

Scott County

Municipal Solid Waste Planning Region

2009 Qualitative Review



Tennessee Department of Environment and Conservation
Division of Solid and Hazardous Waste Management
Solid Waste Assistance Programs
401 Church Street, 5th Floor
Nashville, Tennessee 37243

Introduction

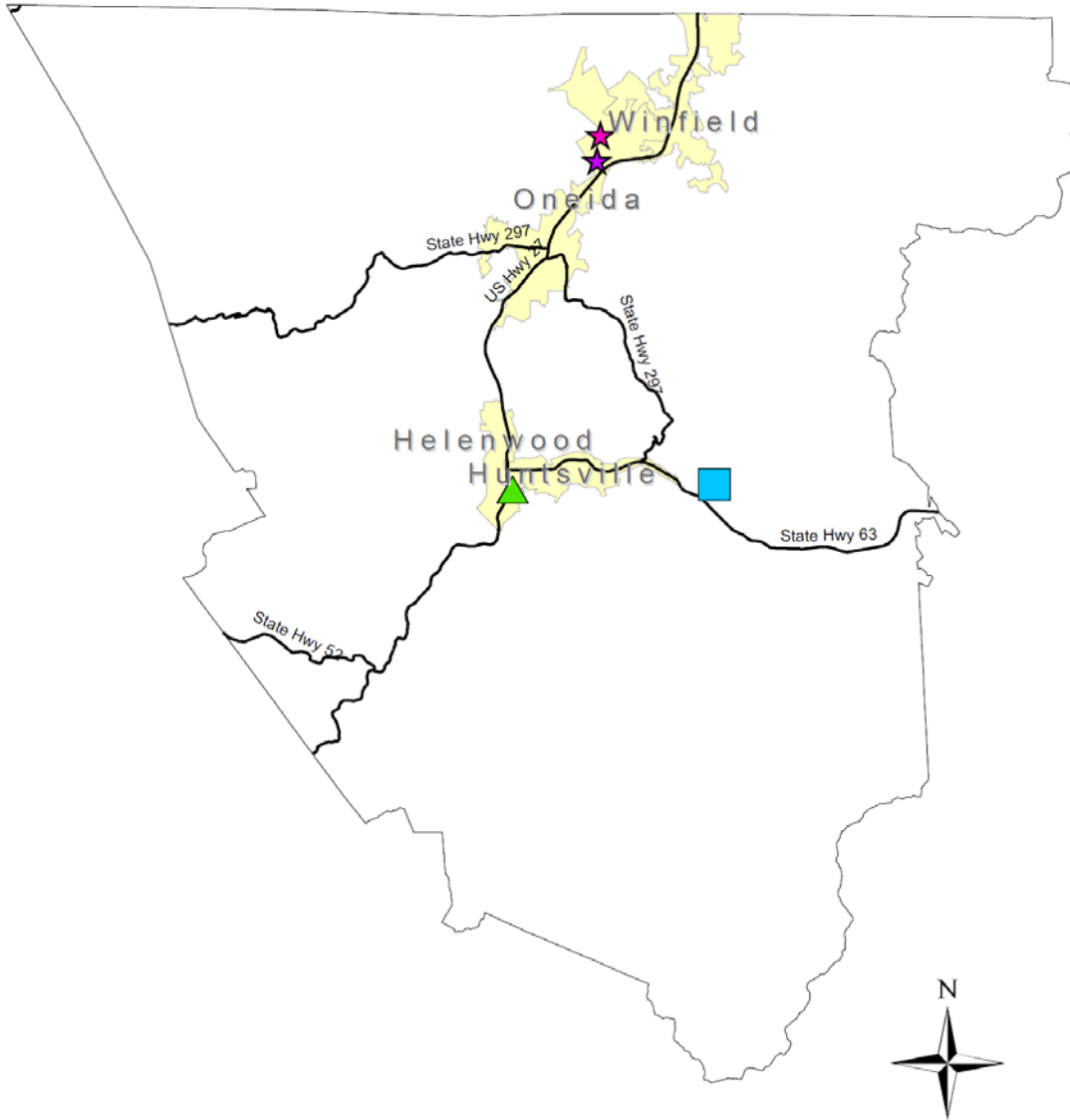
Tennessee's *Solid Waste Management Act of 1991* (SWMA) required solid waste regions to achieve a twenty-five percent (25%) waste reduction and diversion goal for solid waste going into Class I landfills by December 31, 2003. Under T.C.A. § 68-211-861, the basis for determining compliance with this goal was based on a per capita reduction measurement that may be adjusted for economic or population trends, or by a qualitative assessment that evaluates whether the region had comparable progress to those of similar regions that made the goal. Until 2003, the need to define the qualitative assessment was not necessary since there were no regions out of compliance. After the 2003 reporting period, 34 regions failed to meet the 25% waste reduction and diversion goal, which necessitated the promulgation of rules describing the methodology for qualitative assessment of regions failing to meet the per capita base year reduction and diversion. These rules became effective August 6, 2006.

The first step in the qualitative assessment process is to determine if the failing region met the 25% waste reduction and diversion goal using the real-time methodology. This method is calculated annually by dividing the total amount recycled and diverted from Class I landfills by the total generated waste stream. If the region did not meet the goal through this process, the region is then reviewed in order to determine if a "good faith" effort was made toward compliance and if their programs and solid waste infrastructure are qualitatively equivalent to like regions of similar population and economic characteristics who have achieved the goal.





In 2009, five regions failed to meet the goal by either base year or real-time methods. With a base year reduction of -20% and a real-time diversion rate of 21%, the Scott County Municipal Solid Waste Planning Region was one of these regions. The regions selected for comparison with Scott were DeKalb and Macon.

On February 17, 2011 Division of Solid and Hazardous Waste Management staff members Matt Maynard and Ashby Barnes visited with Scott County Executive, Jeff Tibbals and Materials Recovery Facility (MRF) Manager, David Jeffers to discuss all facets of the solid waste management programs. Visits were made to the convenience center/MRF. The equipment at this facility was examined and noted.

Scott County Solid Waste System



Facilities

-  Material Recovery Facility (MRF) & Convenience Center
-  Re-use Center
-  Roberta Class I Landfill (Still in Permitting Process as of 3/1/2011)
-  Volunteer Regional Class I Landfill

As of March 1, 2011

Solid Waste Facilities and Infrastructure

Every county in Tennessee is required by law to provide a minimum level of waste reduction and waste collection assurance. Scott County's solid waste collection and recycling programs serve a population of 21,866 and an area of 532 square miles. The minimum number of convenience center sites required by state statute, based on Scott's population, is calculated at one location.

The convenience center is located at 735 Scott High Drive in Huntsville and is open 8 am to 4:30 pm Monday through Friday, and 8 am to 12 pm on Saturday.

The convenience center is well maintained and equipped with compactors and sufficient receptacles to handle the waste. After compaction, the waste is picked up and hauled to the Volunteer Regional Landfill operated by Waste Connections, Inc. As part of the landfill hosting agreement, Scott County does not pay to dispose of their waste at the landfill.

This site also has an open top roll-off container, a 500-gallon tank for used oil, and Gaylord boxes for collection of cardboard, newspaper, office paper and magazines, #1 – #7 plastics, aluminum cans, and scrap metal. This site also accepts electronics, latex and oil-based paint, lead acid batteries, and tires. There is a can crusher and two vertical balers used to bale all of the recyclables for storage and transportation. MRF Manager David Jeffers handles the marketing of these materials. The county recycles its used oil in an oil heater system at its Road Department Garage.

Scott County staffs and operates their convenience center and MRF and takes in revenue from the sale of the recyclable commodities collected. These commodities are consolidated, baled and stored prior to being shipped or picked up by various recycling companies. The MRF consists of one building that houses all of the equipment and stored commodities, and although it is relatively new, it has quickly outgrown its capacity.



Photograph 1: View of the Scott County Convenience Center

The county has begun placing bins in its office buildings and schools for the collection of mixed paper, plastic, and aluminum cans. These items are then taken to the MRF for consolidation.

Recycling information is presented to the schools annually, as well as at the Scott County Fair.

The Scott County Solid Waste Department does not have a manager; the duties are shared between David Jeffers, the MRF manager, and Robert Byrge, who runs the convenience center with one other staff member for a total of three full-time employees.

There are four private haulers in Scott County that offer household disposal pickup to the rural residents of the county. Based on our conversation with Mayor Tibbals, these waste haulers may sort through the waste to get recyclable material, but they do not report recycling amounts to the county.

Scott's county seat is Huntsville which has a population of 1,128. According to Mayor George Potter, the city of Huntsville runs one garbage truck that conducts curbside disposal pickup for residents once a week with four part-time employees. Huntsville takes the waste directly to the Volunteer Regional Landfill. The city pays a tipping fee to dispose of their waste at the landfill.

The municipality of Oneida has a population of 3,832. According to Mayor Jack Lay, the city of Oneida runs two garbage trucks that conduct curbside disposal pickup for residents with five full-time employees. Oneida takes the waste directly to the Volunteer Regional Landfill. As part of the landfill hosting agreement, the city does not pay to dispose of their waste at the landfill. Oneida recycles its used oil in an oil heater system at its maintenance garage.

The municipality of Winfield has a population of 917. According to the City Recorder, Robyn McBroom, the city contracts with a private hauler to provide curbside disposal pickup to residents as well as businesses located within the city limits. Ms. McBroom said the private hauler may separate out recyclable material from the waste; however, she was not certain of this.

None of the three municipalities have established recycling programs.



Photograph 2: Convenience Center Used Oil Collection Tank

Financial Information

T.C.A. § 68-211-874(a) states that 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. According to the Fiscal Year 2008-2009 Annual Financial Report of Scott County Tennessee performed by the Tennessee Comptroller of the Treasury, the county operates a special revenue fund to account for its solid waste program. The solid waste financial information was examined by department staff.

Revenues

Charges for Current Services	\$129,479
Other Local Revenues	\$6,575
State of Tennessee	\$44,197
Total	<u>\$180,251</u>

Expenditures

Recycling Center	\$111,185
Post Closure Care Costs	\$21,375
Litter and Trash Collection	\$11,978
Principal on Debt	
General Government	\$7,667
Interest on Debt	
General Government	\$1,708
Total	<u>\$153,913</u>

* Excess (Deficiency) of Revenues..... \$26,388

Fund Balance, July 1, 2008	\$81,232
Prior-period Adjustment	\$149,896
Fund Balance, June 1, 2009	\$257,466

Scott County's revenues for Fiscal Year 2008-2009 were \$6,978,262 and the total expenditures were \$7,217,183. The county's solid waste revenues were \$180,251 and the solid waste expenditures were \$153,913. The solid waste revenues were 2.6% of the total county revenues and the solid waste expenditures were 2.1% of the total county expenditures.

From a solid waste management standpoint, the expenditures and revenues appear to be in line with state mandates. Scott County's solid waste revenues and expenditures were found to be financially solvent.

Environmental Field Office Report

The Knoxville Environmental Field Office inspected solid waste facilities in Scott County, both county and privately owned, 22 times in 2009 and 17 times in 2010. According to records of the Division of Solid and Hazardous Waste Management, there are two notices of violation (NOVs) pending for Scott County in 2010 and five in 2009. These NOVs all occurred at the privately owned Volunteer Regional Landfill. The violations were corrected and the NOVs have all been resolved.

Solid Waste Planning Board

The Solid Waste Management Act states that every solid waste region in the state must appoint a regional municipal solid waste planning board, composed of representatives of each county and each city which participates in the solid waste planning region. The Municipal Solid Waste Planning Region Board is responsible for accurately reviewing and approving annual progress reports and is instrumental in the approval process for any new solid waste permits for the region. At a minimum, having an active board that meets with regularity is vital to complete these tasks. The planning board is also responsible for developing MSW solid waste plans, assessing disposal capacity, collection assurance, providing for solid waste education, and assisting in other aspects of integrated solid waste management. Duties and powers of the municipal solid waste planning board are spelled out in T.C.A. § 68-211-813 thru 815.

Recently elected Scott County Mayor Jeff Tibbals stated that the planning board has not met during his eight months in office, and it has not met for a very long time. One member of the board is deceased and has not been replaced. Five other board members are no longer on the county commission and may be replaced. Mayor Tibbals is working with Mitch Loomis of the East Tennessee Development District to make the planning board more active.

Analysis of Local Conditions

In 1995, the State of Tennessee averaged 1.3 tons per capita of municipal solid waste placed into Class I landfills. By contrast, in 1995, the Scott County Municipal Solid Waste Region (the Region) reported 15,854 tons of waste going into Class I landfills, or 0.81 tons per person. A 25% reduction of this value would require a disposal rate of 0.61 tons per person per year. In 2003, the goal's effective year, the Region reported 21,634 tons of Class I waste, or .99 tons per person. The reported Class I waste was 21,267 tons (0.97 tons per person) in 2009. The State of Tennessee averaged 0.98 tons per capita in 2009. Over the last 15 years, the Region's population has risen slightly while their Class I disposal has fluctuated a great deal over the past seven years.

As noted in the 2006 Qualitative Assessment, In the years from 1996 through 2002 the county reported values of 0.6 to 0.7 tons per capita per year disposed of at Class I landfills predominately located within the county. In 2003, the numbers reported became more erratic. In 2004 the reported disposal was an extremely low 0.24 tons per capita. According to Volunteer Regional Landfill, Scott County disposed of 22,850 tons of waste in 2003 as reported in the Solid Waste Origin Report. The [2004] Annual Progress Report listed only 5,134 tons going to this landfill. The number submitted by the report author was a 76% drop from the previous year and should not have been accepted by this office without strong supporting documentation. The lack of documentation for self-reported values significantly lower than those in the Solid Waste Origin Reports in 2005 and 2006, lead to the decision by department staff to use these reports values as the official tonnages used for waste reduction calculations. This accounts for the spike in disposal seen on the chart in 2005.

The Region has been previously assessed for failing to meet the 25% waste reduction goal. In 2006, the Region was found to be not equivalent to their comparison counties due to a lack of waste reduction programs and infrastructure. Since the 25% waste reduction goal was met in 2007, no further action was taken.

Since 2003, data provided in the County Recycling Report of the Annual Progress Reports has shown changing emphasis in the residential, commercial, institutional, and industrial sectors of recycling reporting.

From 2003 to 2009, an average of 492 tons of publicly collected recyclables was recorded by the Region. The smallest amount of publicly collected recyclables recorded in this time period was 88 tons in 2004 and the largest was 1,091 tons in 2006. In 2009, reported commodities were 496 tons.

Residential municipal solid waste makes up a total of 75% of the Region's waste stream placed into Class I landfills according to data from the 2008 County Needs Assessment. In 2009, only 4% of all reported recycling efforts within the Region were from residential sources allowing for many opportunities to make gains in this sector.

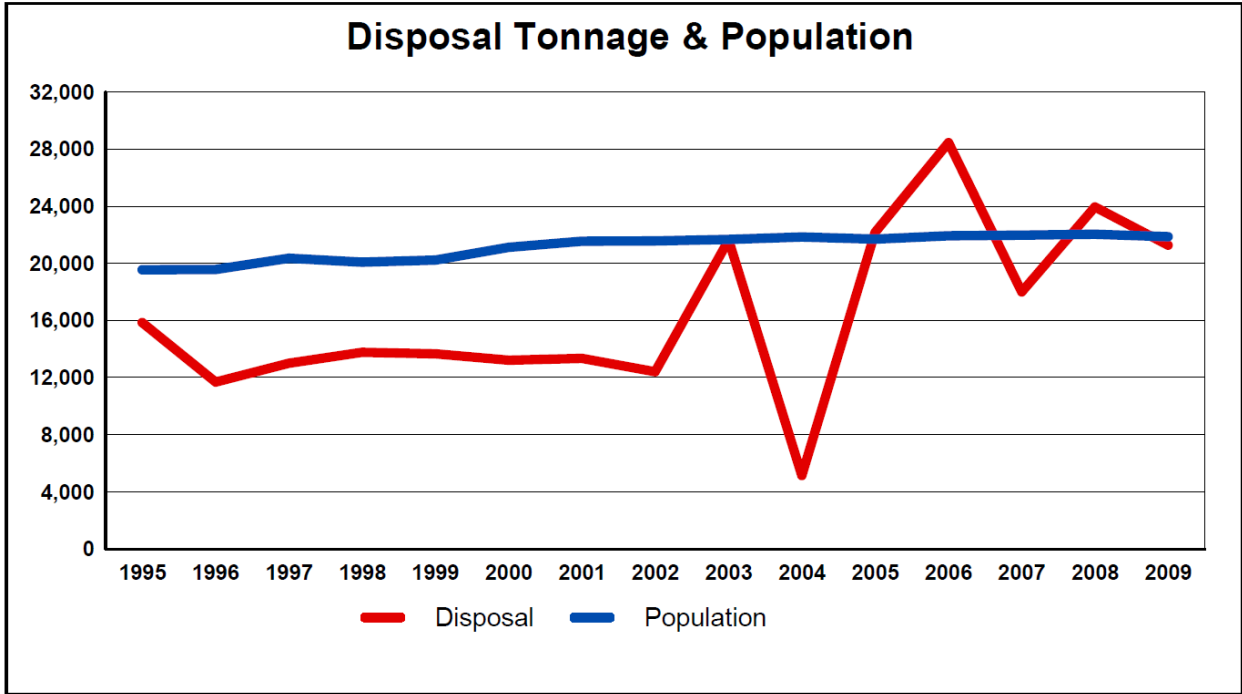
No recycling by institutional entities has been recorded since the goal's effective year of 2003.

Recycling by commercial entities has fluctuated slightly but has shown an overall increasing trend since 2003.

The Region only began reporting recycling by industrial entities in 2007. However, since then, it has accounted for the largest percentage of recycling among all the categories, both public and non-public. In 2009 there was a 50% decrease in reported industrial recycling from the amount recorded in 2008. This decrease was primarily due to the loss of reported recyclable material from one manufacturer that idled their plant due to the economic downturn.

Statistics

Year	Population	Disposal	Tons Per Capita
1995	19,550	15,854	0.81
1996	19,575	11,690	0.60
1997	20,364	13,000	0.64
1998	20,075	13,765	0.69
1999	20,239	13,656	0.67
2000	21,127	13,220	0.63
2001	21,548	13,338	0.62
2002	21,558	12,400	0.58
2003	21,675	21,634	1.00
2004	21,838	5,134	0.24
2005	21,686	22,158	1.02
2006	21,926	28,447	1.30
2007	21,973	18,007	0.82
2008	22,039	23,950	1.09
2009	21,866	21,267	0.97



Comparison Counties

Based on the Scott County Municipal Solid Waste Planning Region’s reported Class I disposal and tons diverted, the region failed to meet the 25% waste reduction and diversion goal in 2009. Therefore, the Department was required to assess the activities and expenditures of the region, and local governments in that region, to determine whether the region’s program is qualitatively equivalent to other regions that met the goal, and whether the failure was due to factors beyond the control of the region. This qualitative assessment method, prescribed by the Department and approved by the Municipal Solid Waste Advisory Committee, was promulgated as a rule in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. The two regions selected for the comparison were DeKalb and Macon.

DEKALB COUNTY MUNICIPAL SOLID WASTE PLANNING REGION (the Region) achieved the waste reduction and diversion goal in 2009 with a base year reduction of -12% and a real-time diversion rate of 31%. The county has a 1.16 per capita disposal rate for 2009, compared with 0.89 per capita in 2008.

DeKalb County collects municipal solid waste through seven convenience centers that are spread throughout the county. The convenience centers collect waste in compactors and roll-off units. Three of the seven sites collect paper and plastic from the public. The Snow Hill Convenience Center also collects metal and glass. All convenience centers accept tires and six centers accept used oil.

Plastic and paper are collected at the convenience centers by way of segregated roll off containers, while open top roll-offs are available for bulky goods such as metals and

white goods. Forty-yard open-top containers are used to collect corrugated cardboard at convenience centers that receive higher volumes of this material.

The materials recovery facility (MRF) located at the site of the old county landfill is where paper, plastic and corrugated cardboard are baled and sent to market. The MRF contains a single horizontal baler and was in desperate need of renovations. Because the county had very little storage space for the finished bales, they were stored outside.

Staff in the mayor's office markets all recyclables directly to buyers to gain top price for the commodities.

The county owns and operates a Class I and Class III landfill. Only DeKalb county waste is allowed to enter the landfill. In 2008 the landfill underwent an expansion and, as of the date of this report, has 12 years of life remaining at current disposal rates.

The municipalities of Liberty and Alexandria run a small scale curbside collection route. Combined, these two municipalities have less than 1,000 residents. The largest municipality, Smithville, operates a curbside collection program as well. Their population is just under 4,000 people. Waste from these three cities is transported directly to the DeKalb County Landfill. The citizens of these municipalities utilize the county convenience centers for collection of recyclables.

DeKalb County operates an Enterprise fund for the operation of its landfill and sanitation programs. Estimated total revenues for Fiscal Year 2009-2010 were \$12,016,005 and total expenditures were \$4,168,680. The county's solid waste expenditures were \$2,225,588 and the solid waste revenues were \$1,435,721. The Fiscal Year 2008-2009 annual financial report prepared by external auditors stated that the Solid Waste Disposal Fund's deficit resulted in recognition of a liability for costs of closing the county's landfill and 30 years of post-closure monitoring. The auditor's finding stated that the deficiency of funds existed because of failure to provide adequate funding for the liability and recommended that the county should implement a plan that would fund the deficit in unrestricted net assets. The solid waste expenditures were 15.7% of the total county expenditures and the solid waste revenues were 11.9% of the total county revenues.

MACON COUNTY MUNICIPAL SOLID WASTE PLANNING REGION (the Region) achieved the 25% waste reduction and diversion goal in 2009 with a real-time diversion rate of 90%. This was achieved with an extremely low 0.27 tons per capita disposal ratio. The county has had consistently low Class I disposal numbers over the past ten years.

Macon County maintains one transfer station and one recycling center with three full-time employees. The transfer station and recycling center are both located in Red Boiling Springs and are open from 8 am to 3 pm Monday through Friday. Macon County does not offer any curbside household waste pick-up. The transfer station is the only waste disposal site in the county. The county charges fees to their residents for

accepting household solid waste, tires, and oil based paint. Once collected and compacted at the transfer station, solid waste is taken to Smith County's Class I landfill for disposal.

The recycling center accepts corrugated cardboard, mixed paper, aluminum and tin cans, #1 and #2 plastic, appliances, electronics, mixed metals, batteries, anti-freeze, paint, tires, and propane cylinders. The county does not collect used oil, but there are four private used oil collection locations throughout the county that accept oil free of charge.

In addition to the transfer station and recycling center, the county has four unmanned recycling drop off locations throughout the county. These recycling drop-off locations accept corrugated cardboard, mixed paper, aluminum and tin cans, and #1 and #2 plastic.

There are three private haulers that offer optional subscription based household waste pick up throughout the county.

Macon County operates two roll-off trucks, one to service their recycling drop off location and one to haul the waste from the transfer station to the Smith County landfill.

The town of Lafayette has one full time solid waste employee and provides curbside waste collection for their residents, but no commercial waste collection. Commercial waste pickup is handled by private waste haulers. The residential waste is taken straight to the Smith County landfill. The town provides brush pickup but does not have any recycling programs. Local businesses have a corrugated cardboard collection service operated by a regional recycling company, North Central Recycling.

The town of Red Boiling Springs has two part-time solid waste employees and two trucks. The town provides a variety of curbside solid waste collection options for local residents, local businesses, and residents just outside the city limits. The customers have a choice of frequency of waste pick-up. Once the waste is collected, it is taken straight to the Upper Cumberland landfill. Red Boiling Springs does not provide brush pickup, nor does it have a recycling program.

Macon County's estimated total revenues for Fiscal Year 2008-2009 were \$9,578,469 and the total expenditures were \$9,260,517. The county's solid waste revenues were \$197,186 and the solid waste expenditures were \$233,214. The solid waste revenues were 2.1% of the total county expenditures and the solid waste expenditures were 2.5% of the total county revenues.

The solid waste financial information for Macon County was examined by Department staff. The county's solid waste revenues and expenditures were found to be financially solvent. The deficiency in revenues shown above was covered by the existing fund balance for the Solid Waste/Sanitation Fund of \$47,707.



Photograph 3: Vertical Balers at the Scott County MRF

Qualitative Equivalency

As stated earlier, T.C.A. § 68-211-861 requires each municipal solid waste planning region to achieve a 25% waste reduction and diversion goal for solid waste going to Class I landfills. The Fentress County Municipal Solid Waste Planning Region's perceived failure to realize this goal caused the Department to assess the Region's solid waste reduction program activities and expenditures to determine if it was qualitatively equivalent to other comparative regions that did reach the reduction goal.

During this qualitative assessment and visit to Scott County and its municipalities by Department staff, the Region's waste reduction programs were determined to not be qualitatively equivalent to those of the comparative regions. Scott County and its municipalities have viable waste collection and disposal systems but the recycling and waste diversion infrastructure is lacking. Department staff noted some areas of the system that can be improved. These areas are discussed further in the "Recommendations for Improvement" section of this document.

Needs Assessment

T.C.A. § 68-211-811 required the development districts to submit a district needs assessment for each county in the district by September 30, 1992. These needs assessments, to be conducted by the development district staff, shall be revised to reflect subsequent developments in the district by April 1, 1999, and every five years thereafter. Scott County's most recent Needs Assessment was completed by the East Tennessee Development District in 2008. This Needs Assessment states that Scott County's population will continue to grow slightly with a rate of approximately 4% as the more mountainous areas are developed. The county will continue to experience a large

increase in retirees that will shift some of the taxes being spent to more environmental programs that will create more opportunities to divert waste from Class I landfills.

According to the Needs Assessment, residential solid waste makes up approximately 75% of the county's waste stream. However, the county has been relying on commercial and industrial recycling to meet their 25% waste reduction and diversion goal. These categories have been subject to economic downturns in the past, and will remain so in the future. Therefore, the county must be prepared to increase recycling participation by the public at large and not rely too heavily on commercial recycling to meet the 25% goal.

The Needs Assessment indicates that when attempting to increase public recycling, there are two main problems the county and its municipalities face. While there are residents outside of Huntsville that may wish to recycle, it is not convenient for many of these residents since the only recycling collection point is in Huntsville. The recycling infrastructure is not there to support public recycling.

Secondly, while no official survey has been done to determine local interest in recycling, the Needs Assessment stated that "The long time residents of the county were not raised with recycling efforts and do not see the need to recycle any items that can be simply put into the garbage can." An additional problem with achieving the waste reduction goal is given: "One of the reasons for reluctance in recycling is that the Region is a host county for the regional landfill and they are not being charged for their Class I waste. There is no incentive to recycle unless the sale of the materials can make the program break even."

Two possible solutions to the lack of public participation are educating the children so that they begin to recycle and carry this with them into adulthood. The other is to have a "Pay As You Throw" program. However, according to the Needs Assessment, "the county leaders will not even discuss this option at the present time".

One way the Needs Assessment recommended improving future public diversion efforts was that Scott County should build a new convenience center outside of Huntsville, in the Mountain View area.

In summary, the Needs Assessment says that the largest obstacle to increasing waste diversion is that there is no economic incentive to reduce waste. The county does not have to pay to dispose of their solid waste due to the landfill hosting agreement with Volunteer Regional Landfill. Therefore, "Scott County continues to rely upon the commercial and industrial sectors to provide enough reduction in order to meet the 25% reduction. The problem that has come up in the past is that the economy can affect the recycling efforts of these private entities. The county needs to continue to find methods to increase recycling opportunities without new revenue sources. That is the only way that the governmental leaders will allow such programs to exist."



Photograph 4: Commodities Stored at the Scott County MRF

Directives for Improvement

The Scott County Municipal Solid Waste Planning Region has not consistently met the 25% waste reduction and diversion goal over the last seven years. The reported Class I solid waste disposal tonnage and per capita disposal rate have also been very inconsistent over this period. However, prior to 2009, Scott County had achieved a real-time reduction rate of 27% in 2008 and 32% in 2007. Even so, the following are areas that the county must address:

- The Region's solid waste planning board must take an active role in the county's waste management effort, as provided by T.C.A. §68-211-813. In addition, the board must adopt resolutions prioritizing materials to be recycled instead of landfilled as well as improving current waste reduction and diversion infrastructure and programs. All board positions and terms in office must comply with T.C.A. §68-211-813 and the approved Scott County Municipal Solid Waste Plan.
 - By January 1, 2012, the region must submit to the Division all new board appointments, terms of office and member contact information as described in T.C.A. §68-211-813(2)(6).
 - By March 31, 2012, the region's solid waste planning board must review, update, and submit for approval a revision to the Scott County Municipal Solid Waste Plan detailing all four local governments' responsibilities for waste management within the Region including recycling, diversion and disposal as described in T.C.A. §68-211-815.

- Scott County must evaluate filling the vacant solid waste director's position. Having a dedicated position in charge of the county's waste management program greatly enhances the Region's ability to plan and direct improvements/changes; manage daily operations; maintain and report required information involving waste collection and disposal; promote recycling; and market recyclables.
 - By January 1, 2012, the Region must provide a summary of decisions reached concerning the solid waste director's position.
- By March 31st of each year, the municipalities must report their accomplishments towards their designated responsibilities to the Region, in accordance with the Scott County Municipal Solid Waste Plan.
- The Region must increase waste reduction education in the Region. All local governments should begin using its newspapers, websites and free social networking sites to help educate and inform residents of the waste reduction efforts such as available recycling programs, facility locations and hours, and other program related information.
 - By March 31st of each year, detail all education activities in the Annual Progress Report.

Recommendations

- The Region's solid waste planning board should meet at least twice a year. Summaries of these meetings should be submitted to the Division within 30 days of the meeting until December 31, 2013.
- The Region should expand the recycling program. Additional collection points are needed to better serve the citizens, particularly in the populated northern areas of the county. Possible sites for these collection points might include locations in close proximity to the schools and at retail centers. Partnerships with all municipalities should be explored to provide improved recycling services.
- The county should expand the size of the MRF. A larger facility would allow for increases in amounts of material processed and provide for additional storage and safety.
- The Region should eliminate erratic reporting within the Annual Progress Report in regards to County Recycling Reports that detail activities of the private sector. All local governments should coordinate with area business and industry to provide consistent reporting on a year to year basis.
- All local governments should work with area business and industry to provide corrugated cardboard collection from high volume generators to maximize the collection of this valuable commodity.

- The Region should contact the Recycling Marketing Cooperative for Tennessee (RMCT) for technical assistance for improvement in all aspects of their recycling programs including commodity collection, material quality, handling, marketing, and program expansion. RMCT can also provide system analysis recommendations to assist in attainment of the 25% waste reduction and diversion goal.
- The Region should be aware of all solid waste disposal, recycling and diversion operations in Scott County. This includes coordinating with local waste haulers and processors to obtain data on any recycling and waste diversion activities with which they are involved.

Conclusion

T.C.A. § 68-211-861 requires each municipal solid waste planning region to achieve a twenty-five percent (25%) waste reduction and diversion goal for solid waste going to Class I landfills by December 31, 2003. The Scott County Municipal Solid Waste Planning Region failed to meet the required goal in calendar year 2009. This failure caused the Department to qualitatively assess the Region's solid waste reduction program activities and expenditures to determine if it was qualitatively equivalent to other comparative regions that did reach the goal.

After reviewing the Scott County Municipal Solid Waste Planning Region's programs, finances, infrastructure, staffing, and waste reduction education, it is the opinion of the Department that Scott County and the cities of Huntsville, Oneida, and Winfield have a viable solid waste disposal infrastructure, but are lacking in waste reduction program design and implementation. Therefore, as in 2006, the Region has again been found to be not qualitatively equivalent to its comparative regions.

Comparison regions of similar population and economic characteristics that were able to achieve a 25% waste reduction rate were consistently found to have more recycling and waste reduction options for their residents than the Scott County Municipal Solid Waste Planning Region. Furthermore, programs in these like regions were widely publicized and were promoted to the users of the solid waste systems as a preferred alternative to landfilling.

The Scott County Municipal Solid Waste Planning Region should immediately strive to improve its waste reduction efforts. For each of the next five years, the Region must meet or exceed the waste reduction and diversion goal through implementing the requirements and recommendations listed above. The directives for improvement documentation noted above must be provided by the dates specified. If the Region fails to meet the waste reduction and diversion goal and implement these directives, the Department, with authority from T.C.A. § 68-211-861, may impose sanctions as described in T.C.A. § 68-211-816 noted below:

(1) On the first instance of noncompliance, the commissioner shall issue a letter of warning to the noncompliant county or region indicating the reasons for noncompliance, setting forth the sequence of graduated sanctions for noncompliance and offering technical assistance to remedy the causes of noncompliance.

(2) Any noncompliance shall be resolved as soon as possible. If noncompliance continues for thirty (30) days after receipt of the warning letter, the non-complying county or region shall lose eligibility for funds from the solid waste management fund, unless the commissioner states in writing that, due to particular circumstances, a longer time is appropriate.

(3) If noncompliance continues for sixty (60) days after receipt of the warning letter, then, in addition to any other penalty imposed by law, the commissioner may impose a civil penalty of not more than five thousand dollars (\$5,000) for each day of noncompliance beyond the sixty-day period.

Though the “Recommendations” section above does not carry penalty or sanction for not implementing, each recommendation point should be thoughtfully considered as it relates to the waste reduction activities and goal attainment within the region.

The State has technical assistance providers available to assist the Region in planning and implementing the directives and recommendations. Attached is a list of the providers along with their contact information. Your Division contact during this process is Ashby Barnes.

Technical Assistance Providers

Gail Rosson
Recycling Marketing Cooperative (RMCT)
Office: (731) 967-1799
Cell: (731) 307-1113
Email: gail@rmct.org

Kim Raia
County Technical Assistance Service (CTAS)
Phone: (865) 974-6434
E-Mail: kim.raia@tennessee.edu

Jeff Tibbals
2845 Baker Highway
P.O. Box 180
Huntsville, TN 37756

Scott County Mayor

(423) 663-2000
(423) 663-2355
Fax (423) 663-3803
scottexec@highland.net



RECEIVED
DIV SOLID WASTE MGT

SEP 02 2011

Group No. _____
D No. _____

Ashby Barnes
L & C Tower, 5th Floor
401 Church Street
Nashville, TN 37423-1535

August 29, 2011

Mr. Barnes,

The following correspondence is my written response to the 'Scott County Municipal Solid Waste Planning Region 2009 Qualitative Review'.

Scott County has demonstrated 'good faith' by working towards proper data collection from local businesses and the recycle center. This effort has resulted in Scott County meeting its goal of a 25% waste reduction and diversion goal and surpassing it by achieving a 35% reduction for 2010.

Page 4 – Population per the 2010 census reports for Scott County is 22,228.

Page 5 – The Town of Oneida does recycle its used oil in a oil heater system in its maintenance garage. The system was obtained through a grant. Scott County utilizes the same type system in its Road Department Garage.

Page 7 – The Solid Waste Planning Board is in the process of being restructured. In a meeting held August 17, 2011, all three of the municipal mayors agreed to allow their respective county commissioners to represent their cities by serving on the reconstructed board. This action will facilitate Solid Waste Board meetings to occur on a regular basis.

Page 13 – Scott County experienced growth of 5.1% from 2000 to 2010.

Page 15 – "Directives for Improvement"

Bullet one – See response in comments above for page 7.

Bullet two – Appointment of Solid Waste Director position to be done at the next Solid Waste Planning Board meeting.

Bullet three – Municipal Mayors have been notified of their responsibility.

Bullet four – With the establishment of our new web site, www.scottcounty.com, and its links with social networking sites such as facebook and twitter, this directive has been met.

If there are any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Tibbals", is written over a horizontal line.

Jeff Tibbals
Scott County Mayor