

Guidelines for Preparation of Five-Year Updates to Municipal Solid Waste Regional Plans

June 1999

As Required by:

**The Solid Waste Management Act of 1991
T.C.A. 68-211-813 (c), 68-211-814(a), and 68-211-815**



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Table of Contents

Introduction	iii
Chapter 1 Summary	1
Chapter 2 General Information about the Region (includes Budget info)	2
Chapter 3 Waste Stream (Characterization of Total Disposed Tonnage, 25% Reduction and Diversion Analysis, Description of Reduction and Diversion Programs).....	4
Chapter 4 Collection and Transportation (House-to-House Service, Convenience Centers, and Green Boxes).....	8
Chapter 5 Recycling (Reduction Programs, Processing And Composting Facilities).....	9
Chapter 6 Disposal (Landfills, Incinerators, Waste-to-Energy Facilities, Transfer Stations, and Waste Imports and Exports).....	11
Chapter 7 Problem Wastes (Household Hazardous Wastes, Waste Tires, Waste Oil, Automotive Fluids, Lead Acid Batteries)	13
Chapter 8 Solid Waste Education	14
Chapter 9 Flow Control and Permit Review	14
Chapter 10 Five-Year Plan Update Review and Approval (Public Hearing, Planning Commission Review, Local Government Review And Approval).....	15

Appendices

Appendix A: List of Essential Regional Documents and Information to be Provided with Update Report.....	16
1. Solid Waste Regional Board List	
2. Budget: Proposed Regional Budget for the Ten-Year Planning Horizon (sample budget sheet included).....	17
3. Regional Formation Resolution	
4. Part 9 Authority Formation Information	
Appendix B: Reference Materials.....	20
B-1. List of Current (65) Solid Waste Planning Regions	21
B-2. Due Dates for Five-Year Updates to Ten-Year Plans.....	22
B-3. Solid Waste Technical Assistance Contacts	23
B-4. Planning and Reporting Guidelines	24
B-5. Part 9 Authorities Fact Sheet	27
B-6. “Base Year” Data for 1989 or Adjusted Year	30
B-7. Initial Reported Data for 1995 (New “Base Year”).....	32
B-8. Countywide Collection Assurance Fact Sheet.....	34
B-9. Permit Review By Solid Waste Boards	37
B-10. Mandates of the Solid Waste Management Act of 1991	38

Introduction

By the late 1980s, safe solid waste disposal had become one of the most expensive and controversial issues that local governments would face in the foreseeable future. With a number of expensive federal mandates already in the pipeline, state lawmakers, administrators, technical assistance providers, and industry leaders came together and concluded that long range planning is essential if local governments are to achieve economical, non-political means to meet state and federal mandates attendant to modern, safe solid waste disposal. The result of these discussions was the Tennessee Solid Waste Management Act of 1991, which requires Regional solid waste planning boards and state and local officials to look into the future and make comprehensive, integrated solid waste management plans.

Development Districts are required by law to prepare the Needs Assessments for use by their constituent counties and cities [T.C.A. 68-211-811]. The Development District Solid Waste Needs Assessments to be prepared in 1999 and refined as needed for use in the Five-Year Updates will be vital reference documents for the completion of the Five-Year Updates. The Needs Assessments serve as objective measures of local solid waste data that can be used in the Regional planning process.

Municipal Solid Waste Regional Plans for the first ten-year cycle (1994-2004) were due in July of 1994 [T.C.A. 68-211-(813-815)]. The last of these original plans was approved in 1997.

The Solid Waste Management Act of 1991 requires Municipal Solid Waste Regional Plans (and the Five-Year Updates that are the focus of this guidance document) and Annual Solid Waste Progress Reports on the implementation of these plans. The State's 65 Municipal Solid Waste Regional Planning Boards bear the primary responsibility for developing the plans and progress reports, and submitting them to the Division of Community Assistance [T.C.A. 68-211-813(c) and 871(a)]. For a current list of the State's Solid Waste Regions, see Appendix B-1.

Five-Year Updates to Municipal Solid Waste Regional Plans are mandatory overhauls of the Municipal Solid Waste Regional Plans due five years after the approval of each of the original plans [T.C.A. 68-211-814(a)(2)]. Five-Year Updates will be due to the Division beginning in the fall of 1999. Seven Solid Waste Regions are to submit Five-Year Updates in the fall of 1999, and the remainder of the Regions will follow over the next three years. The schedule of due dates for the Regions is provided in Appendix B-2.

Prior to submission of each of the Five-Year Updates to Municipal Solid Waste Regional Plans to the Division of Community Assistance, each Municipal Solid Waste Region shall hold a public hearing on the proposed update [T.C.A. 68-211-814(b)(6)]. In addition, each completed Five-Year Update should be reviewed and approved by County legislative bodies in the Region or Part 9 Solid Waste Authority, if one has been formed within the Region [T.C.A. 68-211-815(b)(15)].

The Division of Community Assistance has prepared this guidance document for the use by Regional Solid Waste Boards to update their Municipal Solid Waste Regional Plans. Appendix A contains a list of required documents; Appendix B provides reference information intended to be useful during the preparation of your update. The content of the Five-Year Updates is guided by T.C.A. 68-211-815.

Introduction

Participation, cooperation, communication and interaction among the general public, local officials, members of the business community, and members of the environmental community within the Region are key to the success of the planning process. Solid Waste Regional Planning Boards are expected to seek and use input from public and private entities within the Region in order to complete their planning responsibilities.

A number of technical assistance providers are ready to help Regional Planning Boards compile information and answer technical solid waste questions. Each of the State's nine Development Districts has staff specifically designated to assist Solid Waste Regions in their planning and reporting efforts. The University of Tennessee's County and Municipal Technical Assistance Services (CTAS, MTAS) also have professional consultants on staff prepared to assist Regions and, of course, the Division of Community Assistance staff is prepared to assist at any time [T.C.A. 68-211-822]. For a contact list of assistance providers, see Appendix B-3.

As is the case with Annual Solid Waste Progress Reports, Regional boards may choose any of a number of options to prepare these updates, including using their own personnel, Development District staff, a private consultant, or a combination of these options. Limited planning funds are available in the form of grants from the State to the Regions for use in preparing Annual Progress Reports and Five-Year Updates of Regional Solid Waste Plans [T.C.A. 68-211-823].

Submit two copies of the Five-Year Update Report to the Division of Community Assistance for review. To find when your Region's Five-Year Update is due, check Appendix B-2. The Division has 90 days from the date of submission to approve or disapprove the plan. If a plan is disapproved, then the Region has 60 days to correct deficiencies [T.C.A. 68-211-814(a)]. For further discussions regarding planning issues see the Fact Sheet entitled: Planning and Reporting under the Solid Waste Management Act of 1991, included as Appendix B-4.

Chapter 1: Summary

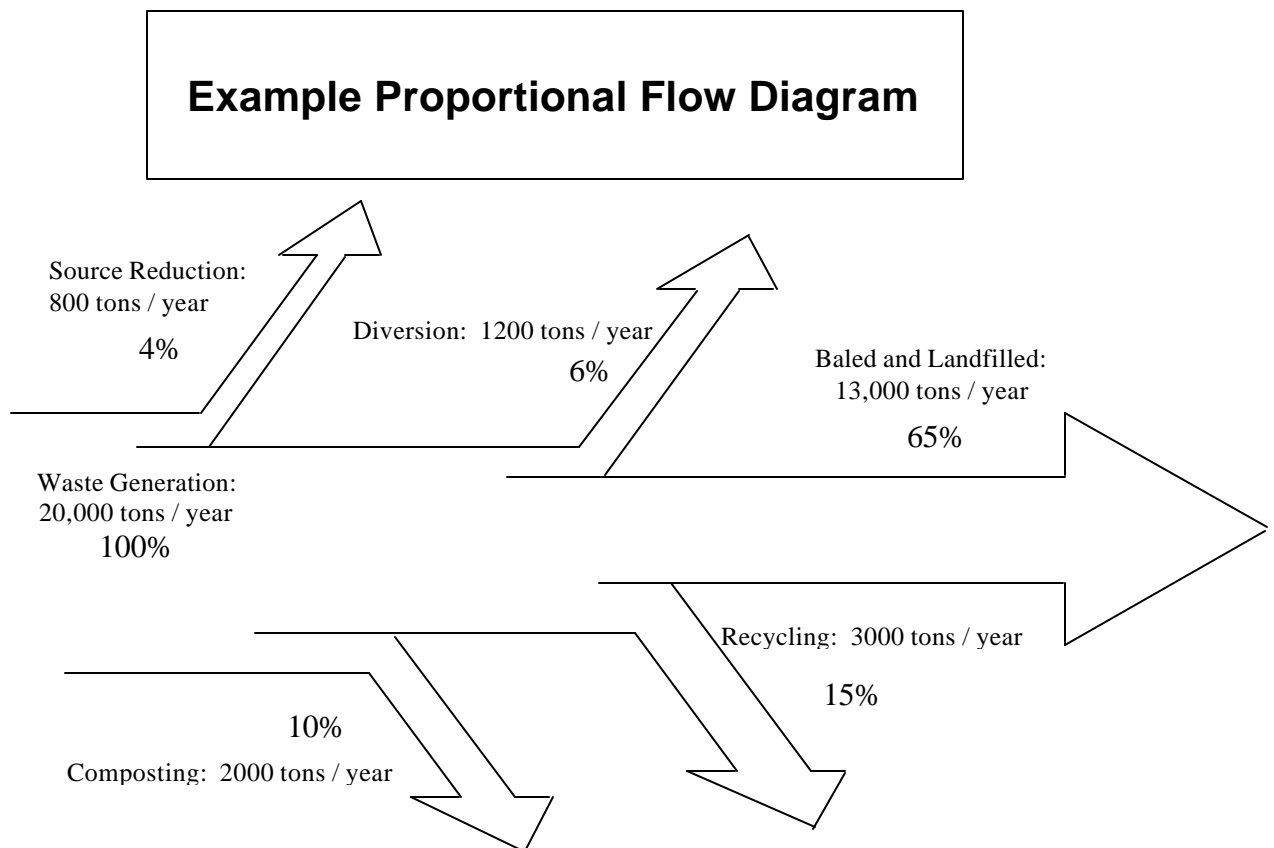
Statutory Authority (edited) - T.C.A. 68-211-815 (b): Each plan shall include a timetable for implementation of the plan.

Summarize the information contained in this update in less than ten pages. This summary document should be appropriate for broad dissemination.

Evaluate each of the major elements discussed in Chapters 2 through 8 in terms of strengths and weaknesses. Compare existing systems to needs assessed and minimum mandates contained in the law. Outline plans for the future with regard to each element and the jurisdictions expected to implement each element.

In order to illustrate the narrative:

1. Include an implementation schedule illustrating current and planned facilities and programs.
2. Map facilities and programs where appropriate on a base systems map for each county in the Region. (See Chapters 4, 5, 6, and 7. Contact the University of Tennessee CTAS for help with mapping efforts.)
3. Prepare a flow diagram illustrating the waste stream in the Region (See Chapter 3, Question 4).



Chapter 2: General Information about the Region

Statutory Authority (edited) - T.C.A. 68-211-815 (b): Each plan shall include demographic information, and a current system analysis, including costs, using a full-cost accounting model; revenues; and adoption of uniform financial accounting systems; and an evaluation of multi-county solid waste disposal Regions with an explanation of the reasons for adopting or failing to adopt a multi-county Regional approach.

Sources – Many of the questions in this and subsequent Chapters come directly from the Development District Solid Waste Needs Assessment guidance document. The questions here are taken from Chapter II of the Needs Assessment. You are encouraged to use the Needs Assessments for counties in this Region as a source, but take care to update information and bear in mind that the Assessments are a “county by county” analysis while Five-Year Updates call for a Regional analysis. In addition to the usual local sources, the U.S. Census Bureau (704-344-6144) may be a useful source. The University of Tennessee projections may also be useful.

1. Identify the Region by name, and list counties and municipalities that comprise the Region.
 2. Total Population of Region (list by county; provide source of information and year)
 3. Provide a complete list of Regional Solid Waste Board members and their term expiration dates. Top the list by stating how many members are on the board (set by the original Regional formation resolution) and whom they represent. Then include a current list of Regional board members (and any vacant positions), term of office and expiration for each, whether appointed by a county executive or mayor (and name the jurisdiction represented), whether confirmed by a county commission, or city council, and the year confirmed. Identify the chairman.
 - Name of Regional Solid Waste Board Chairman
 - Job Title
 - Address
 - Phone number
 4. A. Has the Region formed a Part 9 Solid Waste Authority?* If yes, please provide the following information:
 - Chairman of Part 9 Authority Board
 - Address & phone number
 - Jurisdictions within the Authority
 - Part 9 Authority creation documentationB. Has the Region dissolved a Part 9 Solid Waste Authority? If yes, please describe.
- * Appendix B-5 is a Fact Sheet with information regarding Part 9 Solid Waste Authorities.
5. Please list three contacts for solid waste information for your Region.
 - Name
 - Job Title
 - Address
 - Phone number

The responses to Questions 6 and 7 will require interviews with local officials, board members and other participants in local solid waste issues.

Chapter 2: General Information about the Region

6. Briefly describe the activities and workings of the Region's Solid Waste Board and/or Part 9 Authority Board if one exists. Describe the Board meeting schedule, involvement with concerned entities in planning decisions, process for addressing public, and timeliness of submittal of Annual Progress Reports and Solid Waste Plans. In addition to planning, does the Board meet its responsibilities with regard to permit review?
7. Describe the Region's rationale for formation (its decision to be either single or multi-county). Is the current structure satisfactory?
8. List all municipalities in the Region that have door to door collection service. Include county and municipal population.

City/Town Name	County	1998 Population
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9. Describe the Region, generally, geographically, and demographically.

(Example: X is a one county Region. Most commercial activity centers around Pleasantville, the county seat and near the geographic center of the county. The State Park and lake dominate the north end of the county. The Zenon Widget Company is the county's major employer. A great percentage of our young people attend the community college.)
10. Does the Region (or Part 9 Authority, city or other jurisdiction within) charge a fee for solid waste services?

If yes, please identify each SW fee, when it was instituted and by what legal authority, what jurisdiction collects it, by what means it is collected, how much, and how often.
11. Describe the costs and revenues involved in public funding for solid waste programs and expenses in the Region. Be sure to include capital cost considerations, staffing requirements, and operating expenses. It may be best to go jurisdiction by jurisdiction (cities, counties, Part 9 authorities). Is the current system satisfactory? Are revenues meeting costs? What new expenses and/or new fees or revenues are needed or anticipated?
12. The Solid Waste Management Act states that each city, county, or Part 9 solid waste authority in the Region shall use uniform financial accounting methods and account for solid waste activities with a named designated special revenue or enterprise fund (for publicly owned landfills or incinerators) **[T.C.A. 68-211-874(a)]**. Do all the relevant jurisdictions in the Region meet with this requirement?
13. Include a proposed 10-year solid waste budget for the Region. See Appendix A for instructions and sample budget sheet.
14. List the contacts in the Region for information regarding solid waste budgets.
 - Name
 - Title, Organization
 - Phone Number

Chapter 3: Waste Stream

(Characterization of Total Generated, Disposed Tonnage, 25% Reduction and Diversion Analysis, Description of Reduction and Diversion Programs)

Statutory Authority (edited) - T.C.A. 68-211-815 (b): Each plan shall include a current system analysis, including waste streams, with data concerning types and amounts generated; anticipated growth trends for the next ten-year period; a description of waste reduction activities designed to attain the 25% reduction and diversion required by **T.C.A 68-211-861**; and, a description of the responsibilities of the various participating jurisdictions.

The Law with regard to the State's **Twenty-Five Percent Reduction and Diversion Goal** up until June 1999 was as follows:

The goal of the State is that each **municipal solid waste planning Region** must have reduced by 25% the amount of waste disposed annually **per capita** in Class I landfills and incinerators in 1989 by December 31, 1995 [**T.C.A. 68-211-861**]. Landfill, incinerator, and transfer station operators must report a waste amount in tons through the use of scales [**T.C.A. 68-211-862**].

Legislation by the Tennessee General Assembly changes the way we calculate our 25% reduction and diversion goal. Most notably, the base year is revised from 1989 to 1995 and the new goal year for reaching 25% reduction and diversion is 2003. This guidance document will not dwell on reduction numbers and numerical progress (that is the role of Annual Progress Reports) as much as it will on a reporting and analysis of current and proposed reduction and diversion programs in the Region. Regions will use 1995 as the base year for the 1999 annual reports due in March of 2000.

Regardless of the base year used, the method used to calculate this reduction focuses on reductions in waste disposed in Class I landfills and incinerators. Needs and trends with regard to this waste stream should be identified in order to aid waste reduction efforts in the future.

Sources – Many of the questions in this Chapter come directly from the Development District Solid Waste Needs Assessment guidance document –Chapter III. You are encouraged to use the Needs Assessments for counties in this Region as a source, but take care to update information and bear in mind that the Assessments are a “county by county” analysis while Five-Year Updates call for a Regional analysis. Base your answers on this chapter on landfill and incinerator records, on your experience in the county, on Division of Community Assistance Records, and on local interviews.

1. For the most recent calendar year, how many tons of solid waste were generated within the Region and disposed of in Class I landfills or incinerators located in or out of the Region? Please “show your work” by providing a breakdown of tonnages and sources of information.
Note: Regional annual progress reports ask a similar question and the answers should be consistent.

2. Estimate the percentages of the tons reported in #1 above using the following categories:
 - Residential
 - Commercial
 - Industrial
 - Institutional (school, hospital, prison)
 - Other (including special)
 - **The total should equal 100%.**

Chapter 3: Waste Stream

3. Estimate the percentage of the tons reported in #1 above using these categories:

- Yard waste
- Construction/Demolition waste (Class IV)
- Tires
- Recyclables
- White goods
- Regular Municipal Solid Waste
- **The total should equal 100%.**

4. To calculate the Total Generated waste stream (for the most recent calendar year), first estimate tons annually reduced or diverted within the Region. Consider

- (1) source reduction (especially industrial practices);
- (2) recycling (include composting);
- (3) diversion (to Class III/IV landfills); and
- (4) unmanaged waste (burned in backyards, illegal dumps, ditches),

Then add these four items to tons reported in #1 above (regarding the disposed waste stream). Again, these should be products of the waste stream generated only within the Region (no imports) regardless of whether they are reused or disposed.

Total Generated waste stream for the Region consists of tons estimated in #1 plus the estimates for the four items mentioned above.

Estimate each of the four items as a percentage of the total generated waste stream. Remember to calculate using similar units (tons). Make a waste flow diagram illustrating your estimates. Use the Example Proportional Flow Diagram shown in Chapter 1.

- (1) source reduction (as a percentage of the Total Generated waste stream for the Region);
- (2) recycling (as a percentage of the Total Generated waste stream for the Region);
- (3) diversion (as a percentage of the Total Generated waste stream for the Region); and
- (4) unmanaged waste (as a percentage of the Total Generated waste stream for the Region)

Discuss your reasons for making the estimates in all four cases above. Make specific mention of programs or facilities that would account for the estimate.

5. Discuss any recent demographic trends that may affect waste disposal and generation figures in the Region. Are large groups of people moving into or out of the area for any special reason?

Chapter 3: Waste Stream

6. Discuss the economic condition of the Region. Who are major employers? Is the unemployment rate high or low? What economic factors could affect the content and volume of the waste stream and waste reduction efforts in the Region?
7. Please list the top five contributors to the overall waste stream generated in the Region AND DISPOSED IN CLASS I LANDFILLS OR INCINERATORS (reported in #1 of this chapter). This list should be an estimate based on local inquiry and landfill records. Bear in mind that often more than one disposal facility (either in or out of the county) serves the Region. The list may include major industries, prisons, colleges, major medical facilities, airports, or other institutions. For urban areas, it may be necessary to list more than five to give a full view of the county situation. Provide the following information on each contributor listed:

Major Contributors to the Region's Waste Disposal

- Contributor's Name
 - Contact Name, Phone Number
 - Waste types
 - Estimate amount of waste, in tons, disposed in any Class I landfill or incinerator during the past calendar year
8. Do jurisdictions in the Region have clean up and litter prevention programs in place such as litter grant programs? If yes, please describe the program or programs briefly and list the contacts you have with the programs.
 9. Legislation passed by the General Assembly in 1999 adds consideration of an "economic growth adjustment formula" analysis for reporting solid waste disposal figures and progress toward the 25% waste reduction and diversion goal from year to year. The economic growth formula would include factors like growth rate, employment rates, and taxable transactions in the Region, in addition to population changes.

Does the Region perceive that this option would express progress on the State's 25% waste reduction goal in a more equitable fashion (a more fair representation of the Region's actual progress)?

Explain your answer. (More information on the proposed economic growth adjustment formula will be available from the Division of Community Assistance).

10. Use of a new base year (1995) and new goal year (2003) to achieve the 25% waste reduction and diversion goal are also in the 1999 legislation. Regions may provide documentation to adjust their 1995 base year figures for progress already made in ongoing reduction programs. Explain how the proposed base year change might affect your Region.

Chapter 3: Waste Stream

For more information regarding existing and proposed new base year figures for your Region, please see the lists of figures currently recorded for 1989 and reported for 1995, attached in Appendix B-6 and B-7, or contact the Division of Community Assistance.

Jurisdiction by jurisdiction analysis of waste reduction and diversion programs in your Region is important, in part because of sanctions and qualitative analysis of the Region's progress toward the 25% waste reduction and diversion goal. Under the sanction process, outlined in T.C.A. 68-211-861, individual cities, counties, or Part 9 Solid Waste Authorities that are not fulfilling their obligations to reduce or divert within the Region may be sanctioned individually. In addition, the 1999 legislative package allows any Region not meeting the goal quantitatively (by the disposal-based method in the statute which compares a given base year to the current year) to be judged qualitatively. In either case (sanctions or qualitative analysis) it is important for the plan to list expectations with regard to each individual jurisdiction in the Region.

11. List each county, city, or Part 9 Authority in the Region. Discuss current reduction or diversion programs sponsored by each and the success level enjoyed by the current programs. Be sure to include information about how and to what extent programs are funded or generate revenues. If the jurisdiction has a drop off program, tell about what types of materials are collected and how much. Be sure and detail any yard waste or composting programs as the Department intends to give additional emphasis to these programs in the future. List proposed programs and discuss ten year trends and needs. Discuss how the jurisdictions in the Region work together. Describe education programs and opportunities in each jurisdiction and encouragement that the commercial and industrial sectors receive from these jurisdictions. These jurisdiction-by-jurisdiction descriptions should cover all the topics listed here plus any other that would fully explain efforts in the given jurisdiction.

Chapter 4: Collection and Transportation

(House-to-House Collection, Convenience Centers, and Green Boxes)

Statutory Authority (edited) - T.C.A. 68-211-815 (b): Each plan shall include a current system analysis, including collection capability, with data describing the different types of collection systems and the populations and areas which receive and do not receive such services.

Countywide Collection Assurance - Each **county** shall assure that one or more collection systems is available to meet the needs of the residents of the county **[T.C.A. 68-211-851(a)]**. Unattended green boxes are not an acceptable option to fulfill the minimum requirements of this mandate. See Appendix B-8 for a fact sheet regarding countywide collection assurance.

Sources – Many of the questions in this Chapter come directly from the Development District Solid Waste Needs Assessment guidance document –Chapter IV. You are encouraged to use the Needs Assessments for counties in this Region as a source, but take care to update information and bear in mind that the Assessments are a “county by county” analysis while Five-Year Updates call for a Regional analysis.

1. List collection services available in the Region (in the county or counties and cities within) and basic information regarding the services. The table heading below provides an example of how the information could be shown. The first column, marked “Service,” is for identification, like house-to-house, convenience centers, or green boxes. The second column “Available to” indicates who is served by the service like: the City of X (list county names if multi-county Region), rural residents along Z Road and Y Pike, or individual customers. The third column describes who pays for the service, whether local government or individual customers. The fourth column provides for a brief description which may include a number (of convenience centers, for example) and general geographic description (like “one in the north and one in the south” or “throughout the county”). For private haulers, include the name of the hauler in the description column, the phone number, and number of trucks in the fleet serving this Region. It is not necessary to make a line for each convenience center and for each green box in the county. Simply name the number of each and generally where they are in the county. For example, in the case of green boxes, this may be “6 boxes near the shore of the lake in the park”.

Service	Available to	Paid for by	Description
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2. Describe how each county in the Region meets the Collection Assurance requirements mandated in the Solid Waste Management Act of 1991 **(T.C.A. 68-211-851)**. See Appendix B-8 for a fact sheet regarding minimum collection requirements.
3. Based on the information available and your experience working in the county, discuss collection needs in the Region, and trends anticipated over the next ten years. This is your opportunity to discuss aspects of the county (or counties) collection system(s) that were perhaps missed in previous questions and to help planners with new directions the county and its Region may wish to pursue. City systems within the Region may also be relevant here. This is also a good place to discuss a system that is working particularly well.

Include existing and proposed collection systems in the Region as part of the Regional systems map requested in the Chapter 1: Summary.

Chapter 5: Recycling

(Reduction Programs, Processing and Composting Facilities)

Statutory Authority (edited) - T.C.A. 68-211-815 (b): Each plan shall include a recycling plan, including a description of current public and private recycling efforts and planned efforts to enhance recycling with the county or Region.

Recyclable Collection Assurance - If collection sites are not otherwise available, each **county** must provide at least one collection site for recyclables [T.C.A. 68-211-863].

Sources – Many of the questions in this Chapter come directly from the Development District Solid Waste Needs Assessment guidance document –Chapter V. You are encouraged to use the Needs Assessments for counties in this Region as a source, but take care to update information and bear in mind that the Assessments are a “county-by-county” analysis while Five-Year Updates call for a Regional analysis.

1. Does the Region (or county, city or Part 9 Authority within) have a recycling or waste reduction coordinator? If yes, please provide the following information:
 - Name
 - Title/Employer
 - Phone Number
 - Address
 2. List the waste reduction programs in the Region. The description should include whether the program is publicly or privately sponsored; if the program is open to all or to a limited group; if materials are dropped off or picked up; if the program is curbside; if the owner/sponsor is a for-profit collector or end-user; if the program is an in-house industrial, commercial or government recycling or reduction program; etc.
- ✓ For each recycling program, please provide the following information:
- Program Name
 - Contact
 - Phone Number
 - Address
 - Items accepted
 - Program Description (curbside, drop-off, not-for-profit, etc.)
- ✓ List materials processing facilities in the Region.
- Name of facility
 - Owner of facility
 - Contact
 - Phone Number
 - Address
 - Population served by the facility
 - Types of materials processed
 - Approximate volume processed annually
 - Description of facility/process
- ✓ List composting facilities in the Region:
- Name of facility
 - Owner of facility
 - Contact
 - Phone Number
 - Address
 - Population served by the facility
 - Approximate volume composted annually
 - Description of facility/process (does the facility accept yard waste, sewer sludge, food waste, wood mulch, other?) Please differentiate municipal composting combustion facilities from tub grinders, etc.

Chapter 5: Recycling

3. Based on the information available and your experience working in the county, please describe progress and setbacks in recycling and reduction efforts in the Region. Be sure and include marketing efforts on the part of local programs, their principal end-users, successes and failures in marketing and hope for assistance or change in marketing. Do jurisdictions in the Region cooperate on marketing efforts? Feel free to describe unusual or successful programs that others may wish to emulate. Describe what would assist the counties (and programs within) in their efforts. Please include any future plans for additional recycling, reduction, or end-use programs you are aware of.
4. The law requires that every county within the Region have at least one recycling drop-off facility available to all county residents. The facility does not have to be publicly owned or collect a specified volume or type of recyclable. However, a collection facility must be available for a least one material that is actually recycled (marketed and reused). Please list recycling collection site(s) for each county in the Region and describe the facility or program (a similar question is asked in Regional Annual Progress Reports).

Site Name	County	Items Collected	Description
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Include existing and proposed recycling facilities in the Region listed in this Chapter as part of the Regional systems map requested in the Chapter 1: Summary.

Chapter 6: Disposal

(Landfills, Incinerators, Waste to Energy Facilities, Transfer Stations, and Waste Imports and Exports)

Statutory Authority (edited) - T.C.A. 68-211-815 (b): Each plan shall provide a current system analysis, including disposal capability, with an analysis of the remaining life expectancy of landfills or other disposal facilities; anticipated capacity needs; planned capacity assurance; and descriptions of planned or needed facilities.

Countywide Disposal Assurance -Each county shall assure that one or more disposal systems is available to meet the needs of the residents of the county [T.C.A. 68-211-851(a)].

Full Financial Disclosure and Accountability – Any county, solid waste authority, and municipality that operates a Class I landfill and/or incinerator shall account for financial activities related specifically to that landfill and/or incinerator in an enterprise fund. A uniform solid waste financial accounting system and chart of accounts developed by the comptroller of the treasury shall be used [T.C.A. 68-211-874 (a)].

Sources – Many of the questions in this Chapter come directly from the Development District Solid Waste Needs Assessment guidance document –Chapter VI. You are encouraged to use the Needs Assessments for counties in this Region as a source, but take care to update information and bear in mind that the Assessments are a “county by county” analysis while Five-Year Updates call for a Regional analysis. In addition to the landfill and incinerator operators themselves, The Division of Solid Waste Management’s estimated life survey will be a useful source.

1. Please list all the landfills, transfer stations, Municipal Solid Waste incinerators, Landfill Gas to Energy facilities, and Waste to Energy facilities in the Region.
 - Name of Facility
 - Owner
 - Operator/Contact
 - Phone Number
 - Address/Location/County
 - Classification of Landfill (I – IV)
 - For Class I landfill: does facility meet Federal Subtitle D regulations?
 - Jurisdictions Served (Please identify by name)
 - Permit Number
 - Tipping fee per ton (List fee amounts)
 - Special Tipping Fees (List fee amounts)
 - Materials the facility receives/limits
 - Does the facility produce energy?
 - Transfer from where to where?

Chapter 6: Disposal

- Identify Class I waste exported from or imported to the Region. Include origin and destination. Name the relevant county and Region. The table headings below provide example formats for presenting your information

CLASS I WASTE EXPORTED

Exported to: County/Region/State	Exported to: Facility Name And Owner	Estimated Tonnage Exported from Region to Class I Landfills
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CLASS I WASTE IMPORTED

Imported from: County/Region/State	Imported to: Facility Name And Owner	Estimated Tonnage of Imported Class I Waste Disposed in the facility
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- Based on the information available and your experience working in the Region, evaluate disposal needs. Is efficient disposal assured at a reasonable price for the ten year planning horizon? What changes in the disposal system are being contemplated? What changes should be contemplated with consideration to anticipated growth and disposal demands?
- Of the facilities listed in this chapter, which have planned capacity assurance of less than ten years? Five years?
- Are all publicly held Class I landfills or incinerators in the Region accounting for financial activities in an enterprise fund as required by law?

<p>Include existing (and any proposed) disposal facilities in the Region listed in this Chapter as part of the Regional systems map requested in the Chapter 1: Summary.</p>

Chapter 7: Problem Wastes

(Household Hazardous Wastes, Waste Tires, Waste Oil, Automotive Fluids, Lead Acid Batteries)

Statutory Authority (edited) - T.C.A. 68-211-815 (b): Each plan shall include a strategy for the disposal of household hazardous wastes.

Problem Waste Disposal Assurance - If collection sites are not otherwise available, each county must provide either directly or by contract, at least one collection site for waste tires, used automotive fluids, lead acid batteries, and used oil [T.C.A. 68-211-866(b)].

Sources – Many of the questions in this Chapter come directly from the Development District Solid Waste Needs Assessment guidance document –Chapter VII. You are encouraged to use the Needs Assessments for counties in this Region as a source, but take care to update information and bear in mind that the Assessments are a “county by county” analysis while Five-Year Updates call for a Regional analysis. Other important sources are local Contacts and State Division of Community Assistance

1. Has this county taken advantage of the State’s household hazardous waste mobile collection service in the last two years? Please describe.
2. Does a jurisdiction within the Region operate a permanent household hazardous waste collection center? If yes, please provide the following information:
 - Description of Center
 - Date Center Opened
 - Collection Center Owner
 - Operator/Contact (Name, Phone No.)
 - Disposal Contractor (Name, Phone No.)
 - Days and Hours of Operation
 - Service Available to
 - Materials and Amounts Collected during past year
3. Briefly discuss the Region’s (and jurisdictions within) level of success with household hazardous waste collection and level of satisfaction with the State program. Include changes area officials would like to make or see made. Describe plans for a local household hazardous waste program.
4. Describe the Region’s efforts to see that waste tire collection mandates are met. Bear in mind that at least one site (public or private) per county must be available to local citizens for the county or counties to be in compliance with the law. List the site(s) available. Describe what happens to waste tires in the Region once they are collected.
5. Discuss the Region’s level of satisfaction with waste tire collection efforts in the area and the State waste tire program. What changes are foreseen? What changes are needed?
6. Do counties in the Region have a problem with waste tire dumping? If yes, describe specific sites and discuss the problem.
7. Describe the Region’s efforts to see that oil and auto fluid collection site mandates, and lead acid battery collection site mandates, are met. Bear in mind that at least one site (public or private) per county must be available to local citizens for the county or counties to be in compliance with the law. List the site(s) available.

Include existing and proposed problem waste disposal facilities in the Region listed in this Chapter as part of the Regional systems map requested in the Chapter 1: Summary.

Chapter 8: Solid Waste Education

Statutory Authority (edited) - T.C.A. 68-211-815 (b): Each plan shall include a description of education initiatives aimed at businesses, industries, schools, citizens and others, which addresses recycling, waste reduction, collection and other goals of the Solid Waste Management Act of 1991.

Solid Waste Education Planning - In order to legitimize their programs and enhance their standing for education awards and grant money, each Region and local jurisdictions within should form comprehensive education action plans. [T.C.A. 68-21-(842-848)].

Sources – Many of the questions in this Chapter come directly from the Development District Solid Waste Needs Assessment guidance document –Chapter VIII. You are encouraged to use the Needs Assessments for counties in this Region as a source, but take care to update information and bear in mind that the Assessments are a “county by county” analysis while Five-Year Updates call for a Regional analysis. You may wish to consult the Division of Community Assistance’s Pathway’s to Education reference book.

1. Please list persons or organizations that are active in efforts to educate the public regarding solid waste matters in the Region. It is appropriate to list a program like Keep Tennessee Beautiful (formerly Clean Tennessee), Keep America Beautiful, or Tennessee Solid Waste Education Program (TNSWEP). It is also appropriate to list an individual like a reporter, an extension agent, a school teacher, or a local official who has made special efforts to help educate school children or adults in the county regarding solid waste issues. Include any in-house industrial solid waste education programs. Describe the nature of each effort and level of participation.
 - Name
 - Organization/sponsor
 - County(ies)
 - Phone number
 - Address
 - Target participants
 - Description of activities
2. Based on the information available and your experience working in the Region, please describe outstanding needs in the area of public solid waste education. What progress has been made and what is planned? Should more be done to keep the public informed? How can the State and technical assistance agencies assist in this effort? Has the county or its Region filed an education action plan and made use of the Division of Community Assistance’s Pathways to Education book?

Chapter 9: Flow Control and Permit Review

Statutory Authority (edited) - T.C.A. 68-211-814 – The Solid Waste Management Act grants Regional Solid Waste Boards certain rights and responsibilities with regard to controlling the flow of waste (into and out from the Region) and the review of permits for potential new solid waste facilities in the Region.

The areas of flow control and permit review are quite complex and Regional Boards acting in these areas should seek legal counsel. The Division of Community Assistance provides guidance in the Fact Sheet found in Appendix B-9.

1. Does the Region or jurisdictions within make any attempt to control the flow of waste? If yes, please explain.
2. Does the Region foresee any outstanding issues with regard to permit review or flow Control?

Chapter 10: Five-Year Plan Update Review

(Public Hearing, Planning Commission review, County Commission or Part 9 Authority Review and Approval)

Statutory Authority (edited) - T.C.A. 68-211-815 (b)(15) - The plan should include certification that the Region's Part 9 Authority (if one has been formed) or the county legislative body of each county in the Region has reviewed and approved the Region's plan (or Five-Year Update).

T.C.A. 68-211-814 (b)(6) - Before submitting a plan required by this part, each municipal solid waste Region shall hold a **public hearing** on the proposed plan or revised plan.

1. Describe the required public hearing held after the Revised Plan (Five-Year Update) was completed. The meeting should be held at a central location in the Region and open to the general public. What day was the meeting held? Where? What was the level of participation? Summarize comments. Include a copy of the public notice, and indicate when and where it was published.
2. Local planning Commissions in the Region should be made aware of the Five-year Update and given an opportunity to review it. Was this done? Include comments and responses.
3. Please include a copy of a resolution from every county in the Region approving the Five-Year Plan update. The Department will not approve your plan without this documentation. If a Part 9 Authority has been formed, please include a copy of the resolution of approval from the Authority Board of Directors.

Appendix A: Essential Regional Documents and Information

Please submit the following with your 5-Year Update Report:

- 1. Solid Waste Regional Board List:** Top the list by stating how many members are on the board (set by the original Regional formation resolution) and who they represent. Then include a current list of Regional board members (and any vacant positions), including terms of office and expiration, whether appointed by a county executive or mayor (and name the jurisdiction represented), whether confirmed by a county commission, or city council, and the year confirmed. Identify the chairman.

Fictional Sample:

Marshall/Maury Regional Solid Waste Planning Board

(15 members: 5 Marshall, 5 Maury, 3 from Lewisburg and two from Columbia)

- 1. Jack Blackstone** (6 years, expires 1/2001), Appointed by Maury County Executive and confirmed by the Maury County commission, 1995. Chairman.
- 2. Regional Formation Resolution:** Include a copy of the Region's formation resolution.
 - 3. Part 9 Authority Information:** If the Region has formed a solid waste authority under the Solid Waste Authority Act of 1991, then include a copy of the resolution creating the Authority. In addition include a list of Authority Board of Directors and the name and address of the chairman. State briefly the mission and purpose of the Authority and all jurisdictions represented on the Authority.
 - 4. A Proposed Regional Budget for the ten-year planning horizon:** Include a budget for the Region for the next 5 years. This budget is not binding; it is a projection based on current data and trends for all jurisdictions in the Region. Any assumptions should be fully explained. Costs should equal revenues. A sample budget form is provided.

Appendix A--Sample Budget Form

Name of Entity (City, County, or Region)	1998		1999		2000		2001		2002		2003		Subtotal	Total
	Extended		Extended		Extended		Extended		Extended		Extended			
Waste Reduction														
Capital Costs/Annualized Capital Costs														
Equipment														
Operation and Maintenance Costs														
Salary														
Contractor														
Printing														
Etc.														
Subtotal														

Name of Entity (City, County, or Region)	1998		1999		2000		2001		2002		2003		Subtotal	Total
	Extended		Extended		Extended		Extended		Extended		Extended			
Collection														
Capital Costs														
Truck(s)														
Boxes (six or eight cubic yards)														
Roll-off Boxes														
Compactor Units(s)														
Fencing														
Gravel														
Concrete														
Earthwork														
Etc.														
Annualized Capital Costs														
Operation and Maintenance														
Salary														
Fuel														
Electricity														
Water														
Insurance														
Contracted Hauler														
Etc.														
Subtotal														

Name of Entity (City, County, or Region)	1998		1999		2000		2001		2002		2003		Subtotal	Total
	Extended		Extended		Extended		Extended		Extended		Extended			
Recycling														
Capital Costs														
Baler														
Collection Bins														
Forklift														
Etc.														
Annualized Capital Costs														
Operation and Maintenance														
Salary														
Fuel														
Electricity														

Appendix A--Sample Budget Form

Water															
Insurance															
Contracted Hauler															
Etc.															
Subtotal															

Name of Entity (City, County, or Region)														
	1998	Extended	1999	Extended	2000	Extended	2001	Extended	2002	Extended	2003	Extended	Subtotal	Total
Disposal Capacity														
Capital Cost														
Engineering														
Permitting														
Land Cost														
Surveying														
Earthwork														
Liner														
Clay/Soil Admixture														
Drain Line														
Gravel/Sand														
Geotextile														
Installation														
Equipment														
Contractor														
Leachate Holding Tanks														
Etc.														
Annualized Capital Cost														
Operation and Maintenance														
Salary														
Fuel														
Electricity														
Water/Sewer														
Insurance														
Equipment Repair														
Telephone														
Etc.														
Subtotal														

Name of Entity (City, County, or Region)														
Closure/Post Closure Cost														
Capital Cost														
Annualized Capital Cost														
Maintenance Cost														
Subtotal														

Name of Entity (City, County, or Region)														
	1998	Extended	1999	Extended	2000	Extended	2001	Extended	2002	Extended	2003	Extended	Subtotal	Total
Public Education														
Capital Cost														
Annualized Capital Cost														
Equipment														

Appendix A--Sample Budget Form

Etc.															
Operation and Maintenance															
Salary															
Printing															
Etc.															
Subtotal															
Name of Entity (City, County, or Region)															
	1998	Extended	1999	Extended	2000	Extended	2001	Extended	2002	Extended	2003	Extended	Subtotal	Total	
Problem Waste															
Capital Cost															
Equipment															
Etc.															
Annualized Capital Cost															
Operation and Maintenance															
Salary															
Training															
Disposal Cost															
Printing\Advertising															
Etc.															
Subtotal															
Name of Entity (City, County, or Region)															
	1998	Extended	1999	Extended	2000	Extended	2001	Extended	2002	Extended	2003	Extended	Subtotal	Total	
Program- Annualized Cost															
Waste Reduction															
Collection															
Recycling															
Disposal Capacity															
Public Education															
Problem Waste															
Subtotal															
Name of Entity (City, County, or Region)															
	1998	Extended	1999	Extended	2000	Extended	2001	Extended	2002	Extended	2003	Extended	Subtotal	Total	
Disposal Capacity															
Capital Cost															
Truck(s)															
Container(s)															
Etc.															
Annualized Capital Cost															
Operation and Maintenance Cost															
Fuel															
Salary															
Contractor															
Tipping Fees															
Etc.															
Subtotal															
	1998	Extended	1999	Extended	2000	Extended	2001	Extended	2002	Extended	2003	Extended	Subtotal	Total	
TOTALS															

Appendix B: Reference

B-1. List of Current (65) Solid Waste Planning Regions	21
B-2. Due Dates for Five-Year Updates to Ten-Year Plans.....	22
B-3. Solid Waste Technical Assistance Contacts	23
B-4. Planning and Reporting Guidelines	24
B-5. Part 9 Authorities Fact Sheet.....	27
B-6. “Base Year” Data for 1989 or Adjusted Year	30
B-7. Initial Reported Data for 1995 (New “Base Year”).....	32
B-8. Countywide Collection Assurance Fact Sheet.....	34
B-9. Permit Review By Solid Waste Boards	37
B-10.Mandates of the Solid Waste Management Act of 1991	38

B-1: MSW Planning Regions

Region Member Lists

Single County

01 ANDERSON	24 FAYETTE	45 JEFFERSON	73 ROANE
02 BEDFORD	25 FENTRESS	47 KNOX	76 SCOTT
03 BENTON	29 GRAINGER	49 LAUDERDALE	78 SEVIER
05 BLOUNT	30 GREENE	50 LAWRENCE	79 SHELBY
07 CAMPBELL	32 HAMBLEN	51 LEWIS	82 SULLIVAN
11 CHEATHAM	34 HANCOCK	53 LOUDON	83 SUMNER
13 CLAIBORNE	35 HARDEMAN	57 MADISON	84 TIPTON
14 CLAY	37 HAWKINS	62 MONROE	87 UNION
15 COCKE	38 HAYWOOD	64 MOORE	88 VAN BUREN
18 CUMBERLAND	39 HENDERSON	65 MORGAN	93 WHITE
19 DAVIDSON	41 HICKMAN	67 OVERTON	94 WILLIAMSON
20 DECATUR	42 HOUSTON	68 PERRY	95 WILSON
21 DEKALB	43 HUMPHREYS	69 PICKETT	
22 DICKSON	44 JACKSON	71 PUTNAM	

Two County

09 CARROLL-HENRY
59 MARSHALL-MAURY

Three County

17 C-D-G	<i>(Crockett-Dyer-Gibson)</i>
26 INTERLOCAL	<i>(Franklin-Giles-Lincoln-Tallahoma)</i>
48 LOW	<i>(Lake-Obion-Weakley)</i>
56 NORTH CENTRAL	<i>(Macon-Smith-Trousdale)</i>
63 M-R-S	<i>(Montgomery-Robertson-Stewart)</i>

Four County

08 CENTRAL	<i>(Cannon-Coffee-Rutherford-Warren)</i>
10 NORTHEAST	<i>(Carter-Johnson-Unicoi-Washington)</i>
12 SHILOH	<i>(Chester-Hardin-McNairy-Wayne)</i>

Ten County

04 SOUTHEAST *(Bledsoe-Bradley-Grundy-Hamilton-Marion- McMinn-Meigs-Polk-Rhea-Sequatchie)*

B-2: Due Dates For Five-Year Updates To Ten-Year Plans

Region Name	10-Year Plan Appv'd	5-Year Update Due	Region Name	10-Year Plan Appv'd	5-Year Update Due
Anderson	09-27-96	09/26/2001	Houston	10-08-96	10/07/2001
Bedford	03-28-95	03/26/2000	Humphreys	07-12-96	07/11/2001
Benton, Carroll, Henry	09-16-94	09/15/1999	Jackson	04-16-97	04/15/2002
Blount	09-12-94	09/11/1999	Jefferson	08-18-95	08/16/2000
Campbell	06-12-95	06/10/2000	Knox	11-16-94	11/15/1999
Central TN Region (Cannon, Coffee, Rutherford, Warren)	10-06-95	10/04/2000	Lake-Obion-Weakley	06-30-97	06/29/2002
Northeast Region (Carter, Johnson, Unicoi, Washington)	03-28-95	03/26/2000	Lawrence	05-22-96	05/21/2001
Shiloh Region (Chester, Hardin, McNairy, Wayne)	03-09-95	03/07/2000	Lewis	02-12-97	02/11/2002
Cheatham	03-07-97	03/06/2002	Loudon	07-15-96	07/14/2001
Claiborne	05-01-96	04/30/2001	North Central Region (Macon, Smith, Trousdale)	03-22-96	03/21/2001
Clay	03-16-95	03/14/2000	Madison	03-09-95	03/07/2000
Cocke	03-27-96	03/26/2001	Marshall, Maury	03-09-95	03/07/2000
Crockett-Dyer-Gibson	04-25-97	04/24/2002	Monroe	05-01-96	04/30/2001
Cumberland	06-15-95	06/13/2000	Moore	04-26-95	04/24/2000
Davidson	11-03-94	11/02/1999	Morgan	10-21-96	10/20/2001
Decatur	06-23-95	06/21/2000	Overton	02-10-97	02/09/2002
DeKalb	07-30-96	07/29/2001	Perry	09-26-96	09/25/2001
Dickson	11-23-94	11/22/1999	Pickett	01-30-97	01/29/2002
Fayette	09-01-95	08/30/2000	Putnam	03-16-95	03/14/2000
Fentress	09-27-96	09/26/2001	Roane	12-01-94	11/30/1999
Interlocal Region (Franklin, Giles, Lincoln, Tulahoma)	03-09-95	03/07/2000	Scott	05-10-95	05/08/2000
Grainger	09-27-96	09/26/2001	Sevier	01-19-96	01/17/2001
Greene	03-22-96	03/21/2001	Shelby	05-09-95	05/07/2000
Hamblen	09-27-96	09/26/2001	Southeast TN Region (Bledsoe, Bradley, Grundy, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, Sequatchie)	07-25-96	07/24/2001
Hancock	10-21-96	10/20/2001	Stewart, Montgomery, Robertson	05-20-96	05/19/2001
Hardeman	10-08-96	10/07/2001	Sullivan	03-28-95	03/26/2000
Haywood-Lauderdale- Tipton	10-08-96	10/07/2001	Sumner	07-15-96	07/14/2001
Hawkins	03-16-95	03/14/2000	Union	01-08-96	01/06/2001
Henderson	09-25-95	09/23/2000	VanBuren	03-31-97	03/30/2002
Hickman	03-07-97	03/06/2002	White	09-19-95	09/17/2000
			Williamson	03-28-95	03/26/2000
			Wilson	05-07-96	05/06/2001

B-3: Solid Waste Technical Assistance Contacts

Division of Community Assistance (Tennessee Department of Environment and Conservation) – 615-532-0445

Joyce Dunlap
Karen Grubbs
Mark McAdoo
Bob Knight
Buddy Kelly

Division of Solid Waste Management (TDEC) – 615-532-0780

Glen Pugh

Development District Solid Waste Contacts

First Tennessee, Chris Craig, 423-928-0224
East Tennessee, Mitch Loomis, 423-584-8553
Upper Cumberland, Michelle, Price, 931-432-4111
Southeast Tennessee, Gary Sexton, 423-266-5781
Greater Nashville Regional Council, Phil Armor, 615-862-8828
South Central Tennessee, Lisa Cross, 931-381-2053
Southwest Tennessee, John Austin, 901-668-7112
Northwest Tennessee, Lynn McCaleb, 901-587-4215
Memphis Area Association of Governments, Steve Andrews, 901-576-4610

County Technical Advisory Service, CTAS

Mike Stookesberry - 901-587-7077
Chris Garkovich - 423-974-0039

Municipal Technical Advisory Service, MTAS – 423-974-0411

B-4: Planning and Reporting Guidelines

The Solid Waste Management Act of 1991

FACT SHEET

Tennessee Department of Environment and Conservation
Division of Community Assistance
8th floor, L&C Tower, 401 Church Street
Nashville, TN 37243
615-532-0091

February 1999

What plans and reports are due under the Solid Waste Management Act of 1991?

Regional Ten-Year Solid Waste Plans - These are comprehensive solid waste planning documents that serve as a framework for counties, cities, Part 9 authorities, interlocal boards, etc. within each Region. These implementation entities must comply with the mandates relative to collection, disposal, waste reduction, and planning in the Solid Waste Management Act of 1991. Ten-year plans for the first ten year cycle (1994-2004) were due in July of 1994 [**T.C.A. 68-211-813-815**].

Five-Year Solid Waste Plan Revisions - These are mandatory general overhauls of the Regional ten-year plans due five years after the approval of each plan. The first five-year plan revisions will be due beginning in the fall of 1999 [**T.C.A. 68-211-814(a)(2)**].

Annual Progress Reports - These are reports, due in March of each year, that focus on the Region's progress in implementing its ten-year solid waste plan and any adjustments the entities within the Region have had to make, because of unforeseen circumstances, to reach the mandates set out in the law. The format is similar to that of the Regional plan and the questions revolve around the same mandates like the 25% waste reduction goal, county-wide collection and disposal assurance, problem waste disposal assurance, recyclable collection center assurance, solid waste education directives, and full-cost accounting [**T.C.A. 68-211-871 and 851(b)**].

Why are these plans and reports necessary?

By the late 1980s, it became apparent that safe solid waste disposal had become one of the most expensive and controversial issues that local governments would face in the foreseeable future. With a number of expensive federal mandates already in the pipeline, state lawmakers, administrators, technical assistance providers, and industry leaders came together and concluded that long range planning is essential if local governments are to achieve economical, non-political means to achieve state and federal mandates attendant to modern, safe solid waste disposal. The result of these discussions was the Solid Waste Management Act of 1991 which requires Regional solid waste planning boards and state and local elected officials to look into the future.

Who is responsible for planning and reporting under the Solid Waste Management Act of 1991?

Creating and submitting ten-year plans and annual progress reports is the primary responsibility of the State's 65 Solid Waste Regional Planning Boards [**T.C.A. 68-211-813(c) and 871(a)**].

How should the Solid Waste Regional Planning Boards gather data for the various reports?

The Regional Planning Boards are expected to seek and use input from public and private entities around the Region in order to complete these reports. In fact, with the exception of some recyclers, any such entity that handles solid waste in the Region is required by law to cooperate with the Region and provide needed information. [**T.C.A. 68-211-871 (c-e)**].

B-4: Planning and Reporting Guidelines

The Solid Waste Management Act of 1991

A number of technical assistance providers are ready to help the Regional Planning Boards compile information and complete the necessary forms. Each of the State's Nine Development Districts has staff specifically designated to assist Regions in their solid waste planning and reporting efforts. The University of Tennessee's County and Municipal Technical Assistance Services also have professional solid waste consultants on staff prepared to assist Regions and, of course, the Division of Community Assistance staff is prepared to assist at any time. [T.C.A. 68-211-(822 & 823)].

How can a Region's ten-year solid waste plan be amended?

It is implicit that the means of implementation to attain the goals mandated in the Solid Waste Management Act may change due to unforeseen circumstances in the name of efficiency and good sense over time. The Department will not interfere in these changes in strategy as long as the implementing entities continue to indicate that the Act's mandates (25% waste reduction goal, county-wide collection assurance, etc.) are being carried out and changes are fully explained in the Region's annual progress report.

Mandatory plan revisions are due every five years. In addition, the Solid Waste Regional Planning Board may, at its discretion, officially revise the plans at any time between mandatory five-year revisions. In both cases, revisions must be approved by the Regional planning board, county governments in the Region (and/or the Part 9 Authority if one has been formed), and the Department [T.C.A. 68-211-814(a)(2) and 815(b)(15)].

Who is on a solid waste Regional planning board?

The Solid Waste Regional Planning Boards were mandated in the Solid Waste Management Act of 1991 to represent Regions consisting of one or more counties. The first boards were created by resolution, appointed, and organized in 1992 and 1993. The boards have between five and fifteen members serving 6-year terms. Each board must include at least one county representative from each member county and at least one representative from each city which provides solid waste collection services. Cities may agree to joint representation. Appointments are made by county executives and mayors and confirmed by the respective legislative bodies of the counties and cities. Representatives may be local officials [T.C.A. 68-211-813(b)(1)].

In rural Regions (consisting of counties with a population less than 200,000) rural landowners must make up 30% of the membership of each Solid Waste Regional Planning Board by December 31, 1998 [T.C.A. 68-211-813(b)(3)].

What is the relationship between a Solid Waste Regional Planning Board and other governmental entities in the Region like County Commissions, Part 9 Solid Waste Authorities, Pre-existing Authorities etc.?

A Solid Waste Regional Planning Board must exist for each Region to carry out the planning functions mandated by law. The law also grants Regional planning boards some responsibilities with regard to permit review and flow control. In general, Regional planning boards have no power to collect and expend funds in order to implement solid waste plans. The Regional planning board and the plan it creates provide a framework for implementation entities in the Region to act within. The responsibility for actually carrying out the Act's mandates falls with those who have the power of the purse, whether that be county commissions, city councils, Part 9 Authorities, or inter-government sanitation boards of some kind. Implementation entities such as these are tools that local governments may use in order to carry out the mandates of the various solid waste laws. The formation and existence of these implementation entities is not mandatory. The Attorney General offers an opinion that details the relationship between single county Regional solid waste boards and their county commissions (Opinion No. 96-041, March 13, 1996).

B-4: Planning and Reporting Guidelines

The Solid Waste Management Act of 1991

Part 9 Solid Waste Authorities, created under the Solid Waste Authority Act of 1991, are one option local governments have to implement their solid waste programs. Part 9 Authorities may raise and spend money in order to manage solid waste programs. The members of the Region's Part 9 Authority may also be members of the Solid Waste Regional Planning Board. Part 9 Authorities may also usurp a Regional Planning Board's power to review permits and control the flow of garbage within the Authority's jurisdiction. A more detailed fact sheet regarding Part 9 Authorities is available at the Division. **[T.C.A. 68-211-901 et seq.]**

Solid Waste Commissions, Boards, and Authorities Pre-dating the Solid Waste Management Act in single county Regions were allowed to serve as their Region's solid waste planning board under a special exception. In this instance, the body in question is wearing two hats, one as planner/Regional board and the other as implementers **[T.C.A. 68-211-813(b)(2)]**.

What is a District Solid Waste Needs Assessment?

District Needs Assessments are solid waste data resources to be compiled by each of the State's Nine Development Districts. The Solid Waste Management Act contains a very specific list of information required for this document. The assessments serve as objective measures of local solid waste data that can be used in the Regional planning process. The first Needs Assessments were submitted in September of 1992. The next assessment is due April 1, 1999 and every five years after that **[T.C.A. 68-211-811]**.

2-8-report and plansheet

B-5: Part 9 Authorities Formed Under The Solid Waste Authority Act of 1991

FACT SHEET

Tennessee Department of Environment and Conservation
Division of Community Assistance
8th floor, L&C Tower, 401 Church Street
Nashville, TN 37243
615-532-0091

February 1999

What follows are a number of questions frequently asked the Division of Community Assistance regarding Part 9 Solid Waste Authorities:

- 1. What are Part 9 Solid Waste Authorities?:** Part 9 authorities are entities designed to implement Regional solid waste programs. They differ from other entities known by similar names such as solid waste authorities, commissions, boards, cooperatives, committees, etc. formed by county commissions as a result of interlocal agreements or private acts. Part 9 Solid Waste Authorities are specifically formed in accordance with the Solid Waste Authority Act of 1991. This act was passed at the same time as the comprehensive Solid Waste Management Act of 1991. The legislature wanted counties in the newly formed solid waste Regions to have the Part 9 solid waste authority option available as a tool as they sought to implement mandates under Solid Waste Management Act. The new Part 9 solid waste authorities respond specifically to the Solid Waste Authority Act, which grants them unprecedented autonomy, and responsibility in order that Regional solid waste management services be expedited, economized, and consolidated [**T.C.A. 68-211-901 et seq.**].
- 2. How does a Part 9 solid waste authority compare with a solid waste Regional planning board formed pursuant to the Solid Waste Management Act of 1991?** In general, solid waste Regional planning boards were mandated to develop a ten year plan for disposal capacity assurance, 25% waste reduction, collection assurance, solid waste education and other aspects of integrated solid waste management. Duties and powers of the solid waste Regional planning board are spelled out at **T.C.A. 68-211-813 to 815**. The act is not specific about how often the board should meet but the duties and continuing terms of office indicate that the board's planning duties extend indefinitely and certainly beyond completion of the first ten year solid waste plan. The board must update the plan every five years and submit annual progress reports.

It is important to note that the **same** persons appointed to the solid waste Regional planning board may also be appointed to a subsequently formed Part 9 authority board of directors. Thus, despite the fact that both must continue to exist and serve its function in Regions choosing to form a Part 9 authority, the make-up of both bodies may be the same (or different) at the discretion of the appointing jurisdictions [**T.C.A. 68-211-904(a)**].

The creation of a solid waste Regional planning board is **mandated** by statute and the creation of a Part 9 authority is **optional**. State lawmakers intended that the board and the plan would guide the activities of those entities implementing the plan. Solid waste Regional planning boards are not empowered to actually implement plans because they lack the ability to authorize and provide funding for programs. Thus, Regional boards recommend appropriate implementation vehicles like traditional county and city jurisdictions, sanitation boards and committees, interlocal agreements, and, of course, Part 9 authorities. A Part 9 authority is one vehicle among several available to implement plans and administer solid waste activities in the Region.

A Part 9 authority does not legally have to represent **ALL** the cities and counties in the solid waste Region, but the solid waste Regional planning board does [**T.C.A. 68-211-813; T.C.A. 68-211-903**].

- 3. What are the advantages and disadvantages of forming a Part 9 solid waste authority?** The Part 9 authority arrangement is not right for every Region. Its potential for usefulness varies from situation to situation. The autonomy/control afforded a Part 9 authority in implementing solid waste programs is both the greatest advantage and the greatest disadvantage to forming a Part 9 authority.

B-5: Part 9 Authorities Formed Under The Solid Waste Authority Act of 1991

ADVANTAGES

Part 9 Authorities are Independent Governmental Entities - In the past, concern has been expressed that solid waste management policy is often driven by politics and not by fair and practical economic and environmental considerations. The solid waste decision making process often becomes bogged down in controversy and little is accomplished. Forming a Part 9 solid waste authority is seen as one way of removing the solid waste program from the political process and allowing a somewhat independent (appointed as opposed to elected) board of directors to run a fair, efficient program.

Part 9 Authorities Aid Coordination Between Jurisdictions for Integrated Solid Waste Programs: The Part 9 authority is an excellent tool to consolidate and integrate programs between various county and city jurisdictions. This is a very important consideration as solid waste programs have become enormously expensive and it has been shown that public money can be saved by combining services like recycling programs and joint disposal facilities.

DISADVANTAGES

Part 9 Authorities are Potentially Powerful Independent Entities and Somewhat Removed from the Control of County Commissions and City Councils - Local governments that are uncomfortable with being removed from day to day operational and funding control over solid waste programs should not choose the Part 9 authority option. Traditionally, local governments have held close control over solid waste programs. Many politicians and voters are uneasy with any loss of control in this area. Part 9 authorities are potentially very independent, especially if they are both the entity that creates Regional solid waste plans AND the entity which implements the plans (**Note:** Regional planning board members and authority directors may be the same persons). **However, several checks exist to help control Part 9 authorities if the need arises. Directors may be removed for reasonable cause and Part 9 authorities may be amended or dissolved altogether [T.C.A. 68-211-905 and 924].**

In addition to considerations of power and control between local governments and Part 9 authorities, similar issues should be considered with respect to solid waste Regional planning boards and Part 9 authorities when membership is not the same. The Regional planning board has some degree of control over the Part 9 authority as Regional solid waste plans provide the framework for the authority's activities.

4. **How is a Part 9 authority formed?** The Solid Waste Authority Act, at **T.C.A. 68-211-903(a)** outlines several steps:
 - a. A **county** or counties (in an existing solid waste Region) wishing to participate must resolve to create a Part 9 authority. (**Note:** a part 9 authority may consist of **less than all** the counties in a solid waste Region.)
 - b. Any **cities** within the counties desiring to participate **may** (but are not required to) join in creating the Part 9 authority upon terms adopted and agreed on by resolution of the respective **county and city** governing bodies.
 - c. The public will be allowed to comment on the proposed Part 9 authority. (**Note:** A public hearing is required to be held to receive public comments.)
 - d. If more than one county or municipality participates in creating a Part 9 authority, an agreement creating the authority shall be approved by the governing body of each **county and city** that is a party to the agreement as part of the resolution creating the Part 9 authority.
 - e. The resolutions creating the Part 9 authority may be **amended** by the agreement of all of the participating governments to **add or subtract participating governments** or to **dissolve** the Part 9 authority.
 - f. Creating resolutions shall give the Part 9 authority a **name/identity for the solid waste Region**.
 - g. Any resolutions **creating, amending, or dissolving** a Part 9 authority shall be **certified by the county clerk or municipal clerk or recorder** of the counties and municipalities participating in creating the Part 9 authority and sent to the **Secretary of State of Tennessee and the Commissioner of Environment and Conservation [T.C.A. 68-211-903(a)].**
5. **What should be contained in a resolution creating a Part 9 authority?:** In general, the creating resolution of a Part 9 authority should list:
 - a. The mission of the authority,
 - b. A list of the participating jurisdictions,

B-5: Part 9 Authorities Formed Under The Solid Waste Authority Act of 1991

- c. The name of the Part 9 authority,
- d. And a provision for the establishment of a Part 9 authority board of directors to administer the activities of the Part 9 solid waste authority.

The resolution could contain other details the participating jurisdictions consider **important** such as an expression as to how the authority mission is to be funded, compensation for directors, or a description of flow control and permit review jurisdictions and responsibilities. In addition, any transfer of assets from a county or city to the authority might be outlined in the document.

- 6. How is a Part 9 authority board of directors to be created?:** Membership requirements, compensation, procedures, and duties for Part 9 authority board members are outlined in the Solid Waste Authority Act of 1991 at **T.C.A. 68-211 904 and 905:**
- a. The authority's board of directors may be the same board as that of the municipal solid waste Region or it may be a separate board.
 - b. The board of directors membership shall consist of an odd number between five and fifteen members.
 - c. Each county and city that is a member of the Part 9 authority is entitled to **at least one** member on the board of directors.
 - d. The county executives and/or municipal mayors of the participating counties and cities shall appoint the directors, whose appointments the appropriate county commission or city council must confirm.
 - e. The terms of office shall be for **six years** except that initial terms of office will be staggered such that 1/3 of the board will be appointed every two years.
 - f. Members of county and municipal governing bodies, county executives, mayors, and local officials and department heads **may be (but are not required to be)** appointed as directors.
 - g. Directors may receive compensation if provided for in the creating resolution.
 - h. The directors shall elect officers as directed in **T.C.A. 68-211-905(a)**.
 - i. Procedure for filling vacancies on the Part 9 board of directors and for removal of directors is outlined at **T.C.A. 68-211-905(b)**.
- 7. What are the powers granted a Part 9 authority?** The concurring vote of a majority of all of the directors shall be necessary for the exercise of any of the powers granted by Part 9 and listed below. In general, Part 9 authorities may:
- a. Sue and be sued.
 - b. Acquire personal and real property and exercise the power of eminent domain in order to achieve solid waste planning goals.
 - c. Enter into contracts.
 - d. Issue revenue bonds on its own authority. Counties and cities shall not be liable for payment on the bonds unless they agree to such an arrangement.
 - e. Incur debt and borrow money.
 - f. Employ agents and pay compensation to employees.
 - g. Set tipping fees and surcharges.
 - h. Review permits for proposed facilities for consistency with the ten year plan. In the absence of a Part 9 Authority, the Regional Planning Board has permit review responsibility.

*T.C.A. 68-211-906, 908, 910, 911, and
912; T.C.A. 68-211-835 and 814

The above represents only a partial list of the powers afforded Part 9 authorities in the Solid Waste Authority Act of 1991 and the Solid Waste Management Act of 1991.

B-6: Base Year Data for 1989 or Adjusted Year

Region (adjusted to reflect 1999 Regions)	1989 (Base Year) Population	1989 (Base Year) Generation Rate (tons)	Base Year Per Capita 1989	Basis For Change *(T) (P)
Anderson	70,700	73,393	1.03809	
Bedford	30,716	25,000	0.81391	T
Benton	14,900	21,528	1.44483	
Bledsoe	9,650	7,862	0.81472	T
Blount	85,533	106,917	1.25001	T
Bradley	73,096	65,520	0.89636	P
Campbell	35,022	16,043	0.45808	T
Cannon	10,950	7,169	0.65470	
Carroll	27,514	39,128	1.42211	P
Carter	51,613	39,187	0.75925	T & P
Cheatham	26,784	15,886	0.59312	
Chester	12,900	5,335	0.41357	
Claiborne	26,583	20,592	0.77463	T & P
Clay	7,900	3,751	0.47481	
Cocke	29,450	32,781	1.11311	
Coffee	24,387	19,021	0.77996	T & P
Crockett-Dyer-Gibson	97,300	132,667	1.36348	T & P
Cumberland	34,200	49,660	1.45205	
Davidson	511,834	865,001	1.69000	T & P
Decatur	10,800	7,800	0.72222	
DeKalb	14,450	18,018	1.24692	
Dickson	35,600	31,964	0.89787	
Fayette	26,600	14,482	0.54444	
Fentress	14,669	10,415	0.71000	P
Franklin	50,426	45,826	0.90878	T & P
Giles	25,200	20,362	0.80802	
Grainger	17,450	23,707	1.35857	
Greene	56,250	62,548	1.11196	T
Grundy	13,404	12,556	0.93674	P
Hamblen	51,550	84,240	1.63414	
Hamilton	284,081	451,110	1.58796	T & P
Hancock	6,844	3,332	0.48685	T & P
Hardeman	24,550	29,640	1.20733	
Hardin	22,457	21,900	0.97520	
Hawkins	44,565	64,200	1.44059	T & P
Haywood	21,200	18,670	0.88066	T
Henderson	22,950	18,096	0.78850	
Henry	27,888	31,143	1.11672	T & P
Hickman	16,950	7,800	0.46018	
Houston	7,000	4,400	0.62857	T & P
Humphreys	16,150	18,096	1.12050	
Jackson	9,400	8,848	0.94128	
Jefferson	33,500	31,200	0.93134	
Johnson	13,694	8,766	0.64013	T & P
Knox	332,400	385,584	1.16000	T
Lake	7,400	6,011	0.81230	
Lauderdale	25,150	25,740	1.02346	

B-6: Base Year Data for 1989 or Adjusted Year

COUNTY	1989 (Base Year) Population	1989 (Base Year) Generation Rate (tons)	Base Year Per Capita 1989	Basis For Change *(T) (P)
Lawrence	35,400	25,740	0.72712	
Lewis	10,700	12,480	1.16636	
Lincoln	27,600	28,570	1.03514	T & P
Loudon	31,500	67,930	2.15651	T
McMinn	42,332	38,454	0.90839	P
McNairy	24,200	17,446	0.72091	
Macon	16,300	15,807	0.96975	
Madison	78,500	104,796	1.33498	
Marion	24,816	26,000	1.04771	P
Marshall	21,500	25,366	1.17981	T
Maury	55,900	63,726	1.14000	T
Meigs	7,973	4,555	0.57130	P
Monroe	31,400	28,600	0.91083	
Montgomery	99,450	114,169	1.14800	
Moore	4,950	5,485	1.10808	
Morgan	17,900	23,400	1.30726	
Obion	32,500	27,178	0.83625	
Overton	17,950	21,202	1.18117	
Perry	6,500	10,660	1.64000	
Pickett	4,450	2,909	0.65365	T
Polk	13,639	11,678	0.85622	T
Putnam	51,817	60,461	1.16682	T & P
Rhea	24,333	19,259	0.79148	T & P
Roane	49,650	64,272	1.29450	
Robertson	42,509	30,606	0.71999	T & P
Rutherford	116,350	130,369	1.12049	
Scott	20,550	18,200	0.88564	
Sequatchie	8,863	11,794	1.33070	P
Sevier	52,380	55,000	1.05002	T & P
Shelby	825,700	1,362,405	1.65000	T
Smith	14,850	11,983	0.80694	
Stewart	9,450	5,371	0.56836	
Sullivan	143,596	136,285	0.94909	T & P
Sumner	105,150	101,650	0.96671	
Tipton	39,050	31,174	0.79831	
Trousdale	6,300	5,977	0.94873	
Unicoi	16,700	16,528	0.98970	
Union	12,900	5,504	0.42667	
Van Buren	4,650	2,340	0.50323	
Warren	32,958	22,741	0.69000	T & P
Washington	91,800	110,612	1.20492	
Wayne	14,200	11,794	0.83056	
Weakley	32,500	29,120	0.89600	
White	20,273	16,200	0.79909	T
Williamson	80,850	64,224	0.79436	T
Wilson	70,236	47,546	0.67695	T & P

B-7: Reported Base Year Data for 1995

Note: Legislation by the General Assembly in 1999 revised the base year from 1989 to 1995 and changed the goal year from 1995 to 2003 for calculating 25% reduction.

Region	Base Year Per Capita 1989	1995 Population	1995 Class I Disposal (tons)	Base Year Per Capita 1995	Difference 1989-1995
Anderson	1.0381	68,234.00	64,864.00	0.9506	0.0875
Bedford	0.8139	31,981.00	13,142.00	0.4109	0.4030
Benton	1.4448	14,448.00	10,381.00	0.7185	0.7263
Blount	1.2500	96,000.00	107,162.72	1.1163	0.1337
Crockett-Dyer-Gibson	1.3635	99,903.00	94,393.00	0.9448	0.4187
Campbell	0.4600	35,046.00	13,461.00	0.3841	0.0759
Carroll-Henry	1.2684	55,402.00	70,271.00	1.2684	0.0000
Central	0.9711	223,502.00	211,613.00	0.9468	0.0243
Cheatham	0.5931	30,789.00	17,180.41	0.5580	0.0351
Claiborne	0.7746	26,885.00	14,092.00	0.5242	0.2504
Clay	0.4748	7,049.00	3,591.00	0.5094	-0.0346
Cocke	1.1131	29,246.00	31,381.00	1.0730	0.0401
Cumberland	1.4520	36,445.00	3,975.25	0.1091	1.3429
Davidson	1.6900	525,594.00	663,057.00	1.2615	0.4285
Decatur	0.7222	10,282.00	6,757.80	0.6572	0.0650
DeKalb	1.2469	14,738.00	12,526.00	0.8499	0.3970
Dickson	0.8979	38,440.00	25,518.25	0.6638	0.2341
Fayette	0.5444	25,581.00	11,751.00	0.4594	0.0850
Fentress	0.7100	14,577.00	7,632.40	0.5236	0.1864
Grainger	1.3586	18,677.00	18,660.00	0.9991	0.3595
Greene	1.1126	58,095.00	46,794.00	0.8055	0.3071
Hamblen	1.6341	51,095.00	62,374.00	1.2207	0.4134
Hancock	0.4869	6,844.00	3,332.41	0.4869	0.0000
Hardeman	1.2073	23,171.00	20,254.00	0.8741	0.3332
Hawkins	1.4406	47,724.00	35,436.00	0.7425	0.6981
Haywood-Lauderdale-Tipton	0.8807	87,134.00	73,151.52	0.8395	0.0411
Henderson	0.7885	22,016.00	9,262.00	0.4207	0.3678
Hickman	0.4602	19,068.00	7,526.59	0.3947	0.0655
Houston	0.6286	7,107.00	3,501.00	0.4926	0.1360
Humphreys	1.1205	15,707.00	18,481.00	1.1766	-0.0561
Interlocal	0.9180	107,765.00	74,968.00	0.6957	0.2223
Jackson	0.9413	9,253.00	4,384.00	0.4738	0.4675
Jefferson	0.9313	33,764.00	20,914.00	0.6194	0.3119
Knox	1.1600	361,407.00	445,481.00	1.2326	-0.0726
Lake-Obion-Weakley	0.8606	70,005.00	48,408.00	0.6915	0.1691
Lawrence	0.7271	36,128.00	24,816.83	0.6869	0.0402
Lewis	1.1664	10,573.00	5,642.00	0.5336	0.6328
Loudon	2.1565	32,719.00	59,772.00	1.8268	0.3297

B-7: Reported Base Year Data for 1995

Region	Base Year Per Capita 1989	1995 Population	1995 Class I Disposal (tons)	Base Year Per Capita 1995	Difference 1989-1995
M-R-S	0.9917	169,082.00	124,327.00	0.7353	0.2564
Madison	1.3349	82,559.00	97,119.00	1.1764	0.1585
Marshall-Maury	1.1511	90,107.00	83,986.71	0.9321	0.2190
Monroe	0.9108	31,493.00	16,514.00	0.5244	0.3864
Moore	1.1081	4,812.00	1,405.00	0.2920	0.8161
Morgan	1.3073	17,645.00	8,172.00	0.4631	0.8442
North Central	0.9017	38,732.00	25,873.00	0.6680	0.2337
Northeast	1.0078	184,500.00	137,925.00	0.7476	0.2602
Overton	1.1812	17,631.00	7,526.00	0.4269	0.7543
Perry	1.6400	6,842.00	6,376.00	0.9319	0.7081
Pickett	0.6536	4,632.00	1,691.00	0.3651	0.2885
Putnam	1.1700	57,313.00	114,255.00	1.9935	-0.8235
Roane	1.2945	48,507.00	59,537.00	1.2274	0.0671
Scott	0.8856	18,055.00	11,391.00	0.6309	0.2547
Sevier	1.0500	56,959.00	20,141.00	0.3536	0.6964
Shelby	1.6500	846,584.00	1,076,750.00	1.2718	1.6487
Shiloh	0.7657	77,544.00	45,220.00	0.5832	0.1825
Southeast	1.2919	527,881.00	778,429.00	1.4746	-0.1827
Sullivan	0.9500	148,783.00	120,829.00	0.8121	0.1379
Sumner	0.9667	115,762.00	74,735.00	0.6456	0.3211
Union	0.4267	14,783.00	6,925.00	0.4684	-0.0417
Van Buren	0.5032	4,828.00	1,609.00	0.3333	0.1699
White	0.8000	20,408.00	19,068.00	0.9343	-0.1343
Williamson	0.7900	102,061.00	58,825.18	0.5764	0.2136
Wilson	0.6769	74,597.00	48,963.00	0.6564	0.0205

B-8: Countywide Collection Assurance

FACT SHEET

Tennessee Department of Environment and Conservation

Division of Community Assistance
8th floor, L&C Tower, 401 Church Street
Nashville, TN 37243
615-532-0091

February 1999

THE LAW: All Tennessee Counties must assure that one or more municipal solid waste collection and disposal systems are available to meet the needs of the residents of the county. The minimum level of service that the county shall assure is a system consisting of a network of convenience centers throughout the county, unless a higher level of service, such as household garbage pickup, is available to the residents. **[The Solid Waste Management Act of 1991 - TCA 68-211-851(a)]**

REGULATIONS ON MINIMUM LEVELS OF COLLECTION SERVICE PROMULGATED TO SUPPORT THE LAW [Rule 1200-1-7.10]

Convenience Centers Each county shall have at least one convenience center unless a higher level of service is provided. The minimum number of centers shall be established as follows:

1. The service area in square miles divided by 180, **OR**
2. The service area population divided by 12,000.

In either case, service area does not include cities covered by mandatory collection.

Higher Level of Service/Household Collection/ Alternate Systems - A county shall be deemed to have met the minimum level of service if at least 90% of all residents have access to household collection. If a county or solid waste planning Region proposes an alternative system (household collection or some combination with convenience centers), said system must be approved by the Commissioner. The proposed system must provide a higher level of service than convenience centers would.

Each county must report on collection progress annually. The progress reports shall consider: a survey of roadside dumps, citizen complaints, alternative systems available, and volume of waste received or collected by the existing systems. This report will be provided in the solid waste planning Region's annual progress report to be submitted to the Department in March. The Commissioner will use these reports and other information to evaluate collection systems.

COMMONLY ASKED QUESTIONS:

If a county chooses to develop convenience centers in order to assure collection to its citizens, what is the minimum action required?

The county should use either of two formulas (one based on area and the other on population described above) to determine how many convenience centers are required in the county. Then the county should develop as many as are required, following the Department's guidelines in Rule 1200-1-7.10 and seeing that the centers are conspicuous and available to all citizens.

This minimum level of convenience center service required by law and regulation will serve as a benchmark to evaluate any alternative systems. When evaluating house-to-house or hybrid collection systems, the Commissioner will look to see that the system in place is a higher level of service than the minimum number of required convenience centers would be.

Are counties allowed to build more than the number of convenience centers mandated by law and rule?

B-8: Countywide Collection Assurance

Yes, these rules only establish a minimum number of convenience centers required. Additional centers to enhance collection are encouraged. In fact, grant money to establish new convenience centers and to enhance existing convenience center systems has been made available from the Department.

What must a county choosing a higher level of service (like door to door collection) over convenience centers do to meet the legal requirements?

Counties electing to assure a higher level of service than convenience centers must follow the guidelines set out in Rule 1200-1-7-.10 for a higher level of service which states that 90% of all residents must **have access to** reasonably priced household collection. In addition, alternative systems must be evaluated annually by the Commissioner to see that a level of service higher than the minimum required by convenience centers is being achieved. Satisfaction with the service will be evaluated by the Region's annual progress report described above.

As a practical matter, what are some courses of action a county choosing the higher level of service option may take?

- 1. Collection Assurance Contracts:** In counties choosing to rely on the services of private door-to-door haulers, the Department would prefer enforceable, reasonable contracts for at least some consideration. These contracts, between the county and the hauler or haulers, may be, but do not have to be contracts for payment of the actual collection service. The contracts may be assurance contracts that guarantee collection availability at a reasonable price in exchange for a minimal fee. Should a citizen seek door-to-door collection at a reasonable price and be denied, then the county would have legal recourse against the hauler under the assurance contract. The Department recommends an assurance contract. However, such a contract may not be of practical use to all counties.
- 2. Door to Door Collection in Addition to Minimally Required Convenience Centers:** If a county provides the minimum number of convenience centers required by rule, private haulers may operate in addition in the county and the county is not required to have an assurance arrangement with any haulers.
- 3. Service Provided Directly by the County:** Counties that are willing to provide public collection services may fulfill the minimum collection requirements by assuring door to door collection at a reasonable price to all citizens upon request.
- 4. Hybrid Systems:** Some counties may wish to use some type of hybrid system of convenience centers and door to door collection. Such a system might allow citizens some choice and flexibility. Again, in this case, the county must demonstrate to the Department that the service offered is a higher level of service than the minimum number of convenience centers would be and the Commissioner must approve the system.
- 5. Conventional Contract for Services:** A contract for services between the county and private haulers is certainly permissible and effective.
- 6. County Executive's Written Annual Assurance:** The County Executive may certify annually that **90% of county residents have access to collection services that are practical, reasonable, and legal.** These services may include, but are not limited to (a) the use of house-to-house collection services; (b) the use of registered convenience centers; or, (c) the use of a drop-off site at a Class I municipal solid waste landfill or incinerator. **Greenbox systems will not be considered in this evaluation.** The County Executive's certification letter along with information detailing the collection services attested to will be expected in the annual progress reports to the Department as required by statute **[T.C.A. 68-211-851(b) and 68-211-871(a) and Rule Chapter 1200-1-7-.10(4)].** Supplemental information submitted by the County Executive may include a listing of private haulers operating in the county or a letter from a hauler or haulers to the County Executive assuring

B-8: Countywide Collection Assurance

him that all residents within a given area will be provided service for a reasonable fee upon request.

[NOTE: Bear in mind that all six of the above higher level of service options are subject to the Department's annual evaluation via each Region's annual progress report to be submitted in March of each year. If the Commissioner finds that actual collection in the county is not more effective than one might reasonably expect the minimum number of convenience centers to be, then the Department may insist on a more aggressive program.]

Does State law or policy mandate a 90% participation/subscription rate in counties where door-to-door collection is offered as the primary option?

No, a 90% participation rate is not mandated, but high participation is certainly encouraged. State regulations require that 90% of county citizens **have access to** collection. It is the State's purpose and intention to encourage collection by insisting that it be reasonably available to all citizens. Counties are given the flexibility to design collection plans that are best suited to their population, geography, and financial resources.

Are green boxes legal? Can green boxes be used by counties to assure collection?

In limited cases, counties are allowed to have green boxes. However, the county may not use the boxes to assure collection services. Green boxes may only supplement the minimum collection requirements. Only counties with green boxes in continuous use since January 1, 1996 who follow the proper reporting requirements will be allowed to continue to have green boxes **[T.C.A. 68-211-851(d)]**.

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B-9: Permit Review by Regional Solid Waste Boards (or Part 9 Authorities where they exist)

FACT SHEET

As described in the Solid Waste Management Act [T.C.A. 68-211-814(b)(1)(D)]

1. The applicant must apply (in writing as he would to the Division of Solid Waste Management) to the Regional Solid Waste Board at or before the time the application process for technical review is initiated with the Division of Solid Waste Management.
2. Next, if the application is in order and the applicant wants to continue, the Board must hold a public hearing with proper notice and a written record of the proceedings.
3. When the Board votes on the application, they are not expected to examine the proposal for technical merit. They are expected to compare the project with the financial needs and disposal plans described in the Region's approved ten year plan and determine if the application is consistent with and/or complimentary to the plan's vision for the Region.
4. The Regional Board has 90 days after the receipt of an application to make a decision. Once a decision is made, it must be communicated in writing to the Commissioner of Environment and Conservation Milton H. Hamilton, and cc: to Tom Tiesler (Director of Solid Waste Management) and Ron Graham (Director of Community Assistance).
5. A decision by the Region may be appealed in the Davidson (regardless of county board represents) County Chancery Court.

Flow Control and Constitutional Issues

Flow control within and among Regions has been the subject of a number of court cases in recent years. Of particular concern are the **Ft. Gratiot** case (which would seem to discourage out-of-Region bans) and the **Carbone** case (which cast doubt on laws allowing intra-Region flow control to support public facilities). The **Ft. Gratiot** case out of Michigan is of particular concern because the state supreme court ruled the State cannot avoid the applicability of the Commerce Clause by curtailing the movement of solid waste through subdivisions (like counties or Regions) of the state rather than the State itself.

Pressure has increased for federal action with regard to flow control law. Many official from Tennessee and other States have lobbied Congress to specifically allow out-of- state waste bans. Congressional authorization is the only sure way to circumvent the constitutional Commerce Clause argument, which generally asserts that States may not interfere with interstate commerce without the specific permission of Congress.

The Solid Waste Management Act of 1991 and the Solid Waste Authority Act of 1991 are Tennessee's attempt to provide local governments with the tools to control flow. While the provisions for flow control have not been stricken, problems with their enforcement do exist. The State will continue to defend these statutes and contend that these laws satisfy commerce clause problems. Strict procedures for imposing intra-Region flow control and out-of-Region waste bans are included in the Solid Waste Management Act [TCA 68-211-814(b)(1)(A&B)] and the Solid Waste Authority Act [T.C.A. 68-211-906 and 907]. Following these procedures and establishing a clear rationale for controlling the flow of waste is essential if Regions attempt to impose intra-Region flow control or out-Region bans.

Regions are reminded that other methods are available to control waste flow like the "market participant exception" (TCA 68-211-817 allowing public owners of landfills to serve their constituency only and ban others), and certain economic incentives.

Permit review is available to Regional boards (or Part 9 authorities if created). Permit review (or local veto) may be viewed as a means to control flow. Plans and five-year updates can establish the nature and volume of waste disposal foreseen in a given Region. Regions or authorities may choose to plan for just enough volume to serve the Region or, in order to satisfy economic concerns associated with operating a facility, they may plan to import some waste. Permits for new facilities are accepted or rejected based on the disposal capacity assurance discussion in the plan.

Perhaps the best way to be certain of waste flow is through contracts with private entities and interlocal agreements (between local governments, authorities, etc.). Contracts are always recommended even with a flow control ordinance in force.

B-10: Mandates of the Solid Waste Management Act of 1991

FACT SHEET

Tennessee Department of Environment and Conservation

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- 1. Twenty Five Percent Reduction Goal** - The goal of the State is that each municipal solid waste planning Region must have reduced by 25% the annual per capita amount of waste disposed in Class I landfills and incinerators in 1989 by December 31, 1995 [T.C.A. 68-211-861]. Statewide per capita reduction was assessed at 20% in 1995 and 22% in 1996 and 21% in 1997 compared with the 1989 base year.
- 2. Countywide Collection Assurance** - Each county shall assure that one or more collection systems is available to meet the needs of the residents of the county [T.C.A. 68-211-851(a)]. Unattended green boxes are not an acceptable option to fulfil the minimum requirements of this mandate.
- 3. Countywide Disposal Assurance** - Each county shall assure that one or more disposal systems is available to meet the needs of the residents of the county [T.C.A. 68-211-851(a)].
- 4. Problem Waste Disposal Assurance** - If collection sites are not otherwise available, each county must provide at least one collection site for waste tires, lead acid batteries, and used oil [T.C.A. 68-211-866(b)].
- 5. Recyclable Collection Assurance** - If collection sites are not otherwise available, each county must provide at least one collection site for recyclables [T.C.A. 68-211-863].
- 6. Solid Waste Education Planning** - In order to legitimize their programs and qualify for education awards and grant money, each Region and local jurisdictions within should form comprehensive education action plans [T.C.A. 68-21-(842-848)].
- 7. Full Financial Disclosure and Accountability** - Each county, solid waste authority, and municipality shall account for financial activities related to the management of solid waste in either a special revenue fund or an enterprise fund established expressly for that purpose [T.C.A. 68-211-874(a)].
- 8. Mandated Planning, Reporting and Record Keeping** - Municipal Solid Waste Planning Regions are required to compile ten year solid waste plans and annual reports [T.C.A. 68-211-813, 814, 815 and 871]. All those actively engaged in solid waste activities are required to report to their Region and in some cases to the State [T.C.A. 68-211-871(c-e)]. Landfill, incinerator, and transfer station operators must report waste amounts in tons through the use of scales [T.C.A. 68-211-862].

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