agenda constitutes essential business of the Metropolitan Government, and that meeting electronically is necessary to protect the health, safety, and welfare of Tennesseans in light of the COVID-19 outbreak." Mr. McCormick made the motion and it was seconded by Ms. Lisa Smith. The motion passed unanimously by roll call.

The chair welcomed the members and the listening public to the meeting and briefly described the agenda and importance of the issues to be discussed. The Chair then requested a motion to approve the minutes from the October 14, 2020 meeting. A motion was made by Mr. Diehl and seconded by Mr. Repsher. The motion passed unanimously by roll call.

Sharon Smith with Public Works gave a short presentation on the 2020 Annual Progress Report which is required by Tennessee Code. She spoke briefly on the successes over the past year, the tonnage of material that was landfilled and recycled. During the presentation Mr. Sullivan was able to move up to a panelist. The Chair opened the meeting up for public comments on the report. There were no comments on the Annual Progress Report by the public and Ms. Beck-Taylor made a motion to approve the report as a modification to the Solid Waste Management Plan. Her motion was seconded by Mr. Diehl and passed unanimously by roll call. A second motion was required to approve the 2020 report. Vice-Chair Hackett made a motion to approve the 2020 report. The motion was seconded by Ms. Lockett and approved unanimously by roll call.

Chair Sherman then gave a short summary of the Mayor's Sustainability Advisory Committee and the recommendations related to waste reduction.

From this point forward, please refer to the meeting transcript (Landfill Application Transcript) by the court reporter.

DAVIDSON COUNTY
SOLID WASTE REGION BOARD

Wednesday, March 24, 2021

4:00 p.m.

Via Webex

BOARD MEMBERS

John Sherman, Chairman
Jennifer Hackett, Vice Chairperson
Damita Beck-Taylor, Member
Dale Grimes, Member
Robert Diehl, Member
Midroi Lockett, Member
Jeff McCormick, Member
Beth Reardon, Member
Jason Repsher, Member
Lisa Smith, Member
Michael Sullivan, Member
Sharon Smith, Secretary
Tara Ladd, City Attorney
Theresa Costonis, City Attorney
Representative Dixie
Senator Gilmore
Council Member Hall
Don Gentilcore, Waste Management
Nancy Sullivan, Waste Management

1 **SOUTHERN SERVICES LANDFILL EXPANSION**

2 **REQUEST BY WASTE MANAGEMENT**

3
4
5 CHAIRPERSON SHERMAN: I'm going to turn
6 now to the major point of business that I think
7 everybody is here for and that's the Southern
8 Services Landfill Expansion Request that's made by
9 Waste Management.

10 Now, you know, the Board has received
11 this application from Waste Management to expand
12 the landfill, the Southern Services Landfill, in
13 the Bordeaux Community. It's a construction and
14 demolition landfill.

15 You know, the Tennessee Code 68-211-814
16 requires that new or expanding landfills submit an
17 application to the Regional Solid Waste Board,
18 that's us in this case, and we have to take that
19 plan -- we have to take the application and see if
20 it comports with the Zero Waste Plan or it does
21 not. And if it does not, then we can deny it. And
22 if it does, then know we can approve it. So either
23 way.

24 Today's meeting we're really focused on
25 whether or not that -- you know, so this is really

1 for both the Board and for public comment is that
2 our job is to look at whether or not it meets the
3 Plan or not. And so that is -- that -- just know
4 that that's what we have to -- those are the facts
5 we have to look at.

6 There's plenty of other things we could
7 be talking about on this application, I realize,
8 but those very well could be outside the purview of
9 the Board, given that we -- the Plan drives what --
10 you know, our decision making.

11 So with that I'm going to, you know, ask
12 Waste Management to make a presentation. Board, we
13 will then have the ability to ask questions of
14 Waste Management and then we'll open it up for
15 public comment.

16 And we're going to have this in two --
17 kind of two different pieces. There are several
18 elected officials who have joined us and they
19 are -- we've asked them if they would be willing to
20 speak first. And then once the public officials
21 have spoken, then we'll open it up to the public
22 for comment, given -- we're going to abide the same
23 rules as we have in city council is their comments
24 are being limited to three minutes apiece. You'll
25 need to raise your hand or otherwise call into the

1 number that Sharon provided. And after three
2 minutes, we'll move onto the next presenter.

3 So I would, again, just urge you to focus
4 on the Plan itself. So with that, Sharon, are you
5 there?

6 MS. SHARON SMITH: I am here.

7 CHAIRPERSON SHERMAN: All right. So I'm
8 going to turn this over to you and to help bring
9 in -- I don't know who -- I don't know, Nancy
10 Sullivan -- I'm not sure who's presenting from
11 Waste Management, but we turn it over to you.

12 MS. SHARON SMITH: All right. So we have
13 Don from Waste Management. Don, I've given you the
14 ability to share your screen, and you should be
15 able to do that now. And just let me know if
16 you're having any problems.

17 And, Don, I don't know your title, but if
18 you could just introduce yourself before you start,
19 that would be great.

20 MR. GENTILCORE: Please. And if you
21 could make your screen a little bit bigger, if
22 that's possible, that would be helpful, too, but I
23 don't know if that's possible.

24 CHAIRPERSON SHERMAN: Also, if folks
25 aren't speaking, it would probably be best to mute.

1 I'm going to mute myself so you don't hear my dogs
2 or squeaky chair.

3 MR. GENTILCORE: Let me unmute myself
4 first. Can you hear me now?

5 CHAIRPERSON SHERMAN: Yes.

6 MR. GENTILCORE: Okay. Sorry. I was
7 trying to get through the technology here.

8 MS. SHARON SMITH: Don, what we can see
9 of the presentation with, sort of, the agenda on
10 the side. If there's a way to just pull up the --
11 There we go.

12 MR. GENTILCORE: How's that?

13 MS. SHARON SMITH: Yeah, thank you.

14 MR. GENTILCORE: You're welcome.

15 Okay. Well, thank you very much for your
16 time today. My name is Don Gentilcore. I'm the
17 senior district manager for Waste Management. And,
18 you know, in terms of the agenda the presentation,
19 we'll go through introductions. Myself and Nancy
20 Sullivan, from TriAD. We're going to give some
21 background on Southern Services, the landfill and
22 the ecopark. Give an overview of the proposed
23 expansion, talk about its conformance to the Solid
24 Waste Master Plan and then any discussion and
25 questions from the Board on the Plan.

1 We appreciate the Board's time and the
2 opportunity to present this expansion and your
3 consideration of our request.

4 So I'm the senior district manager with
5 Waste Management. I have over 25 years experience
6 managing post-collection operations, including
7 operation of landfills, recycling facilities, and
8 organic recovery facilities and transfer stations.
9 So as a senior district manager I'm responsible for
10 the oversight of Waste Management's Tennessee post
11 collection operations which, in Davidson County,
12 includes Southern Services and our MTEC C&D
13 Recycling Facility.

14 Nancy, do you want to introduce yourself?

15 MS. SULLIVAN: Oh, sure. Hello. I'm
16 Nancy Sullivan with a TriAD Environmental
17 Consultants, and I'm a principle engineer there.
18 I've been working with Waste Management at this
19 particular site since 1998. And we've helped them
20 obtain two expansions, and currently we're working
21 with them on doing their environmental monitoring,
22 which includes primarily the groundwater
23 monitoring. So, thank you.

24 MR. GENTILCORE: Thank you, Nancy.

25 So in terms of Waste Management in Middle

1 Tennessee, you know, we really partner with
2 Nashville on multiple solid waste management
3 endeavors in support of the region's solid waste
4 goals.

5 Some of our operations are shown here on
6 the screen in Middle Tennessee. It includes the
7 operation of the only single-stream recycling
8 facility on River Hills Drive, and that's called
9 the River Hills MRF.

10 Operation to two additional material
11 recycling facilities on Myatt Drive, which is
12 called the Nashville North Recycling Facility, as
13 well as a high-grade facility, which is high
14 recovery materials, on River Hills Drive as well.

15 We also operate a transfer station on the
16 Antioch Pike in Antioch, and that's really to
17 collect and transfer commercial and municipal solid
18 waste out of Davidson County. The material that is
19 transferred at Antioch is disposed of at the Cedar
20 Ridge Landfill which is located in Lewisburg,
21 Tennessee, and our West Camden Class I Landfill,
22 which is located in Camden, Tennessee. Those are
23 shown here on this map as well.

24 In green is the Southern Services Class
25 III and IV Landfill. In addition, our MTEC C&D

1 Recycling Facility. So MTEC is currently the only
2 mixed C&D waste material recovery in Nashville.
3 And we'll talk a little bit about that as we go
4 through the presentation as well.

5 So the Southern Services site has
6 been used as scrap operation and then as a
7 construction and demolition, C&D, landfill for more
8 than 35 years. Waste Management currently owns and
9 operates the landfill which is located off Briley
10 Parkway.

11 We accept only C&D materials, like
12 concrete, metal, asphalt, brick -- these are inert
13 materials -- from residential and commercial
14 building projects. The facility's not permitted to
15 accept hazardous materials or materials that react
16 to water and could lead to runoff or contamination
17 risks.

18 You know, in terms of -- previous slides
19 showed some of our facilities in Middle Tennessee,
20 you know, we currently employ 23 full-time
21 workers at Southern Service's site, and throughout
22 Middle Tennessee over 250 workers.

23 So this -- Southern Services is operated
24 under -- and regulated under permits from TDEC. As
25 well as we have a metro air permit for our

1 operations. So those govern our regulations and
2 our permits at the facility.

3 This is to give a general overview of the
4 location of Southern Services. I would point out,
5 you know, the facility is located in an industrial
6 area. It's bordered by Briley Parkway on the east,
7 Ashland City Highway to the north, Cumberland River
8 to the south, and then you can see some of the
9 neighboring industrial operations, including the
10 concrete plant, two mulch and composting
11 facilities. The CSX Railroad also comes through
12 our property, and then the John Tune Airport, you
13 can see that just to the south of the facility.

14 In terms of the site itself, the Southern
15 Services, we refer to it as a Class III landfill,
16 is a 77-acre facility here. And the site also
17 houses what we refer to as an ecopark. So the
18 ecopark contains the MTEC C&D recycling facility
19 which is located -- it takes up about five to
20 six acres of the ecopark facility here.

21 In addition, the ecopark stages the
22 materials that we recover from the C&D recycling
23 operation -- so recovered wood, concrete, metal,
24 cardboard -- which are then shipped off for reuse
25 and recycling and recovery.

1 The site today is 183 acres, and the
2 currently-permitted landfill really takes up less
3 than half of that. The remaining acreage is
4 devoted to conservation operational support
5 services.

6 I should go back a slide and point out
7 again, this green area is our property boundary,
8 the Southern Services Landfill. There's a 28-acre
9 wetland habitat here. It's a mitigated wetland and
10 a certified conservation area that's located on
11 site. That 28 acres, I said it was a certified
12 wildlife habitat. We've developed the partnership
13 with the Tennessee Ornithological Society of
14 Nashville to monitor the variety of birds and
15 wetlands at the site. And the ecopark, as I said,
16 houses the mixed C&D waste recycling and recovery
17 facility.

18 So that's -- primarily materials that
19 come to that facility are lead designated projects
20 or developers that wish to have a C&D recovery
21 element as part of their project. So those are
22 directed materials to the MTEC facility. And then
23 we'll recover useable materials, including metal,
24 untreated wood, concrete, and uncontaminated
25 cardboard. As I mentioned, those materials are

1 then sent to local recycling operations or reused
2 on the Southern Services site for site operations.

3 You know, as Sharon pointed out in the
4 annual report, the volume of C&D waste generated in
5 Davidson County has really increased significantly
6 in the last decade to nearly double what it was in
7 2008. More than 90 percent of the C&D material
8 generated in Davidson County is sent to the
9 Southern Services site.

10 So you can see the chart, 2018 to 2016 --
11 or 2008 through 2016 these figures were taken from
12 the Solid Waste Master Plan executive summary and
13 then the 2017 through 2019 data was added from the
14 Solid Waste Board's annual reports.

15 The 2020 information that's shown here is
16 just the Davidson County tonnage that was
17 landfilled at Southern Services.

18 So, as Sharon mentioned, you can see the
19 sharp increase that occurred in 2020. A lot of
20 that primarily is due to the March tornado.

21 Following that tornado, and looking at
22 the remaining site life at the facility, Waste
23 Management, we project that Southern Services has
24 only two to three years of capacity left. So when
25 we permit and look at landfill operations, we look

1 at air space. We don't permit for a time horizon,
2 it's how much air space capacity do we have left?
3 So based on the annual receipt of C&D at the
4 facility, we project that that air space will be
5 completely exhausted within the next two to three
6 years.

7 Without approval for an expansion, Waste
8 Management will need to take actions to extend the
9 life of the currently-permitted landfill space,
10 which could include increasing disposal rates and
11 limiting the type or volume of material that Waste
12 Management would accept at the landfill.

13 In terms of the proposed expansion, again
14 you can see a diagram off to the right. The
15 existing Southern Services Landfill; the ecopark,
16 which includes a C&D recycling area; the wetland
17 habitat is shown here in blue; and then the
18 proposed expansion area is shown here in green.

19 With only two to three years of capacity
20 left, and no viable alternative, we filed this
21 request for an expansion of the currently-permitted
22 landfill area. So this land is contiguous to the
23 existing landfill operation and it's already owned
24 by Waste Management.

25 Again, based on current C&D generation

1 disposal rates, we predict that this expansion
2 would provide an estimated 10 to 12 years of
3 additional C&D disposal capacity at the facility.

4 This expansion process will likely take
5 an estimated two to three years. So we're really
6 at the beginning stages of this expansion project.
7 You know, the first step is coming before the Solid
8 Waste Board and presenting the concept for
9 expansion. But there is engineering and
10 environmental studies that are ongoing at the site.
11 And, you know, we have not made application to TDEC
12 yet for this expansion. So this is really the
13 first step is coming before the Board and
14 discussing the proposed expansion plan.

15 The proposed expansion would also allow
16 for continued operation of our MTEC Facility. Even
17 with the fact that MTEC receives directed loads
18 from lead projects and from developers who are
19 going the extra mile to assure that their material
20 is sorted for recycling, really only about
21 60 percent of that material can be recovered for
22 recycling. You know, part of that is, just like on
23 traditional residential, single-stream recycling at
24 your curb, the material that comes in is
25 contaminated, cannot be segregated and sorted so

1 that it can be recycled, or it just contains
2 unrecyclable material that don't have designated
3 end uses yet.

4 So -- But an important component of the
5 financial viability of a C&D recycling facility is
6 the ability to have residual disposal. So that's
7 what really allows this facility, the recycling
8 facility, to be continually viable as we move
9 forward.

10 In terms of the Solid Waste Master Plan,
11 you know, Waste Management is ready and willing to
12 do our part to help the city achieve the ambitious
13 zero waste vision outlined in its Solid Waste Plan
14 but, you know, there is a long way to go and
15 there's several challenges that Davidson County
16 faces, including the high volumes of both
17 commercial and C&D waste, as demonstrated by the
18 charts on the previous slides and as Sharon
19 illustrated with her update on the annual report,
20 there are low recycling and diversion rates for C&D
21 in the county now. There's really no existing
22 guidelines for C&D waste disposal, and limited
23 existing infrastructure to help manage C&D
24 material.

25 So there really, you know, as part of the

1 Plan there's frameworks, there's guidelines that I
2 know the Plan addresses over a timeline, but those
3 do not exist at the present time and there's really
4 no market for a lot of the recovered C&D material.

5 We've been able to develop some limited
6 markets for the recovered wood, the metal, the
7 cardboard, and the concrete materials. But the
8 other materials that are in C&D, there's really not
9 an end market for those materials at this time.

10 So in addition to the challenges, there
11 have been several recent and really unexpected
12 events that have impacted the Plan's assumptions
13 and really the progress towards implementing those
14 goals. You know, the March 2020 tornado certainly
15 accelerated the filling of Southern Services,
16 reducing the landfill's life.

17 The ongoing pandemic has delayed the
18 implementation of the Plan elements and certainly
19 led to a reduction in available funds for the
20 initiatives. Again, unexpected events, such as the
21 Second Avenue bombing and the cleanup and
22 reconstruction, those are going to result in
23 additional unplanned debris.

24 And, you know, the Plan identified two
25 facilities to manage C&D material. One of those

1 was Atomic Resource Recovery and the other one was
2 Southern Services. Atomic Resources Recovery
3 closed in September of 2020.

4 So really not only is there only one
5 facility to manage C&D debris in Davidson County,
6 but there's only one mixed C&D recycling facility,
7 which is our MTEC operations. And, as I said, it
8 co-located with the landfill and it's really
9 dependent on the landfill expansion to continue
10 operating.

11 So until the initial phases and
12 implementation are underway, really stopgap
13 adjustments and solutions are needed to avoid
14 setting the region's waste management goals back
15 further, which is why a modest, short-term
16 expansion of the Southern Services Landfill is the
17 most effective, economic, and environmentally
18 friendly way for the region to manage its C&D waste
19 over the next decade. The current site could not
20 quickly or easily be repurposed, and finding
21 another location is cost and time prohibitive.

22 So this is a graph from Page 17 of the
23 Solid Waste Management Plan, you know, showing the
24 timeline, in terms of the implementation of the
25 phases of the Plan. And really the diversion of

1 waste doesn't really ramp up until the end of
2 Phase 4, which is, you know, 16 years in the future
3 from now.

4 So the expansion of Southern Services,
5 you know, adding the additional 10 to 12 years,
6 provides that bridge for when -- to allow the City
7 to implement this phased implementation of
8 diversion in Davidson County.

9 So the consequences of denying the
10 proposed expansion, really disruption and
11 development and growth. The potential closure of
12 MTEC, which is the only currently operating mixed
13 C&D recycling facility in Davidson County.

14 C&D material from Davidson County will
15 need to be hauled further away, leading to an
16 increase in greenhouse gas omissions, additional
17 traffic congestion, and significant cost increases.

18 You know, the closest facility for C&D
19 debris disposal is approximately 40 miles away. So
20 when you think about that logistically, what that
21 means is that you're going to need not
22 additional -- not only additional travel time,
23 diesel consumption to transfer the waste material,
24 but also you're going to need additional trucks to
25 handle that material. Whereas a customer could be

1 serviced within an hour to an hour and a half with
2 Southern Services operating, transporting material,
3 you know, 40 to 50 miles away, one way,
4 logistically you would have to add additional
5 trucks to service those, say that same customer
6 base, which would significantly increase congestion
7 and slow down the development in construction and
8 demolition projects. And it really disrupts
9 progress towards the goals and timeline of the
10 Solid Waste Management Plan.

11 The Solid Waste Management Plan
12 acknowledges that continuing the current approach
13 of trucking waste over long-distances to other
14 communities for burial result in higher costs and
15 lost potential for reuse or recovery. So the
16 closure of Southern Services would really force
17 that increase in long haul of material.

18 Additionally, there's -- Southern
19 Services pays a mandatory fee to Metro, which
20 amounts to approximately \$2 million per year. When
21 the landfill becomes full in two to three years,
22 and with no expansion, this would result in a
23 significant source of revenue loss.

24 Now, as I mentioned and I outlined our
25 operations throughout and surrounding Davidson

1 County, you know, we do have a very successful
2 partnership with Metro, and we're committed to
3 continuing that partnership and to help Davidson
4 County implement the Solid Waste Plan. We want to
5 be the part of the long-term solution, but that
6 solution has to be done thoughtfully and with the
7 goals of the Plan in mind.

8 So approving Waste Management's expansion
9 application is consistent with the Plan because it
10 really provides a viable and affordable option to
11 assist Metro and the county in fulfilling the C&D
12 deposit program and the recycling goals set out in
13 the Plan. It provides that bridge so that the
14 necessary elements of the Plan to achieve C&D
15 recycling and reduction goals are able to be
16 successfully implemented and in a rationale and
17 reasonable manner.

18 It also supports the Plan's proposal to
19 build supporting infrastructure for waste
20 diversion. The MTEC C&D recycling facility, we've
21 continued to grow that operation and we've
22 continued to increase the recycling at that
23 facility. And certainly allowing the continued
24 residual disposal at Southern Services will allow
25 us to continue that endeavor.

1 It reduces the potential regional and
2 environmental impacts of long-distance waste
3 transportation and associated greenhouse gas
4 generation.

5 Again, Southern Services is proximate to
6 the development of Nashville. Its closure would
7 result in additional long-haul options for the
8 disposal of C&D debris and would significantly
9 increase the greenhouse gases associated with that
10 effort. It allows Metro to fund initiatives and
11 programs from the revenue that Metro receives on
12 waste disposed at the Southern Services Landfill.

13 In conclusion, the Board should approve
14 Waste Management's application to expand the
15 Southern Services Landfill. This expansion, which
16 will provide 10 to 12 years of additional waste
17 capacity, is consistent with the Solid Waste Master
18 Plan because it insures that MTEC -- which again is
19 the only remaining C&D recycling operation in
20 Davidson County can continue operating and really
21 continue to grow for the next 10 to 12 years.

22 Metro will continue to receive its fee on
23 C&D waste disposed at Southern Services. And the
24 region is provided with affordable C&D disposal
25 capacity at the landfill to support the residential

1 and commercial growth in the region.

2 Additionally, the expansion insures that
3 greenhouse gas submissions will be minimized due to
4 the convenient location of the landfill. Without
5 the expansion Southern Services, which is estimated
6 to be full within two to three years, C&D waste
7 will have to be transported for longer distances to
8 disposal facilities outside of Davidson County.

9 Illegal dumping of C&D waste is
10 minimized. With no other repositories for C&D
11 waste, when Southern Services reaches capacity,
12 increased cost with transporting C&D material
13 outside the county is likely to result in increased
14 illegal dumping.

15 And Southern Services provides a
16 conveniently located and affordable disposal
17 facility for the county when they needed to accept
18 large volumes of C&D debris resulting from natural
19 disasters such as the 2020 tornado or the 2010
20 flood that occurred.

21 So based on the information Waste
22 Management has submitted to the Board, including
23 our application, this presentation, and Waste
24 Management's position paper and exhibits submitted
25 on March 10, Waste Management believes the record

1 clearly demonstrates that the Southern Services
2 Landfill expansion is consistent with the region's
3 Solid Waste Plan and that there is need for
4 expansion. Therefore, Waste Management asks that
5 the Board approve its application to expand the
6 Southern Services Landfill.

7 Waste Management also requires that
8 everything Waste Management and our consultant,
9 Nancy Sullivan of TriAD have submitted to the Board
10 in preparation for today's meeting, becomes part of
11 the official hearing record. This includes, but is
12 not limited to, the PowerPoint presentation we just
13 gave and the documents submitted on Waste
14 Management's behalf by Ms. Sullivan on March 10th,
15 2021, to Ms. Sharon Smith.

16 Finally, we request that Waste
17 Management's response to any written comments
18 submitted by the public to the Board regarding the
19 application be made part of the official record.

20 Again, thank you very much for your time.
21 I will stop sharing my screen here.

22 CHAIRPERSON SHERMAN: Wonderful. So
23 thank you, Mr. Gentilcore, for that presentation.
24 I don't know if that's it or if Nancy Sullivan has
25 anything to add or -- Nancy, are we done? Is the

1 presentation complete at this point?

2 MS. SULLIVAN: I believe that we're ready
3 to answer any questions that you might have.

4 CHAIRPERSON SHERMAN: Very good. Very
5 good, thank you.

6 So the next step in this is the Board --
7 open up the Board first for any questions you may
8 have of the application, the presentation materials
9 that you received and were posted on the Public
10 Work's website prior to the meeting. And I would
11 just say, unmute and jump in. And I will kind of
12 close it up.

13 MS. LISA SMITH: Thank you, John, this is
14 Lisa Smith. And thank you all for that very
15 thorough presentation. I would have a few
16 questions, and I jotted some down.

17 One of the ones is, you mentioned towards
18 the end that you supported residential development.
19 And then how does this expanding your footprint do
20 that?

21 MR. GENTILCORE: Sure. So when -- when
22 we talk about the cost of disposal and the cost of
23 affordable disposal, certainly one of the -- in
24 terms of residential development, the cost of
25 affordable housing is a big factor in that. If

1 Southern Services was not allowed to expand, that
2 cost would increase. As I discussed, you know,
3 transporting waste further away, the lack of
4 affordable disposal nearby is going to have a
5 domino effect that's going to impact the
6 affordability of housing.

7 MS. LISA SMITH: So -- so you're saying
8 that that would increase the cost to the builders
9 and developers, that they would have to drive
10 further way?

11 MR. GENTILCORE: That's right. That
12 would increase the cost of developers, builders who
13 would obviously then pass that off to homeowners.

14 MS. LISA SMITH: Well, is there anything
15 that you have thought of to do directly to affect
16 that? Possibly giving discounts to developers who
17 actually build affordable housing? Are you
18 offering any discounts to them to reduce the cost
19 to drop waste there?

20 MR. GENTILCORE: I mean I don't -- We
21 have worked with developers, and actually we had a
22 group tour the facility a couple of months ago that
23 was partners with Habitat for Humanity and we did
24 offer to work with them on some disposal
25 opportunities for them as well.

1 So if people come out and want to discuss
2 that with us, we're happy to discuss opportunities
3 there. Absolutely.

4 MS. LISA SMITH: Would you be willing to
5 publicize that after something materialized? Would
6 you be willing to publicize --

7 MR. GENTILCORE: Would we be willing to
8 publicize that partnership? Absolutely.

9 MS. LISA SMITH: Okay.

10 MR. GENTILCORE: Sure.

11 MS. LISA SMITH: And then one last
12 question: What I've noticed -- I have lived out
13 there before in that same area -- and if we make
14 Nashville a circle, according to the directional
15 poles -- north, south, east, and west -- that whole
16 northeastern corner quad literally has nothing --
17 has one trail, just recently added three trails at
18 Beaman Park, but nothing connecting to the rest of
19 the city.

20 And then one of the biggest things that
21 the city had tried to do was to connect all the
22 greenways and open green space to citizens. And
23 one of the things I've noticed is there's more
24 industrial things going on out there.

25 So has that -- was that considered during

1 the process of you developing this proposal, that
2 there's already industrialized development? No
3 greenways connecting to downtown. None of the,
4 kind of, I guess, southwest going towards the
5 northwest, nothing is connecting. It's like it's
6 literally a gap, open piece of -- Like if this was
7 a pie pan, that whole quad of pie would be empty.
8 If that pie was green space, an open green space
9 and parks.

10 So has any of that been considered that
11 you have kind of a habitat out there, to consider
12 adding any green walking trails and things?

13 MR. GENTILCORE: I mean that is
14 interesting you bring that up, because that is an
15 initiative that we are right now working on in our
16 mitigation areas is making that more accessible and
17 figuring out a way to partner with some local
18 schools to develop some trails in that area.

19 Certainly we're open to developing
20 additional trails and greenway access. You know,
21 Waste Management, as a company, has hundreds of
22 wildlife habitats across the company, and it's an
23 initiative that we're pretty passionate about,
24 so...

25 MS. LISA SMITH: Thank you.

1 MR. GENTILCORE: Thank you.

2 VICE CHAIR HACKETT: This is Jennifer
3 Hackett. And thank you for coming to give us this
4 presentation today and for giving the materials in
5 advance. I was able to take a look at those.

6 And I just want to also say thank you for
7 your partnership with education in the City. I
8 know that the Dumpsters at MMPS have been -- the
9 recycling Dumpsters have been a part of your plan,
10 as well as the education classroom, which I have
11 been able to be a part of. So I appreciate your
12 efforts at being a partner with the City.

13 I looked at your Exhibit MN which,
14 largely, was the Plan that we worked so hard on.
15 And so on Slide 6 of your Exhibit MN it indicates
16 that, correctly, that we have a 30-year period to
17 implement our Zero Waste Plan as defined as
18 90 percent diversion.

19 Your plan, as you presented today,
20 seems to call for two to three years of running
21 the current period while planning for this
22 expansion with public common. Then there will be
23 10 to 12 years of additional expansion, additional
24 dumping, if you will, and that, to me, comes out to
25 15 years, if I'm following the math right, which is

1 fully half of the time that we are trying to go
2 down in our waste, per the Plan.

3 So I'm unsure how the Plan as you
4 presented, where there would be more waste, helps
5 us to get to less waste.

6 MR. GENTILCORE: Sure. Well, in order
7 to -- in order to be able to promote C&D recycling
8 the City, in your plan, has initiatives in terms of
9 developer initiatives, deposit programs, education.
10 Those initiatives are going to take, again
11 according to the Plan, 15 to 16 years to implement.

12 The Southern Services facility provides a
13 bridge to allow you to implement that. If Southern
14 Services was to close, what would happen is the
15 market would go to more of a transfer and long-haul
16 market where you'd consume capacity and transfer
17 materials over long distances.

18 I believe in the Plan you also had Atomic
19 as kind of offering that bridge so that you could
20 implement your diversion initiatives. If you look
21 in your plan, Atomic was shown to increase their
22 capacity. Atomic is now closed. You have to be a
23 bridge as you move towards diversion, which
24 Southern Services offers.

25 VICE CHAIR HACKETT: And so you're saying

1 that you would like for us to approve because you
2 offer the bridge that keeps things more local?

3 MR. GENTILCORE: Yes. Yeah, it keeps
4 things more local. And, you know, as I mentioned,
5 our Southern Services also has a C&D recycling
6 facility. In order for us to continue to increase
7 the recycling there and the diversion there, it
8 relies on a residual disposal element.

9 So just like, you know, residential
10 recycling has contamination in it, the C&D has
11 contamination in it. So in order to maintain a
12 cost-competitive structure, we need a residual
13 disposal to be close by.

14 VICE CHAIR HACKETT: So what I didn't see
15 in your plan was any innovation to solve that
16 problem, which is something that I would love to
17 see, right. And I hear you, that if you didn't
18 have materials then it would be hard to recycle
19 them. But I suspect that we're not the only
20 location that's building; right? Nashville is not
21 the only area in Middle Tennessee.

22 And so I'm just -- I'm wondering what
23 thought you've put into how to be innovative, how
24 to solve the problem in a way other than expanding
25 this landfill site?

1 MR. GENTILCORE: Well, I think, you know,
2 this is a modest expansion, so our thought is that,
3 Jennifer, we would continue to partner with the
4 City, as we have done on the residential recycling
5 side.

6 We'd love to partner with the City on the
7 C&D recycling side and help develop programs and
8 policies that encourage additional C&D recycling.

9 We'd love to work with the City to
10 identify end markets for recycling, but those are
11 going to take time to develop. That's not going to
12 occur overnight. So that's why we feel the
13 expansion of Southern provides that bridge so that
14 smart policies and procedures can be put in place
15 that allows really a solid C&D recycling
16 infrastructure to be developed that can work for
17 the long term.

18 VICE CHAIR HACKETT: And so we've known
19 for quite some time about this timeline, right,
20 that you only had two to three years left? And so
21 help me to understand what's been happening leading
22 up to today. Has there not been any discussion
23 about how to innovate to solve for those problems
24 in a way other than expanding the landfill?

25 MR. GENTILCORE: Well, I think that, you

1 know, as I think you've recognized in the City's
2 plan, those initiatives and incentives are really
3 City initiatives. So there's market conditions and
4 there's incentives. There's developer incentives,
5 deposit incentives, but the City needs time to
6 create so that that can foster a productive C&D
7 recycling operation. The conditions don't exist
8 right now to do that. Atomic was a C&D recycling
9 operation. Didn't have a residual disposal --
10 didn't have a residual disposal close by to it.
11 Atomic is closed.

12 You don't want to not have supporting
13 infrastructure. You know that you have a large
14 amount of C&D debris being generated, you know that
15 that's going to continue as Nashville grows. You
16 want to make sure that you have supporting
17 infrastructure in place to support that growth.

18 So a bridge is the disposal at Southern
19 Services which allows the City time to put
20 initiatives in place to encourage diversion and
21 recycling, whether it's -- whether it's incentives
22 to developers, whether it's, you know, permit
23 requirements. You know, whatever those code
24 requirements are, those need to be developed, and
25 Waste Management's going to work with the City to

1 help encourage that.

2 VICE CHAIR HACKETT: Thank you for
3 answering my questions.

4 MR. GENTILCORE: Sure.

5 MR. SULLIVAN: This is Michael Sullivan,
6 if I'm good to go. Real fast. I know you
7 mentioned the amount of -- Sorry, I've got a kid in
8 my car crying. But the tornado certainly increased
9 the amount of waste that we saw at C&D, and that
10 definitely shortened your guys's timeline. Do you
11 have any sort of estimate of what that exact was
12 and if you're still continuing to see the increase
13 in waste from what was previously, I guess,
14 forecasted before the tornado?

15 MR. GENTILCORE: I mean, Michael, we're
16 still seeing some of that because, obviously, the
17 majority of the material that we received last year
18 was the debris from the cleanup, but now there's
19 the rebuilding that's going on right now. So we're
20 continuing to see an uptick in that debris at the
21 facility.

22 MR. SULLIVAN: Okay, great.

23 And then how that may have affected the
24 forecast that you guys had previously for the
25 operation of the landfill?

1 MR. GENTILCORE: Again, it probably
2 shortened the life by about a year.

3 MR. SULLIVAN: All right. Thanks. That
4 was my main question there.

5 MR. GENTILCORE: Okay. Thank you.

6 MS. BECK-TAYLOR: Hi, this is Damita
7 Beck-Taylor.

8 So can you share a bit about timelines in
9 regard to reuse? So, right, if we have the two to
10 three years that are remaining, what that would
11 lead to in reuse time for that land space versus
12 the requested expansion of 12 to 13 years and how
13 quickly that land, if ever, could be reused?

14 MR. GENTILCORE: So I mean you're talking
15 about if the site were to close, to reuse, is that
16 your --

17 MS. BECK-TAYLOR: No. The space that
18 you're currently using to -- that has waste, are we
19 ever at a point where -- So if we keep on the same
20 track and you have the two to three years that are
21 remaining --

22 MR. GENTILCORE: Yeah.

23 MS. BECK-TAYLOR: -- how quickly, if
24 ever, could we reuse that land space if we keep
25 on the same track versus expanding to the 12- to

1 13-year mark?

2 MR. GENTILCORE: So are you talking about
3 how quickly that -- how quickly that area would
4 fill up, is that what you're asking me or --

5 MS. BECK-TAYLOR: No. Once it's filled
6 and it gets to settle, like it's an old landfill,
7 right? So how long before you do something like
8 that with that space, if ever?

9 MR. GENTILCORE: Well, I mean the site's
10 going to have -- you know, if you consume the two
11 to three years, say it would need to be then capped
12 and closed in accordance with the regulations, and
13 there is a monitoring period that would occur, you
14 know, the site would -- is not going to settle,
15 because it's a C&D landfill. It doesn't have, like
16 a municipal solid waste landfill would decompose
17 and settle over time, these are primarily inert
18 materials so, you know, really the options -- you
19 know, we would primarily utilize -- the ecopark
20 could be used, but the landfill itself, I mean it
21 could be used for passive hiking, you know, in
22 conjunction with the wetland area. I mean
23 there's -- you know, there's reuse options. I
24 don't know what kind of development you had in
25 mind, though.

1 MS. BECK-TAYLOR: Any development.

2 So you mentioned there's mandatory wait
3 times. Can you share a bit more about what those
4 would be for the cap and close, the mandatory
5 after?

6 MR. GENTILCORE: Nancy, do you want to
7 handle that?

8 MS. SULLIVAN: Yeah. I believe the
9 monitoring continues for two to five years,
10 depending on what type of monitoring you're talking
11 about, for the groundwater.

12 MS. BECK-TAYLOR: So two to five years
13 after -- once it's at capacity?

14 MS. SULLIVAN: Yes. And you should be
15 able to use the site for, you know, other things
16 while you're doing the monitoring. It wouldn't
17 interfere with anything, I don't believe, but --

18 MS. BECK-TAYLOR: Okay. Thank you guys.

19 MR. SULLIVAN: This is Michael Sullivan
20 again. You know, I have one question and I guess
21 it's more for Metro.

22 During the cleanup of the tornado were
23 there any additional recycling programs that we
24 implemented to handle some of the excess building
25 C&D waste?

1 MS. SHARON SMITH: This is Sharon Smith.
2 So some of the stuff that we did was require
3 residents to put stuff in three separate piles. We
4 collected over 100,000 tons of tree limb and tree
5 debris. And I don't have the exact number, but a
6 fair amount of scrap metal.

7 So the three piles were the rubble that
8 was just all the mixed debris, tree waste, and
9 separately any metal items, and that allowed us to
10 significantly reduce what material our contractor
11 had to haul off.

12 MR. SULLIVAN: Then where was it hauled
13 off to at, the different piles? Specifically the
14 C&D waste, was it taken to Southern Services?

15 MS. SHARON SMITH: Yes. Yeah. And the
16 tree limbs and stuff was taken to, I believe, our
17 tree -- our mulch contractor, and then the scrap
18 metal was probably taken someplace like PSE.

19 VICE CHAIR HACKETT: This is Jennifer
20 Hackett again. I have another question that I
21 forgot about.

22 CHAIRPERSON SHERMAN: Hey, Jennifer --

23 VICE CHAIR HACKETT: Yeah.

24 CHAIRPERSON SHERMAN: -- can we see,
25 before we -- if there's any other board members who

1 haven't asked questions yet? Please hold the
2 question, I just want to make sure everybody has a
3 chance that -- I don't know if there's anybody in
4 line. If no one speaks up then just jump in. I
5 just want to make sure if any other board members
6 have something they had to say.

7 MS. LOCKETT: There is Midroi Lockett.
8 This probably -- it may sound like a very naive
9 question, but -- or comment rather.

10 You mentioned in your presentation that
11 you would be willing to work with Metro on their
12 recycling/reuse plan, but it will take time for us
13 to implement that.

14 And I'm curious whether or not Waste
15 Management would be interested in taking the lead
16 in creating some kind of plan, and then Metro could
17 partner with you on your plan until -- if we don't
18 have the time. In other words, is there some way
19 that you're willing to incentivize the folks that
20 currently use the landfill, the C&D -- the
21 developers who use the landfill, to incentivize
22 them to recycle and reuse before they bring the
23 stuff there? I mean I'm flipping the switch a
24 little bit.

25 MR. GENTILCORE: Yeah. I mean we're

1 certainly willing to, you know, provide the City
2 with successful models that have worked at other
3 locations across the country and to work with the
4 City to implement, you know, something that we know
5 will be successful. And, you know, we are more
6 than willing to take the lead on that with the
7 City. Absolutely.

8 MS. LOCKETT: Thank you.

9 MR. GENTILCORE: Sure.

10 CHAIRPERSON SHERMAN: Jennifer, I think
11 you may be back up if no one else has any questions
12 that they are dying to ask at the moment. Take it
13 away.

14 VICE CHAIR HACKETT: Okay. So I noticed
15 also in your report that there's a lengthy public
16 comment period. And I am just wondering if the
17 public rose up in unison and said, "We do not want
18 this in our backyard," do you have an option to
19 say, "All right, we hear you and we will not do
20 this"? Is that something that Waste Management
21 would do?

22 MR. GENTILCORE: We're certainly willing
23 to work with the public to resolve concerns. We
24 certainly understand that there's concerns with any
25 of these facilities and we're willing to work with

1 the public to help resolve those concerns. But we
2 feel like the expansion of the facility is in, you
3 know, the best interests of Davidson County and
4 certainly in the best interests of, you know,
5 managing C&D debris, so...

6 So we're willing to listen, we're willing
7 to communicate and address questions and concerns
8 that residents have.

9 VICE CHAIR HACKETT: I hear you say
10 you're willing to problem solve, but what I'm not
11 hearing is whether or not you would say, "No. Like
12 we hear you and we choose to not move forward with
13 this project because you've spoken so clearly."

14 MR. GENTILCORE: That's something that
15 would be made at a higher level than me, Jennifer.
16 How that is for a response?

17 VICE CHAIR HACKETT: Okay.

18 MR. GENTILCORE: Okay? Yeah.

19 MS. LISA SMITH: I have a couple of --
20 Thank you for at least telling us that part, that
21 it would be a decision you couldn't make right now,
22 because at least we would know that.

23 But a couple more things. What -- Do you
24 have successful models where you have developed
25 alternative recycling/reuse disposal models? And

1 what are they, where are they, and why aren't you
2 using them for this?

3 MR. GENTILCORE: Well, I'm certainly
4 happy to reach out to my counterparts in other
5 parts of the country and provide those models. But
6 those, again, Lisa, are really public/private
7 partnership models. In other words, the
8 municipality has to enact several initiatives to
9 make those successful. But we're certainly willing
10 to provide Metro with what we feel are successful
11 partnership models so that you can review those and
12 use those as a template to help implement some of
13 these strategies.

14 MS. LISA SMITH: Yeah, we would
15 definitely like to see them.

16 And I would like to touch back on the
17 innovation piece because, you know, C&D is -- you
18 know, you're saying that it's rubble and metal and
19 some metal and some wood. And we all know what
20 builders do with the trash. You know, it's paint.
21 It could be, you know, pre-painted pieces of wood,
22 it could be, you know, anything that could be
23 toxic. And then even if it's a small piece here or
24 a small piece there, when you pile those small
25 pieces up, it becomes a toxic fume mess.

1 And it's right on the river. 77 acres is
2 not a small space. And then at one point I don't
3 know if there's any more numbers that have been
4 posted, but at one point the ZIP Code of 37207 had
5 the highest rate of asthma in the state among
6 children and older -- and young adults. So I don't
7 think that's an insignificant thing, and I don't
8 think that -- there could possibly be some
9 contribution is what I'm saying, just because of
10 how close the river is to that area and how close
11 the river is to your facility. It is definitely
12 concerning to me, the potential for that.

13 Is there any innovative -- I understand
14 your guys are -- you're a business and you're a
15 private business, you're there to make money. I'm
16 okay with that. I want to make money, too. But
17 what is -- what's the innovation there? What are
18 your engineers doing to create, you know, any --
19 you know, are they trying to develop any bugs that
20 eat up all of that stuff? Are they -- you know,
21 are they -- you know, is anything going on like
22 that?

23 MR. GENTILCORE: Nancy, do you want to
24 touch on, you know, the monitoring that's done at
25 the facility?

1 And, again, Lisa, this is a regulated
2 facility so we're regulated by TDEC, we're
3 inspected by TDEC, we've got a Metro air permit.
4 We've got storm water permits to the site that we
5 need to, you know, be in compliance with. We
6 monitor groundwater around the facility. So there
7 is -- there's environmental controls and monitoring
8 in place for this facility.

9 In terms of material that comes there,
10 between our scale house, our equipment operators,
11 our sight management, they are trained to identify
12 unauthorized waste materials and segregate them.

13 MS. LISA SMITH: I understand. Yeah, I
14 understand.

15 MR. GENTILCORE: And there's other, you
16 know -- And there's, you know, other environmental
17 controls that are in place at this facility.

18 And, again, I will welcome any -- you or
19 any member of the public that has concerns or
20 questions and wants to come out and see the
21 facility, absolutely, come out and see it. I'd
22 love to show you the facility, answer any of those
23 questions anyone has, so...

24 MS. LISA SMITH: I would love to. Should
25 we get in touch with you or Nancy to do that?

1 MR. GENTILCORE: You can get in touch
2 with me. And Sharon has my email to do that.

3 MS. LISA SMITH: Okay.

4 MR. GENTILCORE: Sure.

5 MS. SULLIVAN: I will say briefly, just
6 in regard to the innovation, a lot of the
7 innovation techniques that you hear about are more
8 pertinent to the facilities that take the municipal
9 solid waste that have the organics and those types
10 of materials that they can breakdown or process or
11 change into energy.

12 And, you know, the materials that we take
13 at Southern Services are pretty inert. So what you
14 can do with those are somewhat limited to, you
15 know, processing and reuse. But Waste Management's
16 always looking for new ways to manage and handle
17 and process solid waste.

18 MS. LISA SMITH: I'd like to see a
19 bracelet come out of it, like people do with the
20 plastic in the ocean. Anyway, something.

21 VICE CHAIR HACKETT: Don, I just want to
22 check in. I know that you're the senior district
23 manager for this area for Waste Management, and so
24 if you're not the guy at the top that makes the
25 decisions about whether or not to withdraw a

1 project request, if requested by the community, who
2 is? Who is the City working with?

3 MR. GENTILCORE: Well, I mean in terms of
4 diversion, techniques, and technologies, is that
5 what you're asking, Jennifer?

6 VICE CHAIR HACKETT: No. I'm pointing
7 back to my earlier question about your public
8 comment period and if the public came and said,
9 hardline, "No, thank you," then do you withdraw the
10 proposal and not do an expansion? And you said
11 that would be a higher, you know, pay grade than me
12 to make that decision. And so I am wondering who
13 makes that decision?

14 MR. GENTILCORE: Well, that would be --
15 That would go all the way up towards the senior
16 leadership team in Houston. So I mean that's a
17 decision that, you know, would not be made locally.

18 Locally we're here to support the
19 operation, we're here to support Metro in the
20 day-to-day operating the facility, but those are
21 business decisions that would be made at different
22 levels than me, so...

23 MS. LISA SMITH: So does that mean that
24 if the community comes out and says, no, that you
25 are going to do it anyway?

1 MR. GENTILCORE: Lisa, we're committed to
2 listening to the public comment and addressing
3 concerns as we go through this process here. I
4 mean that's what -- We have to go through this
5 process. We're at the very start. And we
6 appreciate the opportunity to continue to educate
7 the public as we go through the process and, you
8 know, explain, you know, our point of view and
9 provide the engineering studies, the environmental
10 studies which Nancy and her group are working on.
11 So I think that all of those elements have to be
12 considered in whole.

13 MS. LISA SMITH: Okay. Well, that's very
14 interesting, and we will probably -- Yeah, I kind
15 of would follow Ms. Hackett's question. It's very
16 interesting if the community comes out against it,
17 it's going to go through anyway. But we'll --
18 Yeah. Okay, thanks.

19 MR. DIEHL: This is Robert Diehl.

20 I see in your presentation on Page 9 it
21 states at the fourth paragraph, "Without approval
22 for expansion, Waste Management will need to take
23 actions to extend the life of the
24 currently-permitted landfill space, which could
25 include increasing disposal rates and limiting the

1 type or volume of material that they will accept at
2 the landfill."

3 Is this -- Have you even considered what
4 this model might be? Is there a plan for how you
5 are going to deal with this if the expansion is not
6 approved?

7 MR. GENTILCORE: In terms of restricting
8 materials?

9 MR. DIEHL: In terms of increasing
10 disposal rates and restricting materials, yes.

11 MR. GENTILCORE: We are evaluating those
12 options, yes. Yep.

13 MR. DIEHL: Any idea how much more life
14 you might get out of the current capacity if you
15 were to implement these?

16 MR. GENTILCORE: We wouldn't know -- No.
17 I mean it would be a progressive implementation,
18 Robert, so...

19 MR. DIEHL: And thank you for the
20 presentation. I appreciate you getting it to us
21 ahead of time. It was nice.

22 MR. GENTILCORE: Sure. Thank you.

23 VICE CHAIR HACKETT: I have a logistics
24 question.

25 Don and Nancy, do you live in Davidson

1 County?

2 MS. SULLIVAN: I live in Donelson.

3 MR. GENTILCORE: I live in Williamson
4 County. My office is at Southern Services.

5 VICE CHAIR HACKETT: Thanks.

6 CHAIRPERSON SHERMAN: Other questions
7 from the Board?

8 MR. REPSHER: This is Jason. Sorry, I do
9 have one.

10 So, Don, would -- is one of your possible
11 models to simply commingle? If Southern Services
12 Landfill was not able to expand, would you
13 commingle the C&D with your MSW, which is your
14 other transfer station in Antioch, and take it to
15 one of the other municipal landfills in the area?

16 MR. GENTILCORE: I mean that would be
17 something that would be under consideration is that
18 you would commingle or transfer material together,
19 yes.

20 MR. REPSHER: Appreciate it. Thank you.

21 MS. LISA SMITH: Where around the state
22 -- Do you have a map that shows -- or is it on your
23 website that shows the location of your current
24 landfills and the capacity of them all?

25 MR. GENTILCORE: Our landfills across the

1 entire state?

2 MS. LISA SMITH: Uh-huh.

3 MR. GENTILCORE: Yeah, there's -- TDEC
4 provides -- we have to provide annual tonnages and
5 capacity to TDEC, so there's information on not
6 only our facilities but other facilities across the
7 state of Tennessee in terms of their capacities and
8 their annual disposal.

9 MS. LISA SMITH: Okay.

10 MR. GENTILCORE: I'm sure Sharon has
11 access to that. If not, we can certainly provide
12 that chart.

13 MS. LISA SMITH: Okay. Thank you.

14 CHAIRPERSON SHERMAN: Lisa, I know that
15 some of that's in the Plan as well.

16 And I'm not sure, Sharon, if I -- I don't
17 recall seeing it on the other report, but it may
18 well be there, too, yeah, the progress report.

19 MS. LISA SMITH: Good point. Okay,
20 thanks.

21 MS. SHARON SMITH: It is not in the
22 progress report. It is not something TDEC requires
23 us to gather, but they do publish a list of life
24 expectancy for Class I and II landfills. I've got
25 the 2020 document, but it doesn't include C&D

1 landfills, it's just municipal solid waste
2 landfills and Class II, which are the industrial
3 landfills.

4 CHAIRPERSON SHERMAN: Other questions?

5 MR. McCORMICK: John, this is Jeff
6 McCormick. I had a question for Sharon.

7 Sharon, if I'm correct, this is -- all of
8 Davidson County's waste basically goes to
9 Rutherford County, except for the C&D; correct?

10 MS. SHARON SMITH: Not at -- Well, Metro
11 contracts with Republic, so all of our waste from
12 Metro Government goes to Republic. And then, of
13 course, Republic has other customers. So it is
14 divided. And you can see in the actual longer
15 report -- and I apologize, I probably should have
16 put that on the presentation -- but the bulk of the
17 waste out of Davidson County does go to Middle
18 Point Landfill. But both the -- Hang on one
19 second. Cedar -- Is it Cedar Ridge? Hang on a
20 second. I've got a copy of the report right here.

21 So we even have a tiny bit of waste that
22 goes to BFI in north Shelby. Cedar Ridge gets
23 about -- So Middle Point gets about 430,000, Cedar
24 Ridge gets about 264,000, and West Camden gets
25 197,000. Those are the top three, with Middle

1 Point being the first, and then Cedar Ridge, and
2 then West Camden. So out of --

3 CHAIRPERSON SHERMAN: Hey, Jeff and
4 Sharon, just real quickly, if this is only
5 pointed -- If this question, Jeff, is really for
6 the City, I think -- can he hold off on that? I
7 want to make sure that the public has a chance to
8 have -- to participate.

9 But if there's a question, Jeff, that
10 you're pointing back towards, you know, Southern
11 Services, then great. I just want to make sure
12 that we can spend our time asking that question
13 after the public has their opportunity to speak, if
14 that makes sense, if it's not a question to
15 Southern Services.

16 MR. McCORMICK: No, it was more to
17 Jennifer's question asking where they lived. I
18 mean I think everybody in Davidson County's trash
19 goes out of the county, you know, as far as where
20 they live.

21 CHAIRPERSON SHERMAN: Right. Got it.

22 Other questions? Well, I'm just going --
23 I will close just with a question, then, about --
24 regarding the recycling bit of it. You know, there
25 was -- I thought I read in your report that there

1 was quite a bit of recycling happening on-site, and
2 then you showed the state chart of C&D, how much of
3 the C&D was being recycled versus just being
4 landfilled. And for 2020 I saw no green, I only
5 saw blue.

6 So can you clarify what percentage of the
7 waste that's coming to your -- to the landfill is
8 actually being recycled? And I understand about
9 contamination, we all get that. It's just a matter
10 of -- What's the percentage?

11 MR. GENTILCORE: Yeah. So, John, the
12 chart that we showed in our presentation was really
13 just landfill material at Southern Services.
14 That's why there was no recycling shown for 2020.

15 So about 78 percent of the material that
16 comes to the facility is directed to MTEC. So,
17 remember, the C&D recycling facility only is
18 accepting materials from those projects that are
19 either seeking a lead designation or have a
20 recycling component to them. So about 80 percent
21 of the material that comes through the gates there
22 is directed to MTEC, and then we're probably able
23 to recover about 60 percent of that material by
24 volume, so -- with 40 percent going to residual.

25 CHAIRPERSON SHERMAN: All right. Very

1 good. That's helpful. Thank you.

2 MR. GENTILCORE: Okay.

3 CHAIRPERSON SHERMAN: And, you know, I
4 think the Board asked really great questions so I'm
5 not going to repeat what others have said. So at
6 this time, if there are no further questions from
7 the Board, I want to turn it over -- I want to open
8 it up for public comment, first being our elected
9 officials. I can see Senator -- I know Senator
10 Gilmore wanted to have -- I think -- I believe
11 wanted to speak. I believe Council Member Hall, as
12 well as Representative Dixie.

13 With that, though, I first -- I just want
14 to also thank you, Don and Nancy, for the
15 presentation and for putting it together and for
16 informing us. So with that, though, I think -- I
17 mean it's time, if there are no other further
18 questions from the Board to ask our Representatives
19 and Senators and councilpeople to identify
20 themselves, and you have the floor.

21 SENATOR GILMORE: Thank you,
22 Mr. Chairman. Whom did you want to go first?

23 CHAIRPERSON SHERMAN: Senator Gilmore,
24 please.

25 SENATOR GILMORE: Okay, thank you. Thank

1 you. This is Brenda Gilmore. I have the honor of
2 serving as Senator, District 19, which includes
3 part of Bordeaux. So, Mr. Chairman, and members of
4 the Davidson County Solid Waste Regional Board,
5 thank you for this opportunity to speak to you
6 about the expansion request.

7 Neighborhoods in Nashville have said many
8 times, "Not in my backyard." As a result, the
9 people in Bordeaux have had to put up with
10 landfills in their neighborhood for decades. I
11 served as Metro Councilwoman in this district in
12 1999, and 20 years later we're still asking that we
13 stop the expansion of landfills.

14 Many councilpersons before me fought the
15 same fight. There's no question this dump has
16 changed -- damaged the quality of life. One of the
17 biggest problems caused by this landfill, and there
18 are many, but one of the larger ones is the rotten
19 odor. The awful smell is so horrible for the
20 economy. Who wants to open a business or buy a
21 home near a landfill that produces a gas that
22 smells like rotten eggs?

23 This landfill has depressed housing
24 prices and the overall quality of life in the
25 Bordeaux areas. Neighbors cannot come out and have

1 outdoor activities like other families because the
2 odor is so strong. Stores, restaurants, business
3 and high-end homes are being built in every
4 quadrant of the City, except Bordeaux. We believe
5 it's a direct result of having an overabundance of
6 landfills and other industries in our neighborhood.
7 Not just year after year, but decade after decade.

8 As our population increases we generate
9 more trash and we're only going to see more
10 hydrogen sulfide which creates the horrible smell.
11 And now the owners of Southern Services wants to
12 expand the dump even further into the community.
13 There's a clear pattern of racial and socioeconomic
14 disparities in the distribution of landfills.
15 Minorities and low-income communities are perceived
16 as the path of least resistance because there are
17 fewer resources and less political clout to oppose
18 them.

19 This community is tired of being the
20 City's dumping ground. We've had the burden of
21 housing the city's trash for too long. We believe
22 that this is a local issue and based on the Jackson
23 Law that Metro Council and the legislative body
24 should grant approval.

25 We are asking the mayor and Metro Council

1 to defend the Jackson Law and respect the values of
2 the neighbors who live in the Bordeaux area, as all
3 Nashvillians.

4 And, furthermore, this Plan that is being
5 requested by Waste Management is in direct conflict
6 with the Solid Waste Master Plan, and I quote on
7 Pages 8-2 and 9-4. It says, "Furthermore, with
8 Metro Nashville aggressively working to reduce
9 reliance on landfills, this Plan does not include
10 recommendation for any new or expanding landfills
11 in Davidson County. Permitting new or expanding
12 landfills would be inconsistent with the goals of
13 this Plan."

14 This request by Waste Management and
15 Southern Service is not consistent with the Solid
16 Waste Master Plan, and I assure you -- I heard the
17 presenter before me, which did a good job, said
18 this is a short-term request. This is not a
19 short-term request and it's certainly not a modest
20 request.

21 In another decade we'll be at the same
22 place, Waste Management or another company, XYZ
23 Waste Management Company, will be asking for
24 another expansion.

25 I ask you today, Mr. Chairman, and

1 Members of the Davidson County Solid Waste Region
2 Board, to deny the request to expand this landfill.

3 Thank you again for the opportunity to
4 come before you.

5 CHAIRPERSON SHERMAN: Thank you, Senator.
6 I much appreciate you taking time in your late
7 afternoon to attend the meeting and give us your
8 comments.

9 I'm just going to go down the list now.
10 So, Representative Dixie, are you available to
11 speak?

12 MR. SULLIVAN: John, this is Michael
13 Sullivan.

14 CHAIRPERSON SHERMAN: Yes.

15 MR. SULLIVAN: I know we've got a lot of
16 public comments to get through with, and I know
17 that one of Sharon's first emails mentioned that
18 the Jackson Law information is only purview to the
19 Metro Council, and so --

20 CHAIRPERSON SHERMAN: Yea. So, Michael,
21 I think we'll take that up. When we have our board
22 discussion we'll have plenty of time to address any
23 of the comments that have been made. So --

24 MR. SULLIVAN: I just wanted to make sure
25 we save that.

1 CHAIRPERSON SHERMAN: Well, we will
2 definitely get to that. So, that's -- we'll just
3 -- you know, it needs to be addressed. So just
4 hang with us, be patient. Let's hear the public
5 comments first and then the comments from our
6 elected officials.

7 Representative Dixie, if you are ready to
8 speak, and then Council Member Hall after that.
9 And then if there are other representatives I'm not
10 aware of, please also speak up after these two have
11 spoken.

12 REPRESENTATIVE DIXIE: All right. Thank
13 you so much, John, we appreciate the opportunity to
14 have a chance to speak.

15 When this all started -- maybe, I think,
16 Senator Gilmore and I started this quest over a
17 year and a half ago, close to two years ago. And
18 I'm speaking out of two hats. One I am speaking
19 because I'm representing my district, but I'm also
20 representing as a resident that lives just about a
21 2-mile radius from this landfill.

22 So when it started I asked three
23 questions: What's causing the smell? Is it
24 harmful? And can it be fixed? So we've heard of a
25 lot of things of, yes, it's within the requirements

1 of the FAA and other agencies. But what we have to
2 realize is this says maybe it's one part per
3 billion that -- that the nose can detect, one
4 part -- one part per million is what is harmful.

5 Well, over time, over 50 years, there's
6 no determination or been no study that if it may be
7 at that particular moment, it may not be harmful at
8 that particular time. But over time that
9 cumulative effect can really have an impact on our
10 health.

11 So we want -- and by Waste Management's
12 own admission, they said there are no really
13 requirements or guidelines of helping achieve that
14 Metro Zero Waste Plan and to make significant
15 strides towards that.

16 We have -- Our community has been so used
17 to the bait and switch method that has been used so
18 many times before. Since 1990 the facility has
19 expanded a maximum from 4.5 acres to 183 acres.
20 And if this expansion goes through we will have
21 77-acre land full in a 200 -- it will expand to a
22 200-acre facility with a 95-acre landfill. And
23 there's a history -- That makes it 50 times its
24 size in 30 years. So it's gone from 4.5 acres, and
25 if this expansion goes through, to a 95-acre

1 landfill, which is over abundance -- and I do not
2 believe that's in accordance with the Metro's Zero
3 Waste Plan.

4 But there's a history of mistrust in our
5 community, and expanding this landfill is not
6 consistent with Metro's Zero Waste Plan. It
7 continues, as Senator Gilmore said, to depress our
8 home values, and the loss of -- that is some of our
9 residents' biggest and largest investment that they
10 will make in their lifetime, and so we need to make
11 sure that we protect those investments.

12 And in the presentation they said that
13 there's a loss of money to Metro by moving this
14 landfill. Well, that is of no consequence to my
15 community. Metro and Waste Management have raked
16 in millions of dollars over the years and our
17 community has not received any benefit from it at
18 all.

19 So given the great relationship that
20 Metro and Waste Management have, I believe that
21 they could come up with another viable option for
22 Nashville's C&D waste. The expansion will only
23 exacerbate the horrendous smell and expand the
24 radius of the smell. There's no way expanding the
25 17 acres will reduce the impact it's having on our

1 community. And I truly believe that this expansion
2 is not in accordance with Metro's Zero Waste Plan.

3 It will only continue to hurt our
4 community economically and health wise. And who
5 wants to live in one of the -- Once they make this
6 largest investment in their lives, who wants to
7 live near a 200-acre Waste Management facility that
8 has a 95-acre landfill?

9 So a couple of things I would like to --
10 Ms. Jennifer Hackett, the public has risen up to
11 say, "We don't want this in our community." We had
12 a town hall meeting and over 100 people, residents
13 surrounding this area, from Scottsboro all the way
14 over to the other side of Kings Lane, came in and
15 we did a pole at the end and it was 100 percent
16 that -- the sentiment was 100 percent that they did
17 not want -- they were not for this expansion.

18 And what I would like to ask Waste
19 Management, is there an engineering study that we
20 can confidently rely on to determine how long it
21 will be before the landfill is full? We need to
22 know how much time is left without the expansion.

23 And, lastly, I just want to say, this
24 landfill will always be a part of this community
25 because it doesn't decompose. And between three

1 and five years, who knows what that smell will be
2 like right now. Right now it's -- it is still
3 horrible, but we have to do something in order to
4 mitigate this.

5 As Senator Gilmore said before, we've
6 shouldered the burden of Nashville's C&D waste
7 problem for years, and it's time for someone else
8 to do it. But I truly believe this expansion is
9 not consistent in achieving the goals for the Metro
10 Zero Waste Plan.

11 Thank you for giving us the time to say
12 this. But I think you will hear the overwhelming
13 sentiment from our residents in our community that
14 we are against this facility.

15 And one last thing, the tipping fees that
16 he mentioned, I just want to -- I just wanted to
17 emphasize that. Metro and Waste Management have
18 made millions of dollars off of this and our
19 community has not benefited from it at all.

20 I will turn it over to Councilman Hall.
21 I think he was next in line. But, thank you,
22 again, John, for giving me -- giving all of us a
23 chance to speak.

24 CHAIRPERSON SHERMAN: Thank you very
25 much, Representative. I appreciate you showing up.

1 And, yes, so, Councilman Hall, I believe
2 you're next up.

3 COUNCIL MEMBER HALL: Thank you,
4 Chairman. Thank you, Board. Thank you, Senator
5 Gilmore and State Rep Dixie. And thank you to
6 Waste Management, Don and Nancy, for taking the
7 time out to come and speak with us.

8 I'm going to be brief and probably change
9 the tone slightly. But I think what you've heard
10 from the two previous speakers, in State Rep Dixie
11 and Senator Gilmore who have lived in this
12 community for years, and from a council member who,
13 in his 48 years of life has been sandwiched between
14 two landfills, because it took us decades to get
15 past what happened off of County Hospital Road,
16 only to simultaneously be dumped on again with this
17 site.

18 And so with that in mind, I do take issue
19 with some of what I believe to be some
20 grossly-inflated assumptions that I heard in the
21 presentation. We are at a point where the growth
22 in this city is at an all time high. Has continued
23 to be.

24 Years ago I sat in front of this Board
25 when then Councilman Leonardo was fighting to have

1 Jackson Law implemented with the community. And I
2 know that information hasn't been discussed with
3 the Board, but you have to excuse us because this
4 is not a new conversation for us. This is a
5 conversation that we actually were having in 2015
6 and 2016 and preparing for in 2017.

7 And so as a resident, speaking before
8 this Board then and speaking before council in
9 2017, this is just a continuation for myself and
10 all of the folks in District 1 who have had to live
11 with this for -- in some capacity for the last
12 60 years.

13 What I want to emphasize is, what you
14 heard, again from State Rep Dixie and from Senator
15 Gilmore, that specifically in the Solid Waste Plan,
16 Master Plan, it states that the expansion or
17 permitting of a new landfill is not in line with
18 this Plan. It is not consistent with the goals of
19 this Plan. And I take umbrage with, you know, the
20 conversation surrounding innovation and recycling
21 and things, because years ago we had the
22 conversation, What percentage of recycling was
23 being done at the site? And we were told it was
24 little to none then. That has continued and not
25 improved.

1 Just because you're almost at capacity
2 and have less time doesn't mean, magically now,
3 that we get to say, "Oh, we should start to look at
4 this and do something."

5 When the community meeting and town hall
6 took place that State Rep Dixie referred to we were
7 told point-blank that nothing else as an option had
8 been looked at. No alternative sites had been
9 searched for as of yet. But we, as a community,
10 have known and been preparing for this, Metro had
11 developed a plan surrounding this, and so it's odd
12 that everyone else has done something or been
13 looking toward the future and what it is we need to
14 do.

15 The direct deterrent in economic growth
16 to this community, the direct deterrent to home
17 values to this community, both commercial and
18 residential and, as you heard my two predecessors
19 speak in terms of health concerns, you're talking
20 about a community who's been sandwiched between
21 landfills for over 60 years and who now has the
22 largest gas compression pipeline, whose fallout and
23 emissions land on this same community in North
24 Nashville, further exasperating that. This is a
25 community that averages two chronic illnesses per

1 household -- per individual. And now, in the midst
2 of COVID, has the highest fatality rate in Davidson
3 County for COVID-related illnesses. There's an
4 elementary school in walking distance from this
5 landfill. This is something we have continued to
6 endure for far, far too long.

7 When you look at the fact that, you
8 know -- And this will come in the form of a
9 question also, but, you know, we mentioned the
10 recycling, we mentioned that -- the fact that
11 during the tornado the increased debris shortened
12 the lifespan from two to three years to maybe two
13 years, or at least by a year. With the continued
14 growth in the area, everywhere else except in this
15 district, who has been deterred because of this, to
16 the point of our population even dropping. And
17 this is a community of wholly senior citizens and
18 baby boomers who have dealt with this for decades,
19 and decades, and decades now.

20 Specifically again, you heard Senator
21 Gilmore and State Rep Dixie mention or quote the
22 Solid Waste Plan with Metro Nashville aggressively
23 working to reduce the reliance on landfills. This
24 Plan does not include the recommendations for new
25 or expanding landfills in Davidson County. And

1 then, again, in Section 9, permitting new or
2 expanding landfills would be inconsistent with this
3 Plan and the goals of this Plan.

4 So we can talk about a lot of different
5 things, but at the end of the day this is in our
6 process, years ago while we fought, in 2017, to
7 have Jackson Law implemented so that we could rely
8 on this Board to make consistent decisions based
9 upon the facts, based upon the direct impact to the
10 community, and now subsequently falling under the
11 jurisdiction of the Jackson Law, which reverts that
12 back to the city council, who voted in 2017, 31 to
13 5, to institute that.

14 We now have Metro Legal and the
15 administration who, for the first time, have come
16 out and directly said, "We agree with this
17 community. Enough is enough, and we will defend
18 this with you."

19 And, lastly, we want to talk about the
20 fact that, you know, no visible options just isn't
21 true. We know the impact it's having on the
22 community, we know the impact it's having on the
23 City. There's no real cost benefit, as State Rep
24 Dixie said, not a dime or benefit in the 30-plus
25 years that we've dealt with this particular sight

1 has this community scene a single benefit, only
2 detrimental costs.

3 We know that moving forward other options
4 have to be in place. But with two years of
5 capacity and having a Master Plan that we've been
6 discussing for almost a decade now, this is simply
7 a case of too little too late, and too much damage
8 having been done. This community is 1,000 percent
9 in support of this body, meaning this Board and of
10 the city council, to not allow another landfill or
11 expansion of a landfill in Davidson County. We are
12 directly impacted, but now it has gotten to the
13 point where folks on the other side of Briley. All
14 of the news articles, news stories, press
15 conferences from the other side of Briley Parkway
16 now are out. Those folks are seeing and smelling
17 this for miles away.

18 At the end of the day we have a number of
19 mitigating factors that play into this. But just
20 on the facts, and what this Board is here to
21 recognize and focus on is that Plan and what is
22 consistent with it. And nothing in this Plan that
23 has been presented for this expansion is consistent
24 with the goals or objectives of this Plan.

25 Thank you.

1 CHAIRPERSON SHERMAN: Thank you very
2 much, Councilman Hall. I appreciate you also
3 showing up for our hearing tonight.

4 COUNCIL MEMBER HALL: And, Chairman,
5 quickly -- not to interrupt, Chair, really quickly.
6 I know we've got a lot of folks in the queue, but I
7 do see two predecessors here in the group, previous
8 Councilman Leonardo, who's worked on this
9 diligently and was there while we fought for this
10 before. And I see Dan Lane who was --

11 CHAIRPERSON SHERMAN: Yes.

12 COUNCIL MEMBER HALL: -- formerly a
13 member of your board and also lives in this
14 community. And I would ask that you recognize them
15 so that -- as someone who formerly served and has
16 some great input.

17 CHAIRPERSON SHERMAN: Thank you. And I
18 appreciate that. And I also noticed that they were
19 attending, and I'm glad.

20 And I see that Mr. Lane has his hand up.
21 I'm not sure about the council member as well -- or
22 previous one. But how I would recommend going
23 forward is we have them speak, if they have their
24 hand raised, and we acknowledge it at that time,
25 mostly to be fair to everybody who is here. And I

1 look forward to hearing Mr. Lane's comments, as we
2 worked together for a very long time on this Board.

3 So with that said, I would like to turn
4 to now having actually the comments from the
5 public. As I've said, we're hoping to -- The
6 intent is -- We know there's probably a lot of
7 folks who want to speak. If you're -- There's two
8 ways. If you actually came onto the webinar and
9 the Webex itself, there's a little -- down in the
10 corner you can raise your hand. I see that some
11 folks have made a question mark by their name. I'm
12 assuming that that's also for comments. You can
13 also call in. I'm seeing four or five, actually,
14 hands raised on the folks who are on the Webex.

15 Sharon, tell me if there are more. There
16 may be more in queue in the call who are just
17 calling the number. Again, that number if you -- I
18 assume you have it. But if for some reason you
19 need it and you don't, or others don't, it's
20 629-255-1905. 629-255-1905.

21 And Sharon's going to be managing the
22 queue so I can be listening to the comments. And
23 once the -- Board, once the comments have been
24 submitted, before we take any formal action we will
25 also just have our time to have a conversation

1 among us about various things, including, Michael,
2 what you raised about the Jackson Law. Which,
3 given that that has been raised, I think, Tara,
4 once we get to the Board piece I'd love for you
5 just to -- I'd appreciate it if you would just give
6 a quick summary so all the board members -- now
7 that it's been brought up, all the board members
8 are aware of that and we all have equal information
9 on that point.

10 So with that, Sharon, I'm going to turn
11 it over to you for managing the public comments.

12 MS. SHARON SMITH: All right. And, as
13 mentioned, we will give everybody on this section,
14 public comments, three minutes. At this time we
15 only have one person with their hand raised and
16 that is Dr. Roderick Glatt. We will be unmuting
17 Dr. Glatt here shortly. But just if you have -- I
18 know that Councilman Hall referenced Dan Lane, who
19 served on the Solid Waste Board, and former
20 Councilman Nick Leonardo. If you-all want to
21 speak, just please go ahead and raise your hand.
22 But we are going to start with Dr. Roderick Glatt.
23 If we could ahead and unmute him. And your three
24 minutes will be starting now, sir.

25 CHAIRPERSON SHERMAN: Well, Sharon, hang

1 on one moment, please. I think that there's some
2 folks who may have put in a question mark instead
3 of a hand raise, so I'm going to interpret that as
4 a hand raise.

5 MS. SHARON SMITH: Okay. Some of those
6 were actually questions sent over to us --

7 CHAIRPERSON SHERMAN: Okay. Never mind,
8 sorry.

9 MS. SHARON SMITH: -- and comments.
10 Yeah, there were some comments that were made, so
11 that's what those are.

12 All right, Dr. Glatt.

13 DR. GLATT: Yeah. Thank you so much to
14 Chairman Sherman and to the State Representatives
15 who are present, and to the panel, especially to
16 the Board. Thank you for an opportunity to weigh
17 in on this.

18 I just want to say in my three minutes
19 that I was reared in Bordeaux Hills on Mexico
20 Drive, and in the '70s and '80s can remember the
21 smell from the landfill. Often what we would have
22 to do is go in the house because the smell was too
23 aggravating to even have a cookout or to grill
24 outside. So we moved. My mom got -- packed the
25 bags and we moved out of Bordeaux Hills, primarily

1 for that very reason.

2 I've listened to the comments and the
3 presentations by Mr. Gentilcore and take issue with
4 what he argued for to be consistency and that he's
5 recommending approval of the expansion. There are
6 three things he said, as I come to a close. He
7 said that the landfill has high volume of waste,
8 low recycling of waste, and no guidelines for
9 handling C&D. And I just don't understand how you
10 can have those three components be consistent with
11 marrying with the Plan to expand.

12 I'm asking the Board, please be
13 compassionate and think about human beings who are
14 living in that area who have to smell this
15 contamination. That means poison, pollutants, and
16 just aggravating smell. Please, I'm asking you, do
17 not pass for the expansion of this measure.

18 Thank you.

19 SENATOR GILMORE: Mr. Chairman, may I
20 interrupt, please? This is Brenda Gilmore, and
21 Mr. Lane said he's been trying to get in. He put
22 in the check that he would like to speak, but his
23 -- he needs to be unmuted.

24 MS. SHARON SMITH: Yes, we will unmute
25 him. Let's go ahead and unmute Mr. Lane, Dan Lane.

1 MR. DAN LANE: Okay. Can you hear me?

2 MS. SHARON SMITH: Yes, sir, we can hear
3 you.

4 MR. DAN LANE: Okay. Thank you, Sharon.
5 John and Rep Dixie and Robert, thank
6 you-all also.

7 I've had a problem trying to get my audio
8 working. But, you know, anyway I have -- and I
9 wrote into the question and answer, John, that I
10 have several questions and comments, so please
11 unmute me.

12 One of the first comments I'd like to
13 make, and I think the question was raised by
14 Jennifer. In 2004 Waste Management came and asked
15 to expand the landfill at that time. At that time
16 they also predicted an estimated -- that it would
17 be at capacity by 2018. The Board said, no.

18 Waste Management then appealed the Board
19 decision to the General Sessions Court. The Board,
20 as far as I knew, did not have any legal
21 representation, the City didn't provide any legal
22 representation. What little legal representation
23 that was available was that there was a group
24 called Bordeaux Beautiful who tried to engage an
25 attorney to sit in. But there was no legal

1 representation, so the court appealed the decision,
2 and now it's 2021. At that time the estimation was
3 it was going to be at capacity at 2018.

4 Now, I've said this. If the Board says,
5 no, Metro says, no, prepare to go to court. And I
6 would ask the Board to contact the mayor and the
7 legal department to ask them if they would provide
8 legal representation. Because there's no question
9 in my mind that Waste Management -- and I think Don
10 indicated he can't make the decision -- is going to
11 go to court, if the Boards do what the community is
12 asking. And then Metro Council, if we said they
13 come under the Jackson Law, do what the community
14 is asking, then Waste Management is going to take
15 it to court and try to get another court decision.
16 Because I think --

17 Now, first of all, I'm going to say I
18 don't believe anything they said because I think
19 they are -- they are saying what they are saying to
20 continue to expand the landfill.

21 Now, I live about a half a mile to three
22 quarters of a mile from the entrance to the
23 landfill. And in addition to -- there's a couple
24 type of odors, but there's a gas type of odor and
25 then there's other animal decay-type odors. You

1 can often see buzzards and things flying above the
2 landfill from time to time.

3 And the other problem is there's a
4 negative impact on this community in terms of
5 development. I'm a real estate broker and have
6 prompted development in the area, and the impact --

7 MS. SHARON SMITH: Mr. Lane --

8 MR. DAN LANE: Uh-huh.

9 MS. SHARON SMITH: -- Mr. Lane, your
10 time's out. If you could just wrap up real quick.

11 MR. DAN LANE: Okay. I'm going to wrap
12 up by saying this. The Solid Waste Region Board,
13 Metro Council, stop dumping your everything on
14 Bordeaux because it's a predominantly black
15 community, and all of the other communities have
16 fought to keep any type of landfill out of there.
17 And I think Bordeaux for the last 40 or 50 years
18 have shared this and it needs to go somewhere else,
19 even if has it to go out of the county into some
20 other rural area.

21 Thank you for allowing me that
22 opportunity.

23 MS. SHARON SMITH: Thank you, Mr. Lane.

24 We're now going to unmute Geralyn (ph)
25 Sawyer. And, Geralyn, you've got your three

1 minutes.

2 MS. SAWYER: Hello. Can you-all hear me
3 now?

4 MS. SHARON SMITH: Yes.

5 MS. SAWYER: Perfect. All right. Well,
6 thank you all for being here and talking about
7 this.

8 I've lived in Nashville -- I'm from New
9 England. I've lived in Nashville now for about
10 seven years. Five of those years were on Eatons
11 Creek Road, and I loved this starter house that I
12 bought there. It was a really wonderful way to
13 integrate into a great community. But I will say
14 you could not go outside without being assaulted by
15 the scent of -- I mean we don't even know what it
16 is, but I'm telling you right now it is nasty. And
17 so driving to and from work every day on the
18 highway, anyone who passes our exit knows there is
19 something wrong over there.

20 So my husband and I packed up, left that
21 house, and moved to Scottsboro. And we're in a
22 beautiful community over here and, when the wind
23 blows, you still smell it. And so I'm really
24 concerned about how it's affecting our property
25 value, I'm concerned about our health and, all in

1 all, I'm concerned about corporate America stepping
2 in, Waste Management, and doing absolutely anything
3 that they want to do just for the purposes of
4 profits. We are not happy with that and we will do
5 everything in our power to insure that it does not
6 moved forward.

7 Thank you so much.

8 CHAIRPERSON SHERMAN: You're muted,
9 Sharon.

10 MS. SHARON SMITH: Sorry. We're going to
11 unmute Taurus McCain. My apologies.

12 MR. McCAIN: Hello. Can you hear me?

13 MS. SHARON SMITH: Yes. Your three
14 minutes have started.

15 MR. McCAIN: All right. I want to just
16 add to the potential of not just economic
17 development that this would hinder, but the
18 Nashville -- the growth that's producing the debris
19 is also displacing African Americans in Nashville
20 because of the gentrification that's taken place.

21 You know, the existence of this landfill
22 has allowed us to be vulnerable to gentrification
23 because our home prices are depressed. We sit on
24 an acre to an acre and a half of land and our homes
25 are selling for \$350,000. Comparable property in

1 other places sell for in the neighborhood of 600 to
2 \$700,000 for that type of property.

3 So summing this up, depreciating our
4 community and our values, and also deterring
5 economic development.

6 Again, we have benefited from the growth.
7 And one -- another benefit is Amazon has committed
8 \$2 billion dollars to three cities, so that's about
9 \$700 million that's possible for Nashville, and
10 they have -- Amazon has made it clear to us that
11 they want to partner with the community to bring
12 about innovative -- big innovative opportunities;
13 housing -- affordable housing opportunities.

14 And across the street from this landfill
15 is thousands of acres of undeveloped land that's
16 prime to be developed, along -- possibly with
17 Amazon and saving the displacement of African
18 Americans in this city because of the growth. And
19 I just hate that it would possibly be lost with
20 this expansion of this landfill.

21 So I just want to say it's a real
22 economic cost to our community, and not only
23 economics, the placement of the people and the
24 opportunity to provide affordable housing for
25 people like Jonathan and I, Councilman Hall and I,

1 who group up in that community, for our kids to be
2 able to come back and live in that community.

3 That's all.

4 MS. SHARON SMITH: Thank you, Mr. McCain.
5 Now we're going to unmute Claire Branton.

6 MS. BRANTON: I'm making a comment on
7 behalf of basically social justice principles.

8 The Bordeaux Community was cut off by
9 I-40 in 1957 and now it's basically a fenceline
10 community and have been -- pretty much been bearing
11 the burden of our waste problems.

12 And if Southern Services owns that land,
13 maybe they could go into the low-cost housing
14 business and get out of waste management and then
15 they would have an incentive to find some solutions
16 for that odor.

17 That's all.

18 MS. SHARON SMITH: All right. Thank you
19 very much.

20 And now we have a caller on the phone,
21 and we're going to go ahead and put that caller
22 through. Just one moment. It will just be another
23 moment here.

24 Hello, caller. Please state your name
25 and you are now unmuted and ready to address the

1 Solid Waste Board. You'll have three minutes.

2 MS. ERICA: My name is Erica, and I'm at
3 4020 Drake Branch Road and also at 4345 Frances
4 Lane, and I wanted to revisit a question that was
5 asked earlier regarding when the land would be safe
6 for other use, and the response was four or five
7 years after the monitoring. And from my
8 understanding it could be as long as 30 to 40 years
9 for the land to release any kind of toxins or just
10 any gases that are coming out of the ground from
11 this 30-year plus year landfill. So if this is
12 correct, can we just get an honest answer for the
13 community so they can understand that if this
14 landfill does close in the allotted time, which is
15 two to three years from now, that it can be another
16 several generations before it has finished
17 releasing gases, if ever, to where there can be the
18 walking trails I think that was mentioned by the
19 responder, walking trails or anything else?
20 Because I don't know who would be able to get a
21 good walk off the use of a landfill, walking on top
22 of a landfill that is still releasing gases or
23 toxins from the ground.

24 So is that something that they can
25 address?

1 MS. SHARON SMITH: No. Your comments
2 will be provided. But this is a time for public
3 comment. You cannot -- It's not a time to ask
4 questions to the applicant, Waste Management. Only
5 the Board can ask them questions.

6 But thank you for your comments.

7 MS. ERICA: So that was my comment about
8 not the 45 years of monitoring, that we would only
9 be -- but it could be up to 30 to 40 years before
10 that land will be available for use safely.

11 MS. SHARON SMITH: All right. Thank you
12 very much.

13 MS. ERICA: Thank you.

14 MS. SHARON SMITH: One moment. Do we
15 have anybody else on the line? Nobody else on the
16 line? We have one more person here in the queue
17 with their hand up. Just give me one second here.
18 We're going to unmute. And I apologize if I
19 mispronounce a name, but it's -- I'm sorry, Chris
20 Zenkowitz (ph). Thank you very much.

21 MR. CHRIS ZINKOWITZ: My name is Chris
22 Zenkowitz and I had a chance to read the Plan. One
23 of the things that I really appreciated about the
24 work that you-all have done is that set of circles.
25 You had an economic circle, a social circle, and an

1 environmental circle, and you were saying that our
2 plan needs to honor all three of those.

3 So I want to speak in support of the
4 community, because that's our social circle. And
5 our -- our part to care for them and honor what
6 they have done and have had to put up with all of
7 these many, many decades. And it's past time. It
8 is a social justice issue, it is a racial justice
9 issue, it is an environmental justice issue.

10 And in terms of the environment also,
11 landfills have been a necessary evil, but they've
12 been a evil. And as long as we kick the can down
13 further another two years, another 12 years,
14 another, another, another, another, we will not
15 stop them.

16 The incentive to saying "no" at this
17 point is something that will help everyone get
18 onboard to say we have to solve this problem in
19 another way, and that's what I support.

20 Follow the Plan. Do the social and
21 environmental aspects of this, as well as the
22 economic ones.

23 Thank you.

24 MS. SHARON SMITH: Thank you very much.

25 And now we're going to unmute, let's see here,

1 Karen Wieckert.

2 MS. WIECKERT: I'd like to point out that
3 the previous speaker is arguing about innovation,
4 and in particular social, organizational,
5 regulatory innovation, not simply innovation about
6 how best to recycle materials that we create. And
7 one of the reasons that I raised my hand is because
8 I put out into the Q and A -- Sharon pointed out --
9 Sharon Smith pointed out that after the tornado
10 there was a request or a requirement to pile the
11 different kinds of debris. And an innovation that
12 we can imagine in Davidson County is for those
13 piles to be regulated for any demolition or built
14 buildings. That's an innovation that stops the --
15 or helps reduce the amount of waste that goes in.

16 So innovations aren't simply at the --
17 after you've made all of this stuff, innovations
18 can also happen before you make that stuff.

19 And I would say -- and I just want to say
20 as a person who is a citizen of Davidson County,
21 that by not approving the expansion we can force
22 kinds of innovations that aren't simply recycling
23 innovations, but other kinds of innovations that
24 would make us all deal with the debris that we're
25 creating and actually reducing the amount.

1 Thanks, Sharon.

2 MS. SHARON SMITH: Thank you very much.

3 And it appears, Mr. Chair, that there is
4 no one else with their hand raised, and we have no
5 more calls in the queue.

6 MR. DIEHL: Sharon, this is Robert Diehl.
7 Have we heard from Paul Schlitz (ph)? It looks
8 like he just dropped off.

9 CHAIRPERSON SHERMAN: I think he just had
10 a question, Robert. He didn't have his hand raised
11 for comments.

12 So, thank you, Sharon. I want to thank
13 everybody who -- all the public who has commented
14 in helping inform the Board more.

15 Again, thank you, for our elected
16 representatives, for providing more information
17 and, of course, thank you for Southern Services and
18 Waste Management to offer their, you know, kind of
19 why they think this landfill should be expanded.

20 With that, and before -- Board, it's
21 now -- it's time for us just to have a
22 conversation. And I think -- One thing I want to
23 make sure before that happens, you know, Tara Ladd
24 is the City attorney that works with us. And given
25 that several individuals have raised the Jackson

1 Law, I just want to -- I would like Tara just to
2 give a brief explanation to clarify that. You
3 know, it is not in our purview, that law, so just
4 know that. But I think it would be helpful to
5 you -- for everybody just to know so we can kind of
6 close that up, button that piece up, is to have
7 Tara Ladd give a brief explanation of the Jackson
8 Law and its application here in the City. Tara.

9 MS. SHARON SMITH: Yep, Tara, you're
10 unmuted. You should be okay. But we can't hear
11 you, if you're talking.

12 CHAIRPERSON SHERMAN: Oh, well -- She's
13 taking off her headset.

14 Well, while we're waiting for Tara --

15 MS. LADD: Can you hear me now?

16 MS. SHARON SMITH: Oh, yeah, there you
17 are.

18 MS. LADD: All right. I'm sorry, I
19 apologize. Sometimes my laptop just decides it's
20 going to not work.

21 So we'll start with a brief overview of
22 the Jackson Law, though I will say the Chair is
23 absolutely right, that today -- although the
24 Jackson Law does sort of play a role in this piece,
25 it's not -- it shouldn't be on your mind as

1 something that needs to be considered in your
2 evaluation.

3 So does the Jackson Law have something to
4 do with this? Absolutely. Is it something that
5 you need, as a board to be concerning yourself with
6 today? Absolutely not.

7 In fact, any time that there is an
8 expansion of a new landfill, the law actually deals
9 with that in two separate places. It deals with it
10 specifically in 68-211-814, which discusses
11 specifically what you guys do as the Solid Waste
12 Region Board, and your limited role there is simply
13 to determine is this expansion of the facility
14 consistent with your ten-year plan? That's the
15 ten-year plan that you approved earlier today and
16 that you've heard, you know, members of the public
17 speak about. So that -- Just stopping right there,
18 that is our only consideration today is, is it
19 consistent with the ten-year plan? Is that
20 expansion consistent?

21 Touching a little bit on the Jackson Law,
22 or the local approval law, what that is is that if
23 the Jackson Law applies to the expansion of the
24 landfill -- and that is a legal determination that
25 has to be made whether the Jackson Law applies --

1 then in order for the landfill to expand, the
2 Metropolitan Council must approve the expansion of
3 the Jackson Law. Either way, it's going to come
4 before the Board. We're just talking about two
5 different steps that the landfill expansion must
6 take in order to get its approval.

7 Now, let me just say this: With respect
8 to the Jackson Law, Metro Legal sent an official
9 document -- documentation to TDEC that we do
10 believe that the Jackson Law does apply to this
11 expansion; however, having said that, let's now put
12 that aside, because today your role is looking
13 specifically at this plan for expansion and seeing
14 if it's consistent with your ten-year plan.

15 And now what I want to do is just really
16 direct you to law, because the law is very specific
17 on what your role is and what you must do. So when
18 you're making a motion, I want you to keep this in
19 mind, whether you're approving or disapproving.
20 Like every time I tell you when you're making a
21 motion, you need to articulate your reason. So I'm
22 going to read the applicable provisions of this law
23 for the Board before you start your deliberations.

24 Again, this is T.C.A. Section 68-211-814.
25 You can obviously approve the Plan, and if you

1 approve the Plan you would need to articulate why
2 you're approving it or why you find that it's
3 consistent. But the law is very specific about
4 what you must do if you believe you are going to
5 reject the Plan and find -- reject -- excuse me --
6 reject the expansion and find it inconsistent with
7 your ten-year plan.

8 And I'm just going to read this to you
9 guys just word-for-word so you know exactly what it
10 says. It says, "The region may reject an
11 application for a new solid waste disposal facility
12 or an expansion within the region only upon
13 determining that the application is inconsistent
14 with the Solid Waste Management Plan adopted by the
15 region and approved by the Department --" the
16 Department being TDEC "-- and the region shall
17 document in writing the specific grounds in which
18 the application is inconsistent with the Plan."

19 So if you intend to make a motion,
20 whichever way you plan on going after you have your
21 deliberations, you need to make sure that when you
22 make the motion that in your motion you cite why or
23 why not it is consistent or inconsistent, and you
24 need to be very specific about your grounds for
25 saying either.

1 If you have any questions once you get
2 going on this, obviously I'm here to discuss
3 further, but that's pretty much the gist of it, and
4 the law is very pointed as to what you need to do.

5 CHAIRPERSON SHERMAN: Wonderful. Thank
6 you, Tara, that was very helpful. And there is no
7 reason for us to have any further conversation
8 about the Jackson Law. It has nothing to do with
9 our purview.

10 So I've asked her to --

11 COUNCIL MEMBER HALL: Chair, I hate to
12 interrupt, but, Chair, really quickly. That brings
13 a question for me for Tara and legal, just a
14 clarifying point.

15 Really quickly, the only reason -- And,
16 again, we know that's not in your purview, not what
17 should be considered. The only thing that I would
18 ask is that being that, but how does that reconcile
19 with what the law, once Jackson Law has been
20 implemented into the City? Because once it was
21 voted on and brought in in 2017, both TDEC and the
22 Solid Waste Board are supposed to be consistent
23 with what the guidelines are in it. So how do we
24 reconcile the decisions that are expected of them
25 if they can't consider or know that it needs to be

1 consistent with what's laid out in terms of terms
2 in the Jackson Law?

3 MS. LADD: Council Member Hall, I think I
4 understand where you're getting at, in that if the
5 Jackson Law applies, it seems to make sense that
6 this application should have gone before the
7 Council perhaps before it went to the Solid Waste
8 Region Board.

9 Is that what I'm hearing?

10 COUNCIL MEMBER HALL: Correct. Because
11 according to what we voted on in past, it gives
12 that authority to the Council and to the local
13 government. So once that took place, it's -- I
14 understand the place for the Solid Regional (sic)
15 Board and, again, we know that it does need to come
16 before them, but I was just trying to reconcile the
17 component of, I know they are not supposed to
18 consider things outside of the framework of the
19 application versus the Plan. But still, having the
20 knowledge that ultimately the decision has been --
21 by passing Jackson Law that it comes to Metro
22 Council.

23 MS. LADD: And I don't -- Let me just
24 preface by saying, I don't really want to muddy the
25 waters too far with respect to the limited role

1 that the Board has to (inaudible) --

2 COUNCIL MEMBER HALL: I get that.

3 Absolutely.

4 MS. LADD: But I will say historically
5 what has happened when an application has been
6 presented is that it goes to Council before it does
7 go to this Board. Which, if the Jackson Law is
8 applicable, seems to be more of a -- more of a
9 natural route for it to take; however, the law
10 doesn't dictate which piece they have to do first,
11 it just dictates that they have to do both, if the
12 Jackson Law applies.

13 Does that make sense?

14 COUNCIL MEMBER HALL: Absolutely.

15 Absolutely. And just because it was full
16 disclosure about what had been sent to TDEC that,
17 again, I feel like, is a mitigating factor that if
18 this Board is aware of those two things: That, 1,
19 Metro Legal that sent that letter, and it would be
20 nice if it was read into the record. But also just
21 the parameters under which we are responding, both
22 the community and myself as a council member.

23 MS. LADD: And we can include the letter,
24 now that it's been mentioned, if --

25 COUNCIL MEMBER HALL: Thank you.

1 MS. LADD: We can include that in the
2 record, Sharon. That's not a problem.

3 MS. SHARON SMITH: Okay.

4 MS. LADD: And I understand your
5 concerns. And you and I both know that there's
6 obviously legal implications that go beyond the
7 Board's purview here today.

8 COUNCIL MEMBER HALL: Absolutely. And I
9 appreciate, again, you just clarifying for me, and
10 without entertaining too much, because we know
11 there are other steps that still need to be taking
12 place. So thank you.

13 MS. LADD: Of course.

14 CHAIRPERSON SHERMAN: Thank you. Thank
15 you for that clarification, Councilman. And I
16 think the --

17 So, again, not to muddy the waters, and
18 knowing that there's -- there is this Jackson Law
19 out there, and the Board -- and the Council has
20 acted on it before, the City has submitted a letter
21 about invoking it that has yet been voted on by
22 Council, and so there's that still outstanding.

23 And, you know, I'm -- you know, I've
24 talked to Sharon and Tara about this, and say we --
25 it's our -- we still need to -- we have a

1 responsibility, and that is to look at this
2 application and determine if it abides by the Plan
3 or not. And so that's the conversation right now.

4 So I'm going to open the floor up to the
5 Board to have the -- just -- you know, this is just
6 a conversation among us before we move -- before we
7 get to actually taking formal action. So the
8 floor's open.

9 MS. LOCKETT: John, this is Midroi
10 Lockett. I reread the executive summary of the
11 Solid Waste Plan, and in Section 9-4 we have a
12 paragraph in there that says, " This Plan does not
13 include recommendations for any new or expanding
14 landfills in Davidson County. Permitting new or
15 expanding landfills would be inconsistent with the
16 goals of the Plan."

17 So it seems to me as though we've
18 outlined in the Plan already our feelings about any
19 expansions on a landfill.

20 MR. DIEHL: Those are my comments.

21 MS. LOCKETT: You may have stated them
22 already.

23 MR. DIEHL: This is Robert Diehl. I'm
24 sorry, Midroi, I didn't mean to step on your toes.

25 MS. LOCKETT: No, I was done, Robert.

1 MR. DIEHL: Even Waste Management's
2 expansion position paper mentions that very section
3 of the Solid Waste Plan. I think that they will
4 probably argue the point that the use of the term
5 would be inconsistent, is weak. What they are
6 saying is the phrase would be -- is written in the
7 future tense. And if we can't stop it on that
8 basis, then I would say that that section of the
9 Plan needs to be rewritten.

10 MR. SULLIVAN: This is Michael. I would
11 piggyback off of that and also say that, you know,
12 that section begins with Metro Nashville
13 aggressively working to reduce reliance on
14 landfills. And I would question, since we passed
15 the Waste Management Plan -- the Zero Waste
16 Management Plan, what has Metro done to
17 aggressively reduce our reliance on landfills since
18 then?

19 CHAIRPERSON SHERMAN: Other comments?

20 MR. GRIMES: This is Dale Grimes. I
21 would just -- I think I would just echo that. I
22 don't have the history that probably some of you
23 who have been on the Board -- and I'm new, this is
24 my first meeting -- and it's kind of a big one --
25 and I really appreciate all the comments that have

1 been made and sympathize. But I do -- I do wonder,
2 it looks like that that statement is conditioned on
3 the City having aggressively pursued these other
4 things, which, you know, for various, you know,
5 good and understandable reasons have not happened
6 yet. And I just wonder how you can say that this
7 is inconsistent when that condition has not -- has
8 not occurred.

9 Thank you.

10 CHAIRPERSON SHERMAN: Others?

11 VICE CHAIR HACKETT: Let me go back to
12 the whole intention, and clearly spelled-out
13 portion of the Plan, which is that our goal is to
14 get to zero waste. And so zero means less. And to
15 add a landfill would mean more. And so I do not
16 feel as though voting yes for this would help to us
17 achieve our goals and the full spirit of the Plan
18 that we worked on for several years.

19 CHAIRPERSON SHERMAN: Damita, are you
20 unmuting?

21 MS. BECK-TAYLOR: Yeah. I was going to
22 say, I agree with Jennifer in talking about -- we
23 could use -- or they, anybody, could use the
24 language to sway the Plan in their favor, but it's
25 not in the spirit of what the intention behind the

1 Plan is. And so I don't believe this aligns with
2 what our path is forward. And even if we haven't
3 taken aggressive measures, we haven't defined what
4 "aggressive" means, and so I don't -- I don't think
5 this expansion aligns with the spirit or the
6 intention behind the Zero Waste Plan.

7 MR. DIEHL: This is Robert Diehl again.
8 And, unfortunately -- First of all, my heart soared
9 hearing Dan Lane's voice earlier. He and John --
10 of course John was absent the last time that this
11 landfill was expanded. It did turn into a question
12 of legalities. And I'm worried, even though I
13 would -- I would do anything to stop this, and I
14 certainly cannot vote for it for lots of reasons,
15 on many levels, including the social justice level,
16 primarily.

17 But I just want to know how the Board --
18 who is going to be responsible for writing the
19 Board's opinion as to whether this expansion
20 conforms with our Solid Waste Plan?

21 CHAIRPERSON SHERMAN: That's what's going
22 to be in the motion, Robert. That is what -- it's
23 going to be outlined.

24 And I'm going to just jump in here
25 because I have -- I have pretty strong feelings

1 about this. And setting aside -- I'm just going --
2 Setting aside all the reasons about Bordeaux or all
3 the reasons about why we have to have actually
4 landfill operators, which is because of a total
5 failure by federal and state government to actually
6 pass policies that actually shoves this stuff
7 upstream, and so we're all -- all of us are having
8 to spend our time dealing with the problem that is
9 not our creation. So that's first of all.

10 And when we -- I mean, you know, there's
11 this thing called legislative history. And we had
12 these conversations for two years in development of
13 this Plan. We had numerous public hearings. We
14 had six different meetings around the city to talk
15 about this, and I don't think Waste Management
16 showed up once, not once.

17 And so -- So there was an opportunity --
18 I'm going to be a little heated about this. There
19 was an opportunity to weigh in on this. And, in
20 fact, Waste Management was part of Livable
21 Nashville, and they were there and we agreed that
22 Livable Nashville, which was a plan by the City and
23 the previous two mayors, that -- that we talked
24 about zero waste there. Right? And so this is not
25 a new conversation. So that's one thing, just

1 legislatively.

2 And within our Board, when we talked
3 about this, this was part of it. We know -- And
4 why did we even have this Plan? Because we saw
5 recycling rates across the board, whether it was
6 C&D, or whether it was municipal or whether it was
7 commercial, as flat. And we knew that we had to do
8 something differently. And this may not have been
9 that explicit in this, although I think it was, is
10 that no one's going to move unless they have to
11 move. And our position on creating this Plan is we
12 are making a move.

13 You're right, the City hasn't done a
14 doggone thing. Now, there's all sorts of reasons
15 for that that you are, you know, budgetary and all
16 of that. But the bottom line is a previous board
17 member, who used to be on the City Council, "No one
18 pays attention to garbage until they have to."

19 Well, our job, in looking at this Plan
20 and developing a long-term vision, is to make
21 people pay attention. And we created a plan to do
22 that and the "would be," this is, I think that's
23 just bologna. I think that we knew what we were
24 doing when we voted on this, and we had a
25 conversation about it.

1 So I don't buy the fact at all that
2 somehow there is -- that we're -- I do not want to
3 create any kind of language loophole here. We had
4 an intention behind this. It was clear. You made
5 this agreement with me, so be it. But I think that
6 we were very intentional about what we wanted.

7 And creating that, putting a landfill in
8 for other 12 to 15 years, when the last time this
9 happened there was a commitment then to do all
10 sorts of stuff that didn't happen, and now here we
11 are again. And I can guarantee you in ten years,
12 when this comes up again, there's going to be
13 another reason why it's not happening, unless it's
14 forced. Unless we actually draw the line that we
15 did in this Plan, saying, "City, you have to step
16 up." And we can say it for all the reasons. For
17 the reasons for the community. We can say it about
18 it's going to actually spur then Waste Management
19 to think differently about what they are doing,
20 perhaps, or certainly everybody upstream that's
21 generating the waste. And then also you think
22 about new markets for creating C&D. But that's not
23 going to happen unless we actually do what we said
24 we wanted to do in this Plan. No new landfills, no
25 expansion landfills. It's clear language.

1 So you're hearing the Chair getting a
2 little heated about it, but I'm just -- I'm
3 perplexed that we could do anything but deny this
4 application. That's just my position.

5 MR. SULLIVAN: This is Michael. And, you
6 know, John, I hear what you're saying, but my
7 question then is, you know: Why such the -- you
8 know, why should the Board take a strong stance in
9 the portion of not expanding the landfill, when we
10 don't seem to be putting the pressure or taking a
11 strong stance on increasing recycling -- or
12 aggressively increasing recycling?

13 Additionally, throughout the Plan, and
14 throughout the meetings, the one thing that
15 constantly comes up is funding. We don't have
16 funding to do any of these programs. And, you
17 know, by not expanding, we're forcing the costs of
18 any kind of this, you know, C&D disposal to go up.
19 And, you know, at some point the City's going to
20 burden some of that cost, and the cost is going to
21 be deviated away from recycling programs. I mean
22 it's just the nature of how Metro government is
23 operating.

24 And so to say, you know, it is completely
25 against the Plan and it's totally opposite of what

1 we wanted to do, well, so is not aggressively doing
2 any recycling or not aggressively increasing our
3 recycling plans.

4 And maybe I'm missaw -- I was picking a
5 kid up from daycare -- but the slide that -- the
6 report that we approved show me the increases at
7 the landfills and the tonnage, that recycling went
8 down from 2019 to 2020. And in a year where more
9 people were stuck at home and had more time to go
10 through their garbage or aggressively implement a
11 recycling programs, or attempt to recycle, but
12 tonnage of recycling went down in 2020. We're not
13 aggressively recycling in Davidson County, plain
14 and simple.

15 CHAIRPERSON SHERMAN: And I totally agree
16 with that.

17 MR. SULLIVAN: And it's not Waste
18 Management's job to do that. It's not their
19 responsibility to make the City recycle.

20 MS. LISA SMITH: Just because we're not
21 recycling, doesn't mean we have to agree with
22 expanding a landfill that already burdens the whole
23 entire community economically and health wise.

24 MR. SULLIVAN: But within the purview of
25 this Board and the Plan, the argument here is the

1 Plan says we can't expand the landfills. Well, no,
2 the Plan says, If coupled with aggressive
3 recycling, we can't expand the landfills.

4 So to sit here and say, well, we're only
5 going to adhere to half of it, you know, it's
6 picking and choosing. And, you know, I know
7 everyone is very passionate about this, and
8 everyone has strong opinions, but, you know -- So
9 as a Board we have to set aside the social justice
10 opinions, the smell opinions, we have to set that
11 aside and look at how does it apply to this waste
12 management?

13 MS. LISA SMITH: Yeah, I don't plan to
14 set that that aside. I've literally had
15 developers, before I left the area -- because I
16 used to live in the area, too, and I moved. And
17 I've been in on some of these meetings where Waste
18 Management never showed up. And have talked to
19 developers and they literally told me to my face,
20 "Oh, we're not going to put any development out
21 there, we're just going to build houses," because
22 they can get the land cheap. So I won't agree with
23 it. And whatever, you know -- Do we have to quote
24 the -- any -- the letter or the paragraph or
25 whatever to say why we don't want to vote for it?

1 Because I can find it. But I'm not voting for it.

2 CHAIRPERSON SHERMAN: I would just --
3 This is a really interesting point about, you know,
4 what comes first, the recycling? Do we couple it
5 with the landfill issue? And we know that -- you
6 know, the conversation for me is, we have a
7 responsibility, and the only thing that we have the
8 legal authority over is up or down on whether a
9 landfill is expanded.

10 Now, we made all of these other
11 recommendations to the City and they have been
12 shown to the City, and can guarantee you that the
13 City made this -- you know, my feeling is is that,
14 you know, they are going to kind of be herky-jerky
15 in terms of how they get started.

16 But, you know, we knew before that they
17 had two or three years left on the landfill and we
18 were making a decision based on that; right? And
19 actually what motivated -- partly motivated the
20 Plan is both the, you know, imminent closure -- and
21 we thought at that time of Southern Services -- and
22 the fact that we know that what's happening down in
23 Middle Point.

24 And so we had this opportunity to
25 actually move on this. And, you know, we can

1 educate -- we can do all we can to move the
2 Council, but, you know, that's out of our purview.
3 We can try, "Hey, do it." That's what the Plan was
4 intended to do, too, get everybody's attention.
5 And in this case, you know, the landfill came
6 first.

7 I don't think that's any reason for us
8 not to vote on denying it because everything isn't
9 going just along this smoothly, laid out, you know,
10 strategy, which we knew -- I mean anybody who does
11 anything knows that what's on paper and how it
12 actually unrolls is a little bit different,
13 including this.

14 You know, we thought that, you know,
15 there was going to be this smoother transition.
16 It's not going to happen. We have to make a
17 decision. And I'm not willing to make a decision
18 about 12 more years of a landfill, which is almost
19 halfway through what we wanted as a plan, and
20 that -- you know, what we're saying is, "Okay,
21 we've done our job, City. Now you need to do your
22 job."

23 And, you know -- quite frankly, you know,
24 I'm taking this out of it. This is not anything
25 personal about Waste Management. We know that, you

1 know, landfills are landfills, and we've had them
2 for a long time and, unfortunately, low-income
3 communities and communities of color have often
4 beared the brunt of that, whether it's urban or
5 rural.

6 That's not the issue for me in terms of
7 this, whether -- however I feel about it
8 personally. But as the Board is that, you know, we
9 have looked at the data, we knew we weren't going
10 well, and we needed to do something differently.
11 We had an opportunity to do what we did in the
12 purview of our responsibilities, and so that's all
13 I'm asking the Board to look at.

14 MR. GRIMES: Mr. Chairman, I'm very
15 interested in your comments and the way you
16 delivered them. As I said, I was not part of that
17 planning process and all I've done is been able to
18 do is read the Plan and so I feel at a disadvantage
19 in that respect. And I want to respect what the
20 Board intended when they adopted the Plan.

21 But I do have a question and that is:
22 What is the likelihood here, is it that it's going
23 to force the City to begin setting policies and
24 funding programs that have been recommended or is
25 the likelihood that this C&D garbage is just going

1 to be shipped out to some other part of the state?

2 CHAIRPERSON SHERMAN: I don't know if
3 you're asking me that, but other folks may have an
4 opinion, and it's going to be both.

5 MR. DIEHL: This is Robert -- I'm sorry,
6 John.

7 CHAIRPERSON SHERMAN: No, please, Robert,
8 continue.

9 MR. DIEHL: This is Robert Diehl again.
10 You know, when I brought up, if the
11 expansion is not granted are they prepared to do
12 something else, as they stated in their proposal?
13 And Jason Repsher mentioned the fact that whatever
14 they could not recycle could be commingled with
15 other trash and be shipped somewhere else.

16 Now, to me, I don't know whether that's a
17 good answer or not, but at least what we're
18 doing -- if we deny the expansion we're forcing
19 these people to get creative and do something
20 different than what they've been doing up to this
21 point, because they are not recycling -- they are
22 recycling only slightly more than one percent of
23 the entire C&D waste stream, when he admitted
24 himself that 60 percent of what they get can be
25 recycled.

1 COUNCIL MEMBER HALL: Chair, I know this
2 may not be appropriate, but I want to (inaudible)
3 --

4 CHAIRPERSON SHERMAN: Mr. Hall, you're
5 breaking up. So -- And, please, I know you want to
6 have a conversation, but really this is the time
7 for the Board to have a conversation. So I would
8 ask that you respect that this is a time for the
9 Board to share their comments, sir.

10 I think we may have lost him. He was
11 breaking up.

12 COUNCIL MEMBER HALL: I was saying --

13 CHAIRPERSON SHERMAN: Beth, do you have a
14 comment?

15 MS. REARDON: I just want to echo most of
16 what everyone else has said, that, you know, I
17 agree to vote no on this. I was dismayed that
18 Waste Management really didn't come up with any
19 other options besides expansion. Didn't seem to be
20 willing to talk about anything else.

21 And although I agree that Nashville
22 hasn't aggressively pursued any other actions, this
23 is the first step. It's not going to happen in all
24 one big jump. I mean if we push forward and make
25 somebody else feel uncomfortable about having to

1 pay increased tipping fees or drive farther to dump
2 their waste, maybe they'll come up with some
3 options or agree to work with Waste Management or
4 us on coming up with some options. But just
5 allowing them to expand is not going to change
6 anything, according to our Plan anyway.

7 So I agree with everybody on this panel,
8 that we don't need to just roll over and let them
9 expand this landfill.

10 CHAIRPERSON SHERMAN: Thank you, Beth.

11 Other comments? While people that --

12 MR. McCORMICK: This is Jeff McCormick.
13 I echo a lot of what's saying. I agree this
14 doesn't fit our Plan. Kind of my argument would be
15 the part on the recycling and stuff that Metro
16 hasn't done yet. Well, that doesn't really matter
17 as far as whether it's in the Plan or not, because
18 we can't help that Metro hasn't done it yet.

19 And I do feel like, you know, maybe this
20 will make Waste Management start recycling more
21 besides the one they're probably getting -- He
22 admitted it's for green facilities, which means
23 they are paying more to have that recycled, you
24 know. They are not just recycling everything.
25 It's for people that's wanting green certification

1 or something. So I'm sure they are charging them a
2 higher rate to do that.

3 CHAIRPERSON SHERMAN: Right. Thank you.

4 MR. GRIMES: Mr. Chairman, I have one
5 other question and that is: Is this the final
6 forum for this or does it go to Metro Council after
7 we speak on this, or what's the process? I don't
8 really understand that either.

9 CHAIRPERSON SHERMAN: So the process, as
10 far as the Board is concerned, is this is the
11 opportunity now. And then we will have -- we will
12 have discharged our duties with regard to the
13 Southern Services Landfill application. Whether we
14 approve or deny, we're done.

15 And then, you know, there's a whole other
16 tract that we have nothing to do with and we have
17 no particular, you know, say-so other than just
18 citizens, but not as representatives of the Board,
19 around how the City Council will take up the issue
20 around the Jackson Law. But that's a separate
21 tract that has nothing to do with us. But our
22 duties are going to be done this evening.

23 Does that make sense?

24 MR. GRIMES: I think so. What I didn't
25 know is whether what we're doing is really a

1 recommendation or is this, you know, does this end
2 it for Waste Management's expansion?

3 CHAIRPERSON SHERMAN: So if we deny it,
4 then, yes, then they still -- I mean there's still
5 the Jackson Law piece, which they have another shot
6 there.

7 But our denial is our denial and it
8 doesn't go any further.

9 And Tara or Sharon, if you have other
10 information, but this is not a recommendation.
11 This is basically a legal decision that we're
12 making tonight.

13 MS. LADD: Yeah. The board's decision is
14 final as to whether -- you know, when you're making
15 your determination as to whether the Plan is
16 consistent or inconsistent with the ten-year plan.
17 Once you reach the determination, it's going to be
18 in writing because there's a stenographer there.
19 And then from there Waste Management would have an
20 opportunity to appeal your decision, but that would
21 be going through court, Chancery Court, through a
22 writ of cert.

23 So to answer your question, as far as
24 your role here today, what you vote on today is a
25 final vote.

1 MR. GRIMES: Thank you. Thank you for
2 that.

3 CHAIRPERSON SHERMAN: And just to be
4 clear, that if it was appealed by Waste Management,
5 you know, to a court, the City would represent us.
6 I mean that would be -- And they did before, just
7 to clarify that point, that the City would -- is
8 basically -- you know, we have two different city
9 attorneys on the call right now that, you know,
10 they would be the ones representing us --
11 representing the Board. You know, we don't have to
12 show up and do it ourselves, so...

13 With that -- Sharon -- I mean, Jennifer?

14 VICE CHAIR HACKETT: Yeah. I just want
15 to add that in addition to the proposal not fitting
16 our Plan in any way, the goal of getting to zero
17 waste is so that we can not only be ethical
18 neighbors to our own BIPOC community to whom we owe
19 much, the very least of which is sticking to the
20 Plan, but also so that we were not burdening
21 communities surrounding us with the same old
22 problem, with the same old not working solutions.

23 It's not working to continually go into
24 other communities with landfills either. We want
25 to see new, healthy community-positive solutions,

1 which is why we wrote the Plan and why we need to
2 stick to it tonight.

3 MS. LISA SMITH: Just from an ethical
4 perspective, I mean eventually East Nashville and
5 West Nashville, they are going to run out of land.
6 The only land left is that corner, that's it.
7 So -- and there's already development going crazy
8 over there off of Brick Church, so --

9 CHAIRPERSON SHERMAN: So as we're, I
10 think, moving towards some resolution on this, I
11 would urge that one of you consider what the motion
12 would be, and reflecting on what Tara had said.

13 And I do -- So, given that, Tara, if this
14 Board were going to -- and this is an if, I'm just
15 asking for clarification -- move to deny this
16 application, and if we referenced those phrases
17 in -- and those pieces in the Plan on Pages 8-2 and
18 Pages 9-4 that talk about the inconsistency of a
19 landfill with this Plan, is that sufficient or do
20 you think we need more, or is that fair to ask you?

21 MS. LADD: Yeah, I think that puts me in
22 a perilous position.

23 I think when you're making your
24 determination, remember that the statute is
25 specific. That you want to give specific grounds.

1 Teri, do you want to talk?

2 MS. CONSTONIS: Sure, I can talk.

3 MS. LADD: Okay. I thought I was, like,
4 speaking over you. I wanted to make sure. So
5 Teri's on the line, too.

6 The only thing I was going to say -- and
7 she might have something to add -- is that I think
8 not -- you know, I think, obviously, pointing to
9 those sections and those particular places is
10 great, but anything else that you have as well that
11 you want to reference, and other comments that have
12 made that are outside of the documents. For
13 instance, sort of the overall goal of the Plan.

14 Teri, do you want to say something?

15 MS. CONSTONIS: No, I really don't have
16 anything to add. I think you put it very well.

17 Yeah, just identifying the specific
18 grounds, the ways in which it is inconsistent with
19 the Plan. So identifying specific plan components
20 that you perceive as being, you know, inconsistent
21 with what is proposed appears to me to meet that.

22 And like Tara said, there is a
23 stenographer recording and writing the motion and
24 the deliberation that you're undertaking right now.
25 And, you know, at some point in the future I would

1 imagine that you all will be asked to review and
2 approve that as part of your review and approval of
3 the meeting minutes, which you will probably do at
4 the next meeting.

5 CHAIRPERSON SHERMAN: Great. Thank you,
6 Teri.

7 So just board members who don't know
8 Theresa Costonis, or Teri, she was our previous
9 attorney before Tara eagerly took her place. So
10 just know that that's -- she's another attorney
11 with the City.

12 With that, are there more comments?

13 All right. Well, I would -- the Board,
14 the Chair, would entertain a motion for denial or
15 approval of the application. And with --
16 requesting that whoever makes that motion has the
17 same level of detail that was just outlined by Tara
18 and Teri.

19 MS. LISA SMITH: This is a question. Do
20 we need to cite paragraphs and number or anything
21 from the Plan?

22 MS. LADD: I would cite it. If you have
23 it on hand, I would point it out. And make sure
24 that you're citing -- You know, you don't want to
25 say 19A and not cite the page number because this

1 is all going to be transcribed and you want a
2 person who reads this to be able to go directly to
3 where you went.

4 MS. LISA SMITH: Okay. I've got to go
5 grab mine.

6 CHAIRPERSON SHERMAN: Thank you.

7 Anybody articulating one or are you
8 looking to the Chair to make this happen? I'm
9 looking to one of you to start it, if possible.

10 MR. McCORMICK: Mr. Chairman, what if we
11 kind of just mention them, and somebody kind of
12 scribble them down, the different reasons it
13 doesn't meet the Plan so someone can maybe
14 articulate the motion a little bit better.

15 CHAIRPERSON SHERMAN: That's a great
16 idea, Jeff. So why don't I just start. And I'm
17 actually -- if you see me looking down, I'm
18 actually looking at the Plan.

19 So there are two different places in the
20 Plan that says, "permitting new or expanding
21 landfills would be inconsistent with the goals of
22 the Plan." And so that's been mentioned. It's on
23 Page 8-2, which we don't need to worry about, as
24 Tara said, and again on Page 9-4.

25 So there's two different places where

1 that very specific language is in there,
2 "permitting new or expanding landfills would be
3 inconsistent with the goals of the Plan."

4 So that's one. Others? That was the
5 easy one.

6 MR. McCORMICK: The comment the man
7 made -- and I don't even remember who it was --
8 about the social part of the circles in our plan,
9 is there any way we can address that one, too?

10 CHAIRPERSON SHERMAN: Well, if somebody
11 wants to find that section and give me some -- give
12 us some specific language that would tie to that,
13 that would be helpful. I don't have that in front
14 of me right now. I believe it's -- Sharon, if you
15 could help me, it's in one of the appendices in
16 particular.

17 MS. SHARON SMITH: And I'm not
18 100 percent sure. First of all, it's not 9-4, it's
19 actually I, it's in the appendix, so it's 8-2 and
20 I, as in indigo, dash four.

21 But when you say "the circles," are you
22 talking about the triple bomb line?

23 CHAIRPERSON SHERMAN: Yes.

24 MR. DIEHL: The triple bottom line is in
25 Section 10.

1 MS. SHARON SMITH: Yes.

2 CHAIRPERSON SHERMAN: Okay.

3 Actually, Sharon, it is mentioned twice,
4 at least on the page numbers that I have.

5 MS. SHARON SMITH: Oh, okay. My
6 apologies.

7 CHAIRPERSON SHERMAN: Yeah, yeah.

8 So, yeah, if folks want to look at
9 Section 10, if there's something -- some language
10 in there that would make sense.

11 I do think -- I mean while someone is
12 looking at that, I think that -- I'm not sure who
13 said it but, you know, this is a Zero Waste Plan.
14 And so the idea -- the intention -- our intention
15 with this Plan is to move towards zero waste. And
16 we -- and having a 12-year -- you know, a 12- to
17 15-year expansion of a landfill is counter -- this
18 is another way to say it -- is counter to the idea
19 of moving towards zero waste.

20 MR. SULLIVAN: Isn't our plan to move
21 towards zero waste over the course of 20 years?

22 CHAIRPERSON SHERMAN: Yes, it is.

23 MR. SULLIVAN: So then wouldn't it being
24 expanded for 10 to 15 years mean that it would be
25 closed or not permitted to be used anymore before

1 we hit the 20-year mark?

2 CHAIRPERSON SHERMAN: That's assuming
3 that the 10- to 15-year -- the 12- to 15-year plan
4 works. You know, I can't predict the future.

5 MR. SULLIVAN: Yeah, but wouldn't that
6 come up before the Board again for another
7 expansion, to which then at that expansion point
8 you would say, "Well, no, our plan is to get to
9 zero waste within 20 years, and an expansion beyond
10 20 years does not do that."

11 CHAIRPERSON SHERMAN: If, in fact -- if,
12 in fact, it was all that stop/start, I think -- I
13 don't see how that -- how, if by allowing a
14 landfill now, creates any opportunity to do
15 anything except landfilling. And I don't -- And
16 the idea -- Which we have -- you know, this Board
17 has experience. This Board put out a 65 percent
18 reduction in the previous plan. We never -- and it
19 never got touched. And the reason why, cheap
20 landfilling, and we knew that. And it doesn't
21 matter what all -- what we all say --

22 Again, I'm just getting back to the --
23 I'm getting back to some of the rhetoric on this.
24 But the point is, if -- you know, if everybody --
25 if the world was, you know, moving in some kind of

1 lockstep and we could, you know, see that
2 happening, then, you know, Michael, I may go,
3 "Yeah, that makes sense." I just don't believe,
4 and I don't think that history of this Board, and
5 seeing what's happened over the last 20 years, you
6 know, that that doesn't play out that way. So
7 there's a history here of it not playing out that
8 way. I don't see what's going to change the
9 history.

10 MR. SULLIVAN: I guess that just seems
11 counter to then the question of: Does this fall
12 within the Plan? It seems like more like that
13 course of argument is not, does it fall within this
14 plan, but how can we force this plan to make sure
15 it works, because the last one didn't?

16 CHAIRPERSON SHERMAN: Our job -- Well,
17 yeah. So your point is well taken, but it's a
18 point, so --

19 MR. DIEHL: This is Robert. Let's just
20 call it by any means necessary.

21 MS. LISA SMITH: I have the Plan in hand,
22 which is literally called the Zero Waste Plan.

23 Section 5 refers to research and
24 screening of diversion strategies. Well, if we
25 found -- We've already discussed this. They've

1 already admitted that they don't have any other
2 plan. They don't do any research, they don't have
3 any other strategy to deal with the current solid
4 waste that is inert materials that won't dissolve,
5 then they -- and they don't have one for this
6 additional 77 acres, could we find something in
7 that section that would address it as well?

8 Including -- And then in Section 8
9 there's a materials management and infrastructure
10 section.

11 And Section 10 refers to the triple
12 bottom line, and that's typically -- that typically
13 includes the social impact.

14 CHAIRPERSON SHERMAN: Well, I'm looking
15 for language, very specific language. We're
16 getting to the point where we need to articulate
17 what goes into a motion. Right now I have -- we
18 have specific language about that the Plan speaks
19 to the permitting new or expanding landfills would
20 be inconsistent with the Plan -- with the Plan's
21 goals, you know -- and that -- that feels pretty
22 front and center for me.

23 And kind of behind that is somewhat, I
24 would say, the looser language, but it captures the
25 intent of what a Zero Waste Plan, it's our idea.

1 And in order for us to actually to move forward, we
2 need to implement the Plan. And so this is part of
3 the implementation, the part that we control.

4 MS. LISA SMITH: Correct. Correct.
5 Because this is the Step 4. This is actually
6 Step 4 of implementing this Plan.

7 CHAIRPERSON SHERMAN: Robert?

8 MR. DIEHL: One thing. In Section 7
9 there is a table, Metro Council policies years two
10 to four, strategy goal: To promote diversion from
11 landfilling and material generated on Metro
12 contract at construction sites. Never mind, that's
13 Metro contracted. Sorry. I should have read it
14 through.

15 CHAIRPERSON SHERMAN: Well -- and I think
16 that -- Yeah. So I think there's a conversation
17 about -- You know, this was -- this was laid out in
18 a way that how we were -- how we saw things moving
19 forward, given the circumstances at the time.
20 Those circumstances have changed a bit, and that --
21 So I'm more wedded to the zero waste and the
22 different pieces that need to happen, meaning we
23 need an ordinance, you know, we need to have a
24 deposit system, we need to have, you know, the C&D
25 transfer station. We know we need to have these

1 different pieces. We, as a community. And I just
2 want to make sure that we set aside what we, as a
3 community, have responsibility for and what we, as
4 a board, have responsibility for. And I just bring
5 it back to that point, and so I think we've made
6 that.

7 So, you know, I'm still -- I don't know
8 if, Jennifer or if anybody's -- you know, if any of
9 you are like putting down the exact motion right
10 now.

11 VICE CHAIR HACKETT: Well, can I drop a
12 draft of all the things that have been said so far
13 into the Q and A for us to be able to look at?

14 CHAIRPERSON SHERMAN: Are you asking me
15 or did you just do that?

16 VICE CHAIR HACKETT: No. I mean I've
17 done it, but I haven't hit "send" because I'm
18 waiting for permission from somebody that that's an
19 okay thing to do.

20 CHAIRPERSON SHERMAN: Send.

21 VICE CHAIR HACKETT: Okay.

22 MS. SHARON SMITH: Tara -- Wait a minute.
23 Tara, would you weigh in?

24 MS. LADD: Teri, what do you think about
25 that? Is that safe somehow?

1 MS. COSTONIS: It's a very interesting
2 question actually, because there is a prohibition
3 in the Open Meetings Act on electronic
4 deliberation.

5 MS. LADD: Well, but we're not
6 deliberating, we're just reading it.

7 MR. McCORMICK: Can we share her screen?
8 Can she share her screen then instead of -- because
9 I kind of think emailing it to us would violate
10 public records law.

11 VICE CHAIR HACKETT: Why don't you just
12 call it out?

13 MS. COSTONIS: It could be public record,
14 you know.

15 MS. LISA SMITH: Yeah, just go ahead and
16 call it out.

17 VICE CHAIR HACKETT: Absolutely. I'll
18 call it out.

19 MS. COSTONIS: Maybe do both.

20 VICE CHAIR HACKETT: I can share my
21 screen and talk at the same time?

22 CHAIRPERSON SHERMAN: I was thinking --
23 Isn't the Q and A function on this, that's a public
24 function. I'm seeing Q and A from the public, so
25 is there any difference?

1 MS. COSTONIS: It is certainly a public
2 record. I don't know to what extent it is retained
3 beyond this meeting.

4 CHAIRPERSON SHERMAN: Oh, I see. I see.

5 MS. COSTONIS: But I mean I'm sure like
6 anyone who wanted to see it could, like, take a
7 screenshot and preserve it that way.

8 And perhaps, Sharon, you could do that
9 for us as well.

10 But I just think it's a little bit --
11 it's kind of ambiguous because we are already
12 operating under the governor's executive order,
13 because normally we can't even met electronically
14 in the way that we are currently right now.

15 So, you know, they didn't envision this
16 meeting in any way other than in person when they
17 wrote the statute. And so meeting in a video
18 conference format that has a chat feature is just
19 not something that's contemplated in the Open
20 Meetings Act at all. And the governor's executive
21 order, while specifically allowing us to do this
22 kind of meeting, doesn't really address the chat
23 function feature, so it is hard to say.

24 But I would say as long as you also read
25 it out loud and so -- and the public who are -- the

1 public who are on the meeting as attendees should
2 be able to see the Q and A, if they participate.
3 And also the members of the public who are
4 participating by calling in would not be able to,
5 but if they were listening they could hear it read
6 out loud. So I'm thinking if you do both that
7 would be eliminate the problem.

8 VICE CHAIR HACKETT: Great. Let's do
9 both. I'm going to drop it in in three sections
10 because it gives me a character limit.

11 MS. SHARON SMITH: Actually, do you mind
12 sharing your screen? Because that way we could
13 actually capture it, whereas I can't capture the
14 message.

15 VICE CHAIR HACKETT: Yes. Can I get the
16 power to be a screen sharer?

17 MS. SHARON SMITH: I am working on that
18 right now.

19 MR. McCORMICK: Mr. Chairman, while
20 they're doing that would one statement be possible,
21 that -- I think it starts in Appendix F where we're
22 getting to the goals of the Zero Waste Plan.

23 CHAIRPERSON SHERMAN: Uh-huh.

24 MR. McCORMICK: Nowhere in the goals to
25 get to zero waste does it mention to expand the

1 landfill.

2 CHAIRPERSON SHERMAN: Sure. That's
3 another point; right?

4 MS. SHARON SMITH: Jennifer, you should
5 be good to go.

6 VICE CHAIR HACKETT: Okay.

7 MS. LISA SMITH: While she's sharing, in
8 Section 5 of the research, screening of diversion
9 strategies. In the study there's a list of
10 materials that were prioritized to be diverted, and
11 one of -- and -- because of the greenhouse gases
12 that they produce, and those materials are clearly
13 stated as C&D. And that's on the first page of
14 Section 5. And having a landfill to increase C&D
15 would definitely go against the priority of
16 diverting those things.

17 CHAIRPERSON SHERMAN: So, Jeff, I want to
18 get back to your point.

19 This is really great, Jennifer, that
20 you're capturing this.

21 VICE CHAIR HACKETT: Sure.

22 CHAIRPERSON SHERMAN: Jeff, you mentioned
23 that in Appendix F, just going back to that, that
24 in there -- Can you articulate -- say that again?
25 I don't want have the Appendix up in front of me

1 right now.

2 MR. McCORMICK: In the goals of the Plan
3 of getting to zero waste I don't see anywhere that
4 it's ever mentioned to expand the landfill. That
5 was never mentioned as a goal of the Plan or
6 anything.

7 VICE CHAIR HACKETT: So -- But do we want
8 to go with concrete things it says, rather than
9 things that it doesn't say?

10 MR. McCORMICK: You want to go with what
11 will hold up in court, so they're going to look at
12 our plan and tear it apart.

13 MR. DIEHL: Yeah. And I would say again,
14 getting back to their own position paper, that when
15 they mentioned that one section about expanding
16 landfills would be inconsistent, blah-blah-blah,
17 that's the one place that they feel like, you know,
18 we can approve, based on that. They will argue
19 that language in court, my opinion.

20 VICE CHAIR HACKETT: The position paper
21 of Waste Management indicates what, Robert?

22 MR. DIEHL: Jennifer, it's on Page 12 of
23 13.

24 VICE CHAIR HACKETT: So my -- I'm doing
25 it electronically. My document is -- so I can't do

1 both the screen sharing and the looking at the
2 document at the same time.

3 MR. DIEHL: Well, their position paper
4 that they submitted says, Further, the Plan
5 language says that, quote, expanding landfills
6 would be inconsistent, in bold, with the goals of
7 the Plan, unquote. The phrase "would be" is
8 written in the future tense. The only way the
9 future tense language makes sense is to tie that
10 language back to the assumption made in the
11 preceding sentence which states that Metro is
12 aggressively reworking to reduce reliance on
13 landfills.

14 So that's what they are going to --
15 that's what they are going to argue.

16 MS. LISA SMITH: I would come back to
17 that and use that Section 5. However, preceding,
18 the future tense of that statement, is the fact
19 that we had to research and outline materials that
20 would be diverted, and one of those materials
21 includes C&D.

22 So even if there's a future tense through
23 this expansion or if they are adding landfills, we
24 outlined those particular items before, that we
25 wanted those diverted, and for that to start as

1 soon as we implemented the Plan.

2 MR. DIEHL: Lisa, I agree with you
3 wholeheartedly. I think it could be argued that
4 the only reason -- the reason why we used that type
5 of language was because there was no expansion
6 before us at that moment in time.

7 MS. LISA SMITH: Exactly.

8 MR. DIEHL: Or that we foresaw that
9 possibility and determined that it would be
10 inconsistent with the Plan.

11 MS. LISA SMITH: Exactly.

12 And then just -- And if they did get that
13 specific about the contents of the landfill, then
14 we have -- we foresaw that somebody like Waste
15 Management or considering the development of Middle
16 Tennessee and the explosive growth, that there
17 would be a need, so we had to identify items that
18 could be diverted.

19 Oh, I found the triple bottom line
20 section, too. In Section 10, that their expansion
21 is inconsistent with the triple bottom line
22 reference in our plan, because the triple bottom
23 line clearly speaks to economic, environmental, and
24 social impact. And the expansion, it affects all
25 three.

1 Economically, developers have already
2 said they are not going to put any shopping malls
3 out there, they are not going to put a grocery
4 store out there.

5 And then socially, families aren't moving
6 back.

7 And then environmentally, it's causing
8 that area, one of the ZIP Codes of that area, to
9 have the highest rate of asthma for children in the
10 whole state.

11 CHAIRPERSON SHERMAN: Thank you,
12 Jennifer.

13 VICE CHAIR HACKETT: Should I read this
14 out loud yet to give the public an idea who is
15 listening in on the phone?

16 CHAIRPERSON SHERMAN: Yes. Yes. Please
17 do. Yeah, yeah.

18 VICE CHAIR HACKETT: So at the moment
19 we're working with a draft that says someone will
20 make a motion to deny the application because the
21 Plan outlines clearly that permitting new or
22 existing landfills would be inconsistent with the
23 goals of the Plan, as outlined on Page 8-2 and 9-4,
24 as well as in I.

25 The position paper --

1 MS. SHARON SMITH: I-4.

2 VICE CHAIR HACKETT: I-4.

3 CHAIRPERSON SHERMAN: And we could say,
4 as outlined in the zero waste in the Plan -- Well,
5 I guess we talk about -- We ought to just make sure
6 we're talking about the Plan, so cap, upper case.
7 I'm interrupting you, Sharon -- I mean Jennifer.
8 Keep on going.

9 VICE CHAIR HACKETT: Upper case I, is
10 that what you mean?

11 CHAIRPERSON SHERMAN: And P, because
12 that's -- the Plan, it's a formal document.

13 VICE CHAIR HACKETT: Like making a
14 capital C for church here. Okay.

15 All right. The position paper of Waste
16 Management indicates, quote, existing landfills
17 would be inconsistent with the goals of the Plan.
18 After which they argue the tense of the language,
19 which is inconsistent with the spirit of the Plan.
20 There was no expansion at that moment the Plan --
21 at the moment that the Plan was written and
22 approved. The Plan was written with that language
23 in order to prevent just such -- just this kind of
24 expansion request.

25 Section 5 refers to research and

1 diversion strategies, and the presentation today
2 did not show us any other strategies to deal with
3 the current solid waste that has inert materials
4 that won't dissolve. Having a landfill to increase
5 construction and demolition, C&D, would go against
6 the priority of diverting C&D as outlined in this
7 section.

8 With regard to the triple bottom line
9 found in Section 10 on Page 12, the social impact
10 is part of the Plan and has been clearly
11 articulated as inconsistent during the public
12 comment period of the meeting held March 24th,
13 2021, as well as many previous meetings that were
14 cited during the public comment period. Health
15 concerns, liveability, home resale value were all
16 mentioned.

17 The Plan itself is called the Zero Waste
18 Plan, and this Plan does not -- and this proposal
19 does not move us toward that goal.

20 MS. LISA SMITH: And, Jennifer, probably
21 in that -- where you have the second paragraph, the
22 last sentence, "the Plan was written that language
23 in order to prevent just this kind of expansion
24 request" as evidenced by Section 5. And then
25 Section 5 refers to research and et cetera, et

1 cetera.

2 And then in the last full paragraph, the
3 last sentence, use the words that we use in the
4 Plan, that those concerns directly address -- those
5 are environmental and economic concerns.

6 MR. McCORMICK: Jennifer, I still think
7 you can add a sentence that says, In the goals
8 mentioned to obtaining zero waste in the Plan,
9 nowhere was it mentioned the expansion or addition
10 of new landfills.

11 CHAIRPERSON SHERMAN: Right.

12 VICE CHAIR HACKETT: Nowhere in the Plan,
13 what? Tell me one more time, Jeff.

14 MR. McCORMICK: In the goals of the Plan
15 to achieve zero waste.

16 VICE CHAIR HACKETT: Okay.

17 MS. LISA SMITH: That the Plan doesn't
18 account for or provide for expansion -- new
19 landfills and expansion of old ones or whatever.

20 What do you think, Jeff?

21 MR. McCORMICK: Either way is fine with
22 me. It just wasn't in the goals anywhere.

23 VICE CHAIR HACKETT: Okay. So the goals
24 of the Plan do not provide for --

25 MS. LISA SMITH: The addition or

1 expansion of landfills.

2 VICE CHAIR HACKETT: How's that?

3 Oh, sorry, public. Public, we changed
4 the last paragraph to say, "The Plan is called the
5 Zero Waste Plan, and this proposal does not move us
6 toward that goal. The goals of the Plan do not
7 provide for the addition or expansion of landfills.
8 To approve this proposal would contradict the Plan,
9 both in spirit and in letter."

10 MR. SULLIVAN: I have to throw out there
11 that we continually, throughout this motion, use
12 "zero waste" and "towards that goal," but we don't
13 actually specify that zero waste is 90 percent
14 diversion, not 100 percent, and that that Zero
15 Waste Plan does include landfills. If you're going
16 to -- 90, where is that other 10 percent going to
17 go? It's got to go to a landfill.

18 So I'm just -- you know, we keep saying
19 towards that goal of zero. I think somewhere in
20 that motion I think it's necessary then for it to
21 say that zero waste, defined as a 90 percent
22 diversion from landfills.

23 MR. McCORMICK: Well, I still argue that
24 it didn't mean -- Yes, would you use landfills, but
25 it still didn't -- we didn't add or expand any

1 existing landfills.

2 MS. LISA SMITH: Exactly.

3 VICE CHAIR HACKETT: So I'm just the
4 typist. Tell me if we want to include that
5 language or if we don't feel good about it. How
6 should we move from here?

7 MS. LISA SMITH: I would say no. And
8 then just refer -- you know, refer people to an
9 electronic or a hard copy of the Plan. Because,
10 you know, if we're saying zero waste, then we come
11 back and say zero equals 90 percent, that's not
12 going to look -- I mean I don't know, that' -- I
13 don't know.

14 I mean because I totally get it. I
15 totally get it, what you're saying about where's
16 the other 10 percent going to come from. But like
17 Jeff is saying, you know, we're not saying no
18 landfills, no landfills, we're just now saying no
19 new ones and no expansion of existing ones.

20 CHAIRPERSON SHERMAN: But I think -- I
21 think that's a good point, Lisa, and I think
22 that it's -- This point about zero waste, that has
23 been talked about a lot in the Plan and we talked a
24 lot in the thing -- during all the public hearings.
25 And it's about the residual. It doesn't -- we're

1 not saying is a residual -- C&D as a residual of
2 municipal, we're just saying residual. So I would
3 prefer not to have it in here myself.

4 MR. DIEHL: I agree, John. I think that
5 what Jennifer has added at the bottom should
6 suffice. Because if anybody has any questions
7 about any of this, they can go themselves and --
8 via the link.

9 VICE CHAIR HACKETT: And so the for
10 public I've added, "The Plan is publically posted
11 and can be seen at" this link, which I guess maybe
12 I should read out. Oh, my God.

13 <https://www.nashville.gov/Portals/0> or zero --

14 MR. DIEHL: That's zero.

15 VICE CHAIR HACKETT: -- SiteContent --
16 0/SiteContent/pw/docs/recycle/MasterPlan/SWMP%20ES_
17 Final.pdf.

18 CHAIRPERSON SHERMAN: Thank you,
19 Jennifer.

20 VICE CHAIR HACKETT: I mean -- Yeah, are
21 we good with this or do we need to make commas?
22 Like help me with the grammar here. Oh, yeah, that
23 needs to be over here. Okay.

24 CHAIRPERSON SHERMAN: And I think that we
25 have to -- we have to -- it would be something

1 along the lines of, too, is that -- you know, to --
2 you know, that whoever makes a motion to deny the
3 application of the Southern Services Landfill from
4 Waste Management, you know, so just getting that
5 language in there.

6 MR. DIEHL: Also, Jennifer, the first
7 time you mentioned the Plan in the first paragraph
8 you might say, the Metro Solid Waste Master Plan.

9 CHAIRPERSON SHERMAN: Uh-huh.
10 Metropolitan Nashville and -- Nashville and
11 Davidson County Solid Waste Master Plan. Oh, and
12 achieving zero waste.

13 VICE CHAIR HACKETT: What's it called,
14 the Metropolitan and Davidson --

15 CHAIRPERSON SHERMAN: Nashville and
16 Davidson County --

17 MR. DIEHL: Metropolitan Nashville and
18 Davidson County, yeah, Solid Waste Master Plan. I
19 wouldn't go -- Well, I would just go --

20 CHAIRPERSON SHERMAN: It's part of the
21 title of it. I'm just looking -- I'm looking at
22 the title.

23 MR. DIEHL: (Inaudible) the title, yeah.

24 VICE CHAIR HACKETT: What's after the
25 colon?

1 CHAIRPERSON SHERMAN: Achieving zero
2 waste.

3 MR. DIEHL: Achieving zero waste.

4 VICE CHAIR HACKETT: All right.

5 CHAIRPERSON SHERMAN: It's mostly just
6 being really clear about what we're talking about
7 here, and that's upper case, the waste, too.

8 MS. LOCKETT: Yeah, "W" is upper case.

9 VICE CHAIR HACKETT: I was just trying to
10 minimize it.

11 CHAIRPERSON SHERMAN: I know. Maybe you
12 could hyperlink it.

13 VICE CHAIR HACKETT: I could hyperlink
14 it.

15 CHAIRPERSON SHERMAN: I'm only kidding.
16 I know -- I'm getting a little slappy here. It's
17 7:30. We've been at it for a while.

18 MR. DIEHL: You might italicize -- you
19 might italicize the title of the Plan, too.

20 MS. LISA SMITH: Yeah. Or put some
21 quotation marks around it or something.

22 MR. DIEHL: Yeah.

23 VICE CHAIR HACKETT: How's that?

24 CHAIRPERSON SHERMAN: Well, you've got
25 Waste Management. You want to start that with the

1 Metro Nashville --

2 VICE CHAIR HACKETT: I sure did. Let me
3 un live link that. Hum, how do I do that?

4 CHAIRPERSON SHERMAN: Whoop.

5 MS. LISA SMITH: The chain. The "X"
6 through the chain is undo.

7 VICE CHAIR HACKETT: Oh.

8 MS. LISA SMITH: I think so. Highlight
9 it again. There you go. I think the --

10 VICE CHAIR HACKETT: All right. I've got
11 to grab the link again.

12 Boy, if the public is still is listening,
13 I apologize for how boring this is.

14 CHAIRPERSON SHERMAN: Bear with us. This
15 is --

16 (A discussion was held off the record.)

17 CHAIRPERSON SHERMAN: So, Marta, this is
18 John Sherman, and I believe we are -- we are done,
19 I think. I think that we might want to -- Yeah, I
20 don't know if we need to actually assert the state
21 code in here.

22 Tara, do we need to put something
23 about -- reference the state code on this?

24 MS. LADD: No.

25 CHAIRPERSON SHERMAN: No? Okay.

1 MR. DIEHL: One more thing, Jennifer. In
2 the last paragraph, the Plan itself is called the
3 Zero Waste Plan. I mean I would be consistent,
4 making that achieving zero waste or -- I don't
5 know, you could capitalized the "W" and the "P" in
6 Waste and Plan.

7 CHAIRPERSON SHERMAN: Either that you or
8 you just put Plan, in parenthesis, after the first
9 time we title it in the first paragraph, and after
10 that we just -- Okay. You got it. Good. Yeah.

11 MR. DIEHL: And, I'm sorry, that was
12 Robert Diehl.

13 VICE CHAIR HACKETT: Okay. This is
14 Jennifer.

15 MR. GRIMES: This is Dale Grimes.

16 Do you need, in the first sentence there,
17 the first line, to say, The application of the
18 Southern Services Landfill for an expansion? What
19 the application was for, to expand the landfill,
20 something like that?

21 CHAIRPERSON SHERMAN: Yeah.

22 VICE CHAIR HACKETT: Do we need to name
23 the landfill? This is Jennifer.

24 CHAIRPERSON SHERMAN: We did. Southern
25 Services Landfill.

1 VICE CHAIR HACKETT: Oh, okay.

2 CHAIRPERSON SHERMAN: This is John.

3 VICE CHAIR HACKETT: Tell me when you're
4 ready for me to read it aloud. This is Jennifer,
5 sorry. Or if it's time to read it aloud by making
6 the motion.

7 CHAIRPERSON SHERMAN: I think it's time
8 to actually make a motion. And I'm -- I don't
9 know -- Jennifer, since you've been the author of
10 this, would you like to make the motion?

11 VICE CHAIR HACKETT: This is Jennifer
12 Hackett, and I would like to make it clear that we
13 have collectively authored this document. I have
14 gladly offered my public service of my fingers and
15 my own brain power, but this is definitely a team
16 effort and I'm grateful for all of you. I would
17 love to make the motion.

18 CHAIRPERSON SHERMAN: Please do.

19 VICE CHAIR HACKETT: "I make a motion to
20 deny the application of the Southern Services
21 Landfill from Waste Management for an expansion of
22 their existing landfill because the Metropolitan
23 Nashville and Davidson County Solid Waste Plan:
24 Achieving Zero Waste, outlines clearly that
25 permitting new or existing landfills would be

1 inconsistent with the goals of the Plan as outlined
2 on Page 8-2 and 9-4, as well as I-4 within the
3 Plan."

4 "The position paper of Waste Management
5 indicates 'expanding landfills would be
6 inconsistent with the goals of the Plan,' after
7 which they argue the tense of the language, which
8 is inconsistent with the spirit of the Plan -- as
9 there was no expansion at that moment the Plan was
10 written and approved. The Plan was written with
11 that tense language in order to prevent just this
12 kind of expansion request, as evidenced by
13 Section 5."

14 "Section 5 refers to research and
15 diversion strategies, and the presentation today
16 did not show us any other strategies to deal with
17 the current solid waste that has inert materials
18 that won't dissolve. Having a landfill to increase
19 construction and demolition, C&D, would go against
20 the priority of diverting C&D, as outlined in this
21 section."

22 "With regard to the triple bottom line
23 found in Section 10 on Page 12, the social impact
24 is part of the Plan and has been clearly
25 articulated as inconsistent during the public

1 comment period of the meeting held on March 24th,
2 2021, as well as many previous meetings that were
3 cited during the public comment period. Health
4 concerns, liveability, home resale value were all
5 mentioned. Those concerns are also environmental
6 and economic, as well as social, which are all
7 outlined in the Plan."

8 "The Plan itself is called the Achieving
9 Zero Waste Plan, and this proposal does not move us
10 toward the goal of achieving zero waste. The goals
11 of the Plan do not provide for the addition or
12 expansion of landfills. To approve this proposal
13 would contradict the Plan, both in spirit and in
14 letter. The Plan is publically posted and can be
15 seen at" this link. Should I say the link all over
16 again?

17 MR. DIEHL: I wouldn't. That was Robert.

18 CHAIRPERSON SHERMAN: I agree. I mean
19 we've mentioned it twice already. It's publicly
20 posted.

21 MR. DIEHL: Okay. So there was a --

22 CHAIRPERSON SHERMAN: Hold on. I'm
23 looking for a second. There's a motion on the
24 floor. We need a second and then we can go in and
25 do some conversation.

1 MR. DIEHL: Okay.

2 MS. LOCKETT: Before we do that, though
3 -- this is Midroi -- there is a little bit of
4 clarity issue in the fourth paragraph with regard
5 to the bottom line found in Section 10 on Page 12,
6 the social impact, as part of the Plan, and has
7 been clearly articulated as inconsistent during the
8 public comment.

9 We're talking about the Plan has been
10 inconsistent or the position paper has been
11 inconsistent?

12 MS. LISA SMITH: They're expanding the --
13 The expansion is --

14 CHAIRPERSON SHERMAN: Inconsistent.

15 MS. LISA SMITH: -- inconsistent.

16 MS. LOCKETT: Okay. We need to state
17 that then, because it's not clear.

18 MS. LISA SMITH: Okay. Okay.

19 CHAIRPERSON SHERMAN: So, Jennifer, as
20 the maker of the motion are you willing to make
21 that change?

22 VICE CHAIR HACKETT: I am if I can figure
23 out where -- what words to put where.

24 CHAIRPERSON SHERMAN: Okay. Is that
25 Midroi?

1 MS. LOCKETT: Yes.

2 CHAIRPERSON SHERMAN: Yeah. Could
3 you --

4 MS. LOCKETT: Yes, with regards to the
5 triple bottom plan, the social impact is part of
6 the Plan and the expansion of the Southern,
7 whatever, Services Landfill --

8 CHAIRPERSON SHERMAN: Uh-huh.

9 MS. LOCKETT: -- has been clearly
10 articulated as inconsistent.

11 VICE CHAIR HACKETT: Inconsistent with --

12 CHAIRPERSON SHERMAN: The Plan.

13 MS. LOCKETT: During the public comment
14 period of the meeting.

15 VICE CHAIR HACKETT: Right. I was just
16 wondering if we needed a "with" here. Does that
17 make sense?

18 CHAIRPERSON SHERMAN: I would say with
19 the Plan, just to be sure. There's no -- We want
20 to be redundant. I mean there's no reason not to
21 be redundant.

22 MR. DIEHL: This is Robert. Should we
23 say, The social impact of landfill expansion is
24 part of the Plan?

25 MS. LISA SMITH: Uh, wait a minute.

1 Let's go back.

2 MR. DIEHL: The potential social impact
3 of landfill expansion, maybe.

4 MS. LISA SMITH: Right. The expansion --
5 an expansion -- or an expansion of the landfill.

6 MR. DIEHL: Yeah. I'm sorry.

7 MS. LISA SMITH: Uh-huh. I would say --
8 instead of the potential I would say an expansion
9 of the landfill, uh-huh, is -- an expansion of the
10 landfill is clearly inconsistent with the Plan, as
11 clearly articulated at public meetings, et cetera,
12 et cetera.

13 VICE CHAIR HACKETT: I think we need a
14 period.

15 MS. LISA SMITH: Well, I think maybe that
16 -- and take that part out, all the way up to "has
17 been clearly articulated as consistent."

18 VICE CHAIR HACKETT: I'm sorry, tell me
19 which words to take out.

20 MS. LOCKETT: The expansion of the
21 Southern Services Landfill --

22 MS. LISA SMITH: Uh-huh.

23 MS. LOCKETT: -- take out those words.

24 MS. LISA SMITH: Yeah, that. And then
25 keep going.

1 MS. LOCKETT: Yeah.

2 MS. LISA SMITH: There. Okay, there you
3 go.

4 VICE CHAIR HACKETT: Clearly articulated
5 as inconsistent in the Plan during the public
6 comment period of the meeting held.

7 Does that flow now?

8 CHAIRPERSON SHERMAN: I'm still confused
9 by the first clause. The social impact of an
10 expansion of the landfill is inconsistent with the
11 Plan has been clearly articulated.

12 MR. DIEHL: Take out "is inconsistent
13 with the Plan," the first one.

14 CHAIRPERSON SHERMAN: Right. Right.
15 There you go.

16 MR. DIEHL: Yeah.

17 CHAIRPERSON SHERMAN: Or do you just want
18 to say, take out the Plan, because that's been
19 articulated --

20 VICE CHAIR HACKETT: I think we need
21 leave social aspect of an expansion of the land --

22 MS. LISA SMITH: Okay. Gotcha, gotcha.
23 The negative social impact of an expansion of the
24 landfill has been clearly -- Okay. Okay.

25 VICE CHAIR HACKETT: And then is there

1 anything else, just looking it over one more time?

2 MS. LISA SMITH: The last -- the last
3 paragraph of that -- I mean the last sentence of
4 that paragraph, it should state, Therefore, the
5 concerns are all -- the concerns are environmental,
6 economic, and social. The concerns are
7 environmental, economic, and social impact.

8 CHAIRPERSON SHERMAN: Which are all
9 outlined in the Plan, yeah.

10 MS. LISA SMITH: Uh-huh.

11 CHAIRPERSON SHERMAN: Well, since we --
12 since we -- Let's take one more shot at this, make
13 sure everybody feels clear so when we rearticulate
14 -- restate the motion, Jennifer, then we'll be
15 done. So I just want to make sure if there's
16 anything else that we see as needing further
17 clarification.

18 MR. DIEHL: Could I ask one question?
19 This is Robert Diehl again.

20 In the first paragraph it says Page --
21 Pages 8-2 and 9-4. Is that not Section 8-2 and
22 9-4?

23 CHAIRPERSON SHERMAN: It is.

24 VICE CHAIR HACKETT: It is?

25 CHAIRPERSON SHERMAN: That's section or

1 chapter. I'll find out what they call it here.

2 They call them sections. You're right,
3 Robert.

4 MR. DIEHL: Yeah.

5 And one more thing, Jennifer.

6 VICE CHAIR HACKETT: Yeah.

7 MR. DIEHL: You've got a double space in
8 the lower paragraph before "to approve this
9 proposal would contradict the Plan." You might
10 want to cut out one of those spaces.

11 VICE CHAIR HACKETT: Am I sending this
12 somewhere, to someone?

13 CHAIRPERSON SHERMAN: I think this is
14 going to be captured first by -- this will be
15 captured by the stenographer and -- so that's the
16 official record. So we just need to say -- repeat
17 the motion. And I would make sure that every --
18 before you do that, everybody read it through one
19 more time, and then see if there's anything else
20 you want changed before Jennifer restates her
21 motion.

22 MS. LISA SMITH: Sorry, I have one more
23 thing.

24 VICE CHAIR HACKETT: Sure.

25 MS. LISA SMITH: In that last sentence,

1 was no expansion"? Okay?

2 CHAIRPERSON SHERMAN: Yeah. Everybody
3 okay?

4 All right. Jennifer, please restate your
5 motion.

6 VICE CHAIR HACKETT: I will.

7 CHAIRPERSON SHERMAN: Yeah.

8 VICE CHAIR HACKETT: This is Jennifer
9 Hackett. "I make a motion to deny the application
10 of the Southern Services Landfill from Waste
11 Management for an expansion of their existing
12 landfill because the Metropolitan Nashville and
13 Davidson County Solid Waste Plan: Achieving Zero
14 Waste outlines clearly that permitting new or
15 existing landfills would be inconsistent with the
16 goals of the Plan as outlined in Section 8-2 and
17 9-4, as well as I-4, within the Plan."

18 "The position paper of Waste Management
19 indicates, quote, expanding landfills would be
20 inconsistent with the goals of the Plan, after
21 which they argue the tense of the language, which
22 is inconsistent with the spirit of the Plan - as
23 there was no expansion at that moment the Plan was
24 written and approved. The Plan was written with
25 that language in order to prevent just this kind of

1 expansion request as evidenced by Section 5."

2 Section 5 refers to research and
3 diversion strategies, and the presentation today
4 did not show us any other strategies to deal with
5 the current solid waste that has inert materials
6 that won't dissolve. Having a landfill to increase
7 construction and demolition, C&D, would go against
8 the priority of diverting C&D as outlined in this
9 section."

10 "With regard to the triple bottom
11 line --" Holdup you-all. We have to say the word
12 "waste."

13 CHAIRPERSON SHERMAN: Very good.

14 VICE CHAIR HACKETT: We can't just say
15 construction and demolition.

16 From the top, and a little faster.

17 "I make a motion to deny the application
18 of the Southern Services Landfill from Waste
19 Management for an expansion of their existing
20 landfill because the Metropolitan Nashville and
21 Davidson County Solid Waste Plan: Achieving Zero
22 Waste outlines clearly that permitting new or
23 existing landfills would be inconsistent with the
24 goals of the Plan as outlined in Section 8-2 and
25 9-4, as well as I-4 within the Plan."

1 "The position paper of Waste Management
2 indicates, quote, expanding landfills would be
3 inconsistent with the goals of the Plan, end
4 quote, after which they argue the tense of the
5 language, which is inconsistent with the spirit of
6 the Plan - as there was no expansion at that moment
7 the Plan was written and approved. The Plan was
8 written with that language in order to prevent just
9 this kind of expansion request as evidenced by
10 Section 5."

11 "Section 5 refers to research and
12 diversion strategies, and the presentation today
13 did not show us any other strategies to deal with
14 the current solid waste that has inert materials
15 that won't dissolve. Having a landfill to increase
16 construction and demolition waste, C&D, would go
17 against the priority of diverting C&D as outlined
18 in this section."

19 "With regard to the triple bottom line
20 found in Section 10 on Page 12, the negative social
21 impact of an expansion of the landfill has been
22 clearly articulated as inconsistent in the Plan
23 during the public comment period of the meeting
24 held March 24th, 2021, as well as many previous
25 meetings that were cited during the public comment

1 period. Health concerns, liveability, home resale
2 value were all mentioned; therefore, the concerns
3 are environmental, economic, and social, which are
4 all outlined in the Plan."

5 "The Plan itself is called" Achieving
6 Zero "-- The Achieving Zero Waste Plan, and this
7 proposal does not move us toward that goal of
8 achieving zero waste. The goals of the Plan do not
9 provide for the addition or expansion of landfills.
10 To approve this proposal would contradict the Plan,
11 both in spirit and in letter."

12 "The Plan is publically posted and can be
13 seen at" the link where you can find it.

14 CHAIRPERSON SHERMAN: Very good. Thank
15 you, Jennifer. I will entertain a second.

16 MR. DIEHL: Robert Diehl again. I don't
17 see a Page 12 in Section 10.

18 VICE CHAIR HACKETT: Okay.

19 MS. LISA SMITH: It's Section 10.3 -- I
20 mean 10.2.

21 MR. DIEHL: 10-2. Section 10-2.

22 MS. LISA SMITH: Section 10-2.

23 VICE CHAIR HACKETT: Is that on Page 12?

24 MS. LISA SMITH: Uh, I don't have a page
25 number.

1 MR. DIEHL: I don't have a page number
2 either.

3 VICE CHAIR HACKETT: Well, I'll just get
4 rid of that, then.

5 MR. DIEHL: And that was Robert Diehl.
6 Yeah, Section 10-2.

7 And, Jennifer, one more thing. When
8 you're quoting the position paper from --

9 VICE CHAIR HACKETT: Uh-huh.

10 MR. DIEHL: -- and my screen now, I don't
11 have your thing in front of me, but it says, Since
12 there was no landfill at that time -- or no
13 expansion at that time, maybe we should say no
14 proposed expansion at that time.

15 Do you see in the second paragraph? As
16 there was no expansion at that moment, the Plan was
17 written and approved. Should we say, "As there was
18 no proposed expansion at that moment, the Plan was
19 written and approved"?

20 CHAIRPERSON SHERMAN: It certainly
21 clarifies it. It makes that much clearer.

22 MR. DIEHL: Yeah. Sorry to do that to
23 you.

24 CHAIRPERSON SHERMAN: The two changes
25 that just -- There are two tweaks to the motion.

1 One, about adding the term "proposed," about the
2 proposed expansion at the moment the Plan was
3 written and approved, and the second one was moving
4 it from Section 10-12 to Section 10-2 in
5 Paragraph 4 of the motion.

6 With those changes to it I think it's
7 fair just for me to ask for a second of this motion
8 offered by Jennifer Hackett.

9 MS. LISA SMITH: I second. Lisa Smith.

10 CHAIRPERSON SHERMAN: Lisa Smith seconds
11 it. We're going to -- Given that we've already had
12 plenty of conversation, I'm not going to call for
13 now anymore at this moment. We're going to go to a
14 role call vote.

15 Sharon, are you there?

16 MS. SHARON SMITH: I'm here. And just
17 before I start, Jennifer, if you could email this
18 file -- or this wording to me so we can keep it for
19 the record.

20 VICE CHAIR HACKETT: All right. The
21 Nashville Fire Department just went by. Where do
22 you want me to email it, Sharon?

23 MS. SHARON SMITH: Just email it to me at
24 my address. Yes, thank you.

25 VICE CHAIR HACKETT: And should I stop

1 sharing now the screen?

2 MS. SHARON SMITH: Yes, you can.

3 All right. So we're going to take a
4 vote.

5 Damita Beck-Taylor.

6 MS. BECK-TAYLOR: Sharon, sorry, a
7 question. So the vote is to approve the motion
8 that we just submitted; yes?

9 MS. SHARON SMITH: Yes.

10 CHAIRPERSON SHERMAN: Yeah, it's to
11 approval denial.

12 MS. BECK-TAYLOR: Approve.

13 MS. SHARON SMITH: Okay. Robert Diehl?

14 MR. DIEHL: Aye.

15 MS. SHARON SMITH: Dale Grimes?

16 MR. GRIMES: Aye.

17 MS. SHARON SMITH: Midroi Lockett?

18 MS. LOCKETT: Aye.

19 MS. SHARON SMITH: Jeff McCormick?

20 MR. McCORMICK: Aye.

21 MS. SHARON SMITH: Beth Reardon?

22 MS. REARDON: Aye.

23 MS. SHARON SMITH: Jason Repsher?

24 MR. REPSHER: Aye.

25 MS. SHARON SMITH: John Sherman?

1 CHAIRPERSON SHERMAN: Aye.

2 MS. SHARON SMITH: Lisa Smith seconded.
3 Michael Sullivan?

4 MR. SULLIVAN: Nay.

5 MS. SHARON SMITH: All right. Thank you.

6 CHAIRPERSON SHERMAN: So the ayes have
7 it. The motion to deny the application has been
8 carried. That is the final responsibility for our
9 Board tonight.

10 If they are seeing no other business, I
11 will -- before I entertain a motion to adjourn the
12 meeting I want to first thank the public for
13 hanging in there over this long period, and thank
14 all of our elected representatives as well.

15 This is -- this is -- we take this
16 responsibility seriously and we're glad that you
17 were here to participate and add your comments.

18 With that, thank you, Board, for your
19 good and very thoughtful work, and now I would
20 entertain a motion to adjourn.

21 MR. DIEHL: Move to adjourn. Robert
22 Diehl.

23 MS. LISA SMITH: Second. Lisa Smith.

24 CHAIRPERSON SHERMAN: Moved and seconded.
25 We need to do the role call one last time. Sharon.

1 MS. SHARON SMITH: Yes.

2 Damita Beck-Taylor?

3 MS. BECK-TAYLOR: Aye.

4 MS. SHARON SMITH: Dale Grimes?

5 MR. GRIMES: Aye.

6 MS. SHARON SMITH: Jennifer Hackett?

7 VICE CHAIR HACKETT: Aye.

8 MS. SHARON SMITH: Midroi Lockett?

9 MS. LOCKETT: Aye.

10 MS. SHARON SMITH: Jeff McCormick?

11 MR. McCORMICK: Aye.

12 MS. SHARON SMITH: Beth Reardon?

13 MS. REARDON: Aye.

14 MS. SHARON SMITH: Jason Repsher?

15 MR. REPSHER: Aye.

16 MS. SHARON SMITH: John Sherman?

17 CHAIRPERSON SHERMAN: Aye.

18 MS. SHARON SMITH: Ms. Smith seconded.

19 And Michael Sullivan?

20 MS. LISA SMITH: Today is my birthday.

21 MS. SHARON SMITH: Michael Sullivan?

22 MS. LISA SMITH: I'm sorry.

23 CHAIRPERSON SHERMAN: Michael, you're

24 muted.

25 We have a quorum without Michael.

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MS. SHARON SMITH: Yeah.

CHAIRPERSON SHERMAN: So the ayes have it, the meeting is officially adjourned. Thank you again everyone, and we will keep you posted on our next steps with what's happening with the Plan.

Good evening. Go enjoy your meal. Thank you.

(Meeting was adjourned at 7:58 p.m.)

REPORTER'S CERTIFICATE

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to the best of my skill and ability by machine
shorthand all the proceedings in the foregoing
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accurate, and complete transcript of my
shorthand notes.

I further certify that I am not related to
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