

Waste Reduction Task Force

Fourth Meeting – January 23, 2008

Meeting Summary

The fourth meeting of the Waste Reduction Task Force took place at the University of Tennessee Agricultural Extension Office in Murfreesboro, TN on January 23rd, 2008.

After a call to order, review of meeting rules, objectives, and some housekeeping issues; the meeting began. Don McCain reviewed the days agenda pointing out that the focus was going to be on a review of the transportation and collection of solid waste and recyclables. Also, a presentation on the recent changes to the North Carolina solid waste act will be presented along with presentations on waste tires and on sustainability. Tom Salter, new solid waste director of Knox County, was introduced to the group. He will be assuming the representation on the Task Force in place of the late John Evans.

Kim Raia with the University Of Tennessee County Technical Assistance Service was introduced and presented a presentation on the intricacies of transportation and collection of solid waste. Her presentations broke down costs and showed why larger land fills are cheaper than small landfills due to the economy of size principle. In follow up, Ms. Raia also, presented an information request about the types and number of composters in Tennessee. This proved to be a more daunting task that expected due to the wide number of businesses that use forms of composting. She thus narrowed these down to those that primarily relate to solid waste management. Here presentations will be placed on the website.

The next speaker was to be Jimmy Fleming with Allied Waste to talk on the private aspects of collection but due to circumstances out of his control he would not be able to speak. Nick Lytle then presented on where waste goes in Tennessee. He had several graphs and maps that broke down the end destinations. These presentations will be placed on the website also.

Nick Lytle presented on the new changes to North Carolina solid waste act. The majority did not really apply to what we were looking at for they were housekeeping type changes. The primary point that was brought out was the changes in requirements for Class III/IV type landfills. This increased the expenses of the landfill thus driving up the costs. Some points will be modified as they do not meet the intent. They also increased tipping fees to these facilities.

Next, Christina Treglia with the Office of Environmental Assistance and representing the Tennessee Recycling Coalition presented on sustainability. Product stewardship is a primary strategy that was pitched. This is where the manufacture takes some or all the responsibility for the waste stream created by their product. Examples of this would be e-waste and manufacturers like Dell taking back computers, Staples taking back computer, etc. In some cases the business would charge up front in other cases a fee is charged at time of collection.

After breaking briefly and preparing for a working lunch, the Task Force broke up into their respective work groups. Each work group met for about an hour during lunch to flesh out and refine discussions that were made in previous meetings and conference calls.

Work Group -1 Waste Reduction Goal and Methodology:

Work Group #1 Present there conference call summary as written below:

The group began discussion with topic of priorities for the goal. One idea was to worry less about a percentage goal; an example being the 25% goal; and focus more on a results oriented solution aimed specifically at promoting, creating, and facilitating the emergence of programs that will have the end result of decrease landfill tonnages. *An example would be to formulate ten specific waste programs then providing the liberty to the regions to pick and choose which programs are right for them.*

Other members of the group reiterated that it was still very important to have a quantifiable goal. Without a measurable goal to strive to obtain, compliance to a program based waste reduction plan would have to a measurement method. There was indecision on the exact way in which this would be measured. With some discussion on the problems associated with accurately measuring recycling rates of various sorts, members could agree on the following principals.

- Counties/Municipalities/Regions **can** accurately measure the tonnages and volumes of those waste reduction programs that they directly oversee.
- In most cases Class I landfill tonnages **can** be accurately obtained with county of origins.
- Waste disposal and recycling efforts of private entities **cannot** always be obtained. Often tonnages are missing from final reports. In large urban areas, complete collection of all activities can be impossible.

Based upon these principals, a statewide “per capita” disposal rate could be set for attainment as an indicator as to if waste reductions efforts placed forth by the task force are making positive gains on a decrease in landfilling practices. Furthermore the group was in agreement that public recycling programs over which regions did have control could also be used as a percentage of the municipal solid waste that is being diverted from landfilling.

The group was in agreement that whatever the task force decides; at minimum larger urban municipalities must be included in the goals and directly held to the same policies of the counties. All were in agreement that in terms of waste reduction, different standards for different size cities was acceptable and needed to focus energy toward those areas producing the most waste.

Any incentives, especially monetary for adopting waste reduction initiative should be kept positive. By this, the group wanted to get away from harsh fines for noncompliance and focus on rewards. The focus of waste reduction policies should also be on job creation, the salvaging of material that can be sold, and emphasis of money saved on tipping fees to landfill.

One group member prepared a draft statement to be presented to the Task Force pertaining to the formation of the solid waste goals. During the call, the members modified its language and added some additional points to read as following:

- A) The 25% diversion goal instituted under the Solid Waste Act of 1991 has not significantly diverted material away from Class I landfills. Per Capita and total Class I waste disposal has increased since the Act was adopted. Allowing for Class III/IV landfills to be used as a diversion method should be replaced with a policy that material routed to Class III/IV landfills should instead be recycled and reused whenever possible.
- B) A comprehensive statewide solid waste stream analysis would be an invaluable tool both for this Task Force; but also for future solid waste policy making decisions. Although many regions, counties, and municipalities have worked diligently for years measuring and accounting for their solid waste programs, many questions still remain such as:
 - a) Composition of waste entering Class I and Class III/IV landfills.
 - b) The waste streams of our State's businesses and institutions.
 - c) The amounts of various commodities being landfilled which have potential for reuse.
- C) Our Committee and the Solid Waste Task Force should seek to design specific programs which divert materials away from all landfills to demonstrate that solid waste:
 - a) Can create jobs
 - b) Can make profits
 - c) Can be reused to conserve our valuable natural resources.

Good solid waste policies will make garbage disappear through the free market.

Outside the scope of goal formulation but directly related to waste reduction the group thought that Class III/IV landfills should within their permitting process be required to produce a plan of action of how they will strive to recycle various parts of their received waste stream. With this requirement, these landfills would also be required to accurately keep record of waste origin and tonnages. Scales would be required for this which could be funded through assessed surcharges on their tipping fees. Tipping fee surcharges could also be used to supplement programs aimed at recycling Class III/IV landfill materials. Grants produced from these fees must be available to both public and private entities.

The group spent the last portion of the meeting addressing the "Targeted Questions" which we were asked to address. Many of these questions were already addressed within our initial discussion. Highlights of these questions are below:

- All landfilling should be regarded the same with the exception for the Class III/IV landfills which strive to recycle a certain portion of their materials. These programs should be given credit for their efforts.
- Class III/IV landfills must have scales, better reporting, and be more accountable for their waste stream. This should be part of the permitting process.
- Class III/IV landfills could be access a surcharge, but only if that surcharge is used directly for the net benefit of waste reduction efforts.
- C&D Deposit systems is an issue for municipalities, namely urban areas. The State could provide incentives and education for this.
- Landfill bans are not out. Items such as yard waste, white goods, and organics need further consideration. Complete bans might be an issue for only larger urban areas. Yard Waste bans might be extended for the entire state. Contamination rate of 10% would be needed. Problems with implementation and enforcement still need to be explored. Local government should have the autonomy to ban materials if they choose and have the infrastructure for alternative handling of the material.
- Municipalities must be held equally accountable for all solid waste goals if they are to achieve success. Municipalities hold the majority of the population and the waste. If they are not on board, any efforts will fail.

Work Group – 2 *Public & Private Participation*

This meeting was held in Murfreesboro, over lunch, at the Waste Reduction Task Force Meeting. The topic covered in this meeting, Pros and Cons of public numbers versus private numbers, was determined to be an area needing further discussion during the October 18th work group meeting.

The group discussed Pros and Cons of continuing to use public and private numbers in the calculation of a waste reduction goal. It was agreed upon by all 3 group members present that the enforced waste reduction goal should be for local governments only and that private numbers would not be used to calculate the waste reduction percent for governments. It was also agreed upon by the 3 members present that private industry should be indexed on a periodic basis.

The advantage, of not including private numbers in waste reduction goals, determined by the group was that there would be accurate and verifiable numbers. One member brought up the point that numbers from private entities cannot necessarily be obtained, and even if they are, they can't be used as a representative sample of the entire private entity population. It was discussed that there would also be a cost benefit of not having to spend staff time collecting private numbers. The disadvantage agreed upon by the members present was the perceived issue of lowering the numeric 25% goal in order for

local governments to meet a new lower percentage. This lowering of the numeric percentage goal could be perceived that the need for recycling is not as great because businesses aren't being tracked and the goal has been reduced.

The obstacle determined by the group members to only requiring public entities to meet a lowered waste reduction goal was tradition. Since the 25% mark has been in place, this would be a change in tradition. With change, proper education would be essential to have county commissions, mayors, etc. understand that a drop in the numeric goal does not mean a drop in responsibility for waste reduction. This was agreed upon by the three members present to be a crucial element to the success of lowering a waste reduction goal for counties. It was also recommended that the timeline to implement this would be two years.

Work Group -3 Governments' Role

1. Solid Waste Planning Board Meetings

SUGGESTIONS: Utilizing time wisely and addressing pertinent solid waste issues is critical to the Board's effectiveness; therefore the committee felt certain meeting requirements should be mandatory for the boards.

- Minimum of 2 meetings per year (preferably 3 or more) each region would set and report in annual report.

- Must have a quorum to qualify as an official meeting

- Board must establish attendance rules (to avoid lack of participation)

- Require certain Board meeting agenda items:

 - Requirement - Present status of waste reduction activities in region by municipality.

 - Requirement – Ask if there are any new haulers in region.

 - Requirement - Receive reports from the Technical Committee, which will be explained later.

(Additional related suggestion not discussed in the conference call from Andy Ashford - Perhaps require Boards to provide documentation of board meetings (agendas and minutes) with the Annual Progress Reports)

2. Solid Waste Planning Board Composition

SUGGESTIONS:

- Recommend no change to board membership makeup (appointments).
- Set up minimum of one Technical Committee per region. Multi-county regions may have more than one or one per county.
- Board would invite knowledgeable solid waste management professionals to be members of the technical committee for a period to be determined by the Board.
- Board would develop simple or basic guidelines for the committee to follow so that the committee can provide the appropriate information at Board meetings. (Example: Advice regarding waste reduction opportunities, outlets, companies, technology that may exist within or outside the region, which may assist the board address waste reduction. Also the committee would meet as needed or no less than the number of Board meetings per year. That way there would be something to report at all board meetings.)
- Board members may also be on the Technical Committee (if they are technically knowledgeable about solid waste management)
- The Technical committee would make presentations to the Board at regularly scheduled Board meetings.
- The Board would not be bound by Technical Committee recommendations, as the committee is only to provide insight and information only.

3. Involving non-government waste generators in regional waste reduction

SUGGESTIONS:

- There are large, medium and small waste generators in all municipalities/counties. Start by opening open a dialog with generators. The first step is for the Board to identify the largest (individual) waste generators such as industry, chains, etc., within the municipality/region.
- The Board should solicit the assistance of waste haulers, recyclers, landfills to help identify who the largest waste generators are in the region. (Sources of generator identification would be confidential)
- The Board would then contact the largest waste generators in the region in writing. (Introduce and explain the board's purpose and objective and explain the large generator's role in the region's explain the waste reduction requirements of the region)
- The Board would invite representatives of the large generators to attend Solid Waste Board meetings with the intent of gaining the generators' understanding and/or "buy in" regarding the importance of waste reduction to the region.

4. The waste reduction goal is currently a regional goal. Should individual municipalities be required to achieve the goal?

SUGGESTIONS:

- Recommend requiring municipalities with a population of 4,000 and over to develop solid waste plan.
- 4,000 seems ideal since it would be the size of community where services and infrastructure may be more likely.
- Also, all counties within multi-county regions should be required to develop solid waste plans.
- Best management practices
 - Since many of Tennessee's municipalities/counties/regions do not have the ability to meet the current waste reduction goal of 25%, they should not be penalized or simply left unaccountable (or "off the hook"). A different set of rules or criteria should be developed for this group to follow which is not purely related to the 25%. Example: Have a list of approx. 10 goals related to solid waste management. Such goals would include, but not limited to such things as, minimum requirements for solid waste reduction initiatives, waste reduction education, reporting and even meeting requirements.
 - Since the TDEC Solid Waste Management staff would have better feel for what is going on statewide and would have the necessary insight, we suggest that TDEC staff develop suggestions for best management practices and present to the Task Force for discussion.

5. Revising multi-county regions. (Presented as a Parking Lot matter in the meeting, but we need to make it one of our topics)

SUGGESTIONS:

- Existing multi-county regions should remain intact; however, consideration should be given to separating those multi-county regions which have not met the current 25% waste reduction goals into individual regions.
- Require all member counties within multi-county regions to prepare county solid waste plans.

Work Group -4

Randy Etheridge presented for the Infrastructure and Financial Development work group. The group recently met in Trenton, TN at the Gibson County Gas Utility Building and worked on targeted questions to start bringing the group to consensus on policy points related to their subject matter and general positions based on previous presentations. The following is what the group came to agreement on and was presented to the Task Force.

CONSTRUCTION AND DEMOLITION TARGET QUESTIONS

1. Is all landfilling the same as Class I landfilling (Landfilling is landfilling)? If so, what should be done to address this?
 - A. Yes, the Workgroup agrees that Landfilling is Landfilling.
 - B. Provide annual disposal amounts in Annual Progress Report each year as we are currently doing using a volume conversion (no scales present). Reasoning: Volume conversion over a year will average and get a fairly accurate tonnage amount.
2. Should scales be required to be installed at all Class III/IV landfills? (This would require collecting amounts by weight/ton not by volume/cubic yards.)
 - A. Scales should be encouraged but not required. Maybe target the larger Class III/IV landfills at some threshold and require scales. This may ultimately help financially the smaller host counties. The thinking is that the larger Class III/IV landfills are located in the larger counties. By requiring a scale at the larger facilities, it might encourage the transporting to smaller landfills helping them financially and spreading the waste around through better economy of scale.
3. Should Construction and Demolition be counted as disposal if landfilled (not reused or recycled)?
 - A. Yes, again landfilling is landfilling
4. Should the State charge a surcharge on Class III/IV disposal? If so, how much?
 - A. Yes, with one qualification this is: local governments programs should be exempt of surcharge to prevent an apparent double taxation.
 - B. Surcharge amount should be tied to the Solid Waste Assistance portion which is currently \$0.90 and should go up or down as the SWAP surcharge does. The reasoning is that the Environmental Protection Fund or EPF already pays for the inspection of the Class III/IV facilities and is not needed.
5. Should the California Construction and Demolition Deposit system model be enacted?
 - A. Yes, this should definitely be pursued. Legislative action should give the power to local governments to do this, but should not be required or forced upon local governments. Local governments using this type program should receive credit in any qualitative goal review.
6. Should tax breaks be given to construction and demolition recyclers?
 - A. Look into Canadian model (Mark Kinsey will look into it). The Workgroup agreed that it needs more discussion to decide. Maybe it ought to be used as an incentive.
7. Should the State require Class III/IV origin reporting similar to the Class I origin reports?
 - A. Yes, again landfilling is landfilling.
8. Should air curtain destructors or pit burners be considered as waste reduction efforts as are currently allowed with the markets available for recycling these materials?
 - A. Yes, the Solid Waste Disposal Control Board has already ruled on this and should be respected.
 - B. Also, Material Derived Fuel (MDF) or Waste-To-Energy (WTE) should definitely be considered as positive also.
9. What should be the construction and demolition goal and the timeline for implementation of it?

- A. Five year implementation plan. The first step should be to increase the level of segregation of waste at these facilities (because the waste going to the Class III/IV landfill has already started this process) for future reclamation and use and stored in all future new cells. Maybe provide incentives to them for doing this as a Participation goal. Reduction Goal: At least maintain existing Class III/IV disposal tonnage rate for two years, then reduce disposal tonnage rate by a small percent for two years and then re-assess disposal rate for year and then repeat process again over the next five years.
10. Should the State implement deconstruction initiatives? If so, what?
- A. Yes
- B. All new government contracts should have a required deconstruction plan that promotes waste reduction.
11. Should the State fund future studies on waste stream analysis? A.
- Yes, every five years.
12. Should the State require local governments (city or county) to accurately report construction and demolition wastes that are generated?
- A. Yes, the State and local governments should continue to improve on current reporting.
13. Should a construction and demolition disposal tax fund infrastructure for local governments?
- A. Yes, but steps should be taken to keep this money from entering the general fund and it should be directed strictly to an enterprise fund account for solid waste and recycling.
14. Should construction and demolition be diverted to construction and demolition recyclers for credit on any waste reduction goal?
- A. Yes
15. Should host counties of Class I landfills be required to haul out construction and demolition to Class III/IV facilities or establish Class III/IV facilities if they do not have one?
- A. No. absolutely not.
16. Should the State require at least a minimum of 50% of construction and demolition waste be used as Alternate Daily Cover (ADC) or recyclables at Class I landfills?
- A. It should be encouraged with economic incentives.
17. Should the State require 50% of construction and demolition materials at construction and demolition processing facilities be used (required) for beneficial end use?
- A. It should be encouraged with economic incentives.
18. Should the State give local governments the jurisdiction/ability to write construction and demolition ordinances similar to California and others?
- A. Yes.
19. How should local level public education on solid waste/construction and demolition be handled?
- A. Encourage TNSWEP to partner with the Litter Grant money locally with local government input. Possibly have a required curriculum addition to school program for a locally determined range of grades to be conducted on a yearly basis. This curriculum should be developed by TDEC in conjunction with Department of Education.
20. Should incentives and legislation for green building by local and State government projects be required in all grants and loans the State sponsors?
- A. It should be encouraged with economic incentives.
21. Should sales tax exemptions be enacted for recycling related equipment?
- A. Yes, it should apply to any equipment used directly for recycling.
22. Should those taking construction and demolition to Class I facilities instead of Class III/IV facilities be penalized? Should this also pertain to disaster debris management?
- A. No, landfilling is landfilling.

- B. Local government should follow their FEMA 325 plan and their solid waste plan on disaster debris management.
23. Should incentives for use of on site of construction and demolition materials be enacted? If so, what?
- A. Yes, along as environmentally sound and safe from a RCRA standpoint. Specific incentives should be defined.
24. Define construction and demolition waste(s)
- A. Deferred. Should possibly be broken into Construction and then Demolition. Thoughts are that this has already been defined and we ought to look at this first.

GENERAL SOLID WASTE/WASTE REDUCTION QUESTIONS TO ANSWER

1. Are solid waste bans out? If not, where should they be enacted (State, Local, by Landfill)?
 - A. Landfills should decide on banned material based on market and regulatory conditions. Local governments should implement as infrastructure allows as well as local politics. Any locally enacted bans should be counted towards waste reduction efforts qualitatively.
2. Should specific authority be given to local governments to ban materials from landfill?
 - A. Yes
3. Define landfill ban (What "contamination" level is acceptable? Etc.)
 - A. RCRA definitions are in place already so use it, otherwise let banning authority decides.
4. Should law be enacted to provide tax incentives to businesses for recycle content and reducing waste streams?
 - A. The group believes that the sales tax recycling equipment incentive should work better. Businesses already solicit and receive the tax incentives to do what they want. Thus, it may not be effective because of this.
5. Should municipalities be held equally responsible for any waste reduction/solid waste goal?
 - A. Yes, Municipalities that have solid waste management systems should be required to prepare and manage a solid waste plan.
6. Should municipalities of _____ population be required to prepare a municipal solid waste plan?
 - A. Municipalities that have solid waste management systems should be required to prepare and manage a solid waste plan.
7. Should municipalities contact private industry for plans on handling municipal solid waste in their regions?
 - A. Already being done is the group's general consensus.
8. Should grants be established to help launch new employees at recycling facilities?
 - A. Yes, a one-time receding grant over three years.
9. Should we primarily focus on the top 10 counties that generate (65% of) waste?
 - A. Yes
10. Should we start at twenty-five percent (25%) waste reduction or recycling based on the participation of group's discussions?
 - A. State should reassess what the current public recycling numbers are compared to disposal numbers and set an appropriate target percentage at that point.
 - B. Everyone should meet goal prior to moving forward on a statewide goal. In other words all other must be up to standard with everyone else.
11. Define waste reduction or recycling and how to quantify for any goal that would involve this method.

- A. There should be several categories with local governments having to meet a set majority based on their local conditions. Categories would include but not be limited to: Waste Reduction Rate, Minimum levels of service, financial goals (enterprise fund accounting), staffing goals, program goals, disposal reduction goals, C&D goals, BOPA-E management goals, etc.

INFRASTRUCTURE AND FINANCIAL DEVELOPMENT (PARTIALLY COMPLETE)

Facilitators: Take the discussion notes and expand repeating themes.

Facilitators: Ask the interrogatives on the expansion of repeated themes (Who, What, When, Where, Why, and How) to more clearly identify groups recommendations.

1. Should there be a minimal level of infrastructure for local governments? If so, what?
 - A. Require solid waste director or recycling coordinator [with at least 55% of duties are related to solid waste] (fund with pilot program grant 3-2-1 mentioned earlier), minimum number of convenience centers, recycling system of some type available to all citizens consisting of: some fiber category, some metal recycling and management of required problem waste.(BOPA-E)Tires.
2. How should an integrated solid waste management system be implemented and measured?
 - A. Ramp up over time (baby steps), core system should consist of collection, separation, segregation, producing products (commodities), managing outputs (wastes).
3. What level of solid waste planning should be done by the solid waste planning regions and its constituents?
 - A. By county/ local government only.
4. How should goal initiatives be funded and sustained?
 - A. Surcharge on Class I and III/IV landfills, enterprise fund accounting on all host fees collected and solid waste revenues, run fund as a utility and not hide costs in the budget.
5. Should all solid waste activities be under an enterprise fund accounting or full cost accounting?
 - A. Yes, emphatically
6. Should solid waste be treated like any other utility and be under the direction of a utility type board or expand existing Solid Waste Disposal Control Board powers to review of financial audits etc. like the water and wastewater financing board and or utility management review board who review finances, require rate increases, changes in management to effectuate a positive fund balance for the utility?
 - A. TABLE FOR LATER
7. Should counties that host Class I landfills and receive free landfill be subject to a special host surcharge for solid waste to slow disposal?
 - A. No.
8. Should the State/County/Municipalities take a serious look at Pay as You Throw?
 - A. No but should be a local decision.
9. Should we look at something like Recycle Bank?
 - A. No.
10. Should we enact product stewardship legislation? If so, what?
 - A. Use existing product stewardship (ISO 14001, ISO9000, examples)

The group still needed to address the remainder of their questions and put the questions in policy point format as described below.

Andy Ashford requested a Best Management Practice FAQ sheet on waste reduction prior to the next meeting. TDEC will start working on compiling this. Also, a spreadsheet template that would address the entire policy point model for recommendations would be compiled and presented to the work groups to assist them in bringing their policy points to closure.

After all groups presented Don McCain asked that prior to the next meeting the groups would take their recommendations and use the following model to draft their recommendations.

1. Align recommendation to objectives
2. Advantages and Disadvantages (Pros & Cons reviewed)
3. Resources required to put in place
4. Cost/Benefits
5. Obstacles and barriers along with Tactics to overcome
6. Implementation Actions

After reviewing the meeting and setting a date for the next meeting the Task Force was adjourned until the next meeting to be held February 21, 2008.