

# Responsibilities of a Tennessee Regional Municipal Solid Waste Board



Gossett, Liz

UT County Technical Assistance service

2/22/2023

**THE RESPONSIBILITIES  
OF A  
TENNESSEE  
REGIONAL MUNICIPAL SOLID WASTE BOARD**

**A GUIDE FOR BOARD MEMBERS**

*PREPARED BY MIKE STOOKSBERRY*

**FEBRUARY 2023**

**UNIVERSITY TENNESSEE**

*COUNTY TECHNICAL ASSISTANCE SERVICE*

**Contents**

Introduction..... 3

The Municipal Solid Waste Board ..... 4

REPRESENTATION..... 4

    Terms..... 5

Municipal Solid Waste Regions ..... 6

Region Dissolution, Reformation, and Consolidation ..... 8

Responsibilities..... 9

    Municipal Solid Waste Planning..... 9

    Solid Waste Facility Permit Review..... 10

    Flow Control ..... 11

Solid Waste Planning ..... 13

    Ten-Year Plan..... 13

    Five-Year Update ..... 14

    Annual Progress Reports..... 15

Funding..... 16

Enforcement..... 17

    The Region’s Powers of Enforcement..... 17

    Enforcement Sanctions Against the Region ..... 17

Regional Municipal Solid Waste Advisory Committee ..... 19

Part 9 Authorities ..... 20

Appendix A – Tennessee Code Annotated Citations ..... 21

Appendix B – Sample Dissolution Resolution ..... 38

Appendix C – Sample Appointment Resolution..... 41

References..... 433

Acknowledgements..... 44

## **Introduction**

Local government resolutions established the municipal solid waste regions in 1992 after each development district prepared and considered needs assessments identifying solid waste infrastructure needs. The purpose of this handbook is to distinguish between a county solid waste/sanitation board and the municipal solid waste regions, which were done in response to the passage of the Solid Waste Management Act of 1991 (SWMA), which directed the development of solid waste regions to provide information on the generation, collection, and disposal of solid waste and planning for ten years with updates annually.

Each municipal solid waste region has a board to administer the region's activities. The board consists of an odd number of individuals representing the municipalities and counties within the region and has between five and fifteen members.

Over the last three decades, some boards have functioned as designed while others have been dysfunctional. The original preference for the solid waste regions was to be multi-county regions. Early on, several multi-county regions were formed. However, in recent years, there has been a movement towards single-county regions. In some cases, the regional municipal solid waste board has been used as a government alliance to assist its members in political matters relating to solid waste. In the best cases region and its board provide integrated services among local governments.

This handbook is written to assist the regional solid waste planning board members in understanding the board's purpose and the member's role and serve as a reference guide for the board's work. The municipal solid waste board is important and impacts the citizens of their communities. When the board fails to do its job effectively, the citizen suffers the consequences.

## **The Municipal Solid Waste Board REPRESENTATION**

A region's municipal solid waste board membership is designed to provide participation and representation of all local governments within the region, whether it is a single-county or multi-county region. The establishment of this board is to administer the activities of the solid waste planning region described later in this document. This representation is achieved through an odd number (not less than five, nor more than fifteen) member solid waste board.

The law requires that at least one board member represents each county within the region. In addition, municipalities with solid waste collection or disposal services (either directly or through contract) must also be represented on the board. These representatives are to ensure all local governments that have solid waste services are represented and have a voice on the board.

The municipalities entitled to representation on the board may agree to joint or multiple representations by a board member. For example, a county representative on the board may represent one or more municipalities upon the agreement of all local governments who would share representation by that board member. According to Managing Our Waste: Solid Waste Planning for Tennessee (see References p. --), the board should have a variety of representations that reflects the diversity of interests in solid waste management. This diversity would allow private industry, agricultural interests, and at-large citizen representation.

Representatives are appointed by the county mayor or municipal mayor depending on the local government the board member represents. The appointment method is specified in those local governments' agreements if a member represents multiple local governments. The members of county and municipal governing bodies, county mayors, municipal mayors, county and municipal officers, and department heads may be appointed to the solid waste board. The legislative or governing bodies must approve the appointments of the respective counties and eligible municipalities within the solid waste planning region.

In counties with populations less than 200,000, according to the federal census, at least 30% of the solid waste board members must own at least 50% equitable or fee simple interest in land that is eligible for classification as agricultural, forest, or open space land under the terms of the Agricultural, Forest and Open Space Land Act of 1976, as amended. This appointment may ensure that agricultural interests are adequately represented on rural solid waste boards.

Municipalities within the boundaries of two or more solid waste regions must select by resolution the region in which they will participate. This decision affects representation on the board, how grants are awarded to the region, and how progress toward the waste reduction goal is measured.

Suppose a single county solid waste region had a solid waste authority before July 1, 1991, and it is not a Part 9 Authority. In that case, the region may designate this authority to fulfill the responsibilities of the solid waste board. This action is accomplished by resolution and a vote of the legislative body of the county and each municipality that provides solid waste collection or disposal services within the region.

### **Terms**

Board members' terms are for six years or until successors are elected and take an oath of office. Initially, these terms were staggered to allow 1/3 of the board to have two-year terms and another 1/3 to have four-year terms. Over the span of six years, the term of each board member should expire. The board members may serve more than one term if they are reappointed and desire to serve additional terms.

If for some reason, a board member cannot fulfill his term on the board, the appointing authority may appoint an interim member to fulfill the remainder of that member's term.

***REFERENCE: T.C.A. § 68-211-813***

## **Municipal Solid Waste Regions**

The SWMA required that solid waste regions be formed and develop plans to manage solid waste within the regions for a ten-year planning period. This materials management approach ensured that each region had adequate collection and disposal capacity for municipal solid waste into the future. According to this concept, each region was to develop a ten-year plan to govern progress toward this goal.

The solid waste board is further responsible for overseeing, directing, and implementing waste reduction efforts that lead the region toward meeting the state-mandated 25 % waste reduction and diversion goal. As of 2023, this goal is still the original twenty-five percent per capita base year reduction in disposal going to Class I municipal solid waste landfills. However, an amendment to the SWMA in 2007 now allows the Tennessee Solid Waste Disposal Control Board to promulgate rules to establish new waste reduction goals due to the dynamic, changing nature of technology and needs in waste management.

Currently, there are sixty-eight municipal solid waste regions. The majority of these regions are single-county regions. Single-county regions are solid waste regions comprised of one county and the municipal governments within that county providing solid waste collection and disposal services. For those counties wishing to become a single-county region, a county had to pass a resolution stating the reason for acting alone because the preferred organization is a multi-county region.

Multi-county solid waste regions must be contiguous and consist of two or more counties and municipal governments. At present, there are nine multi-county solid waste regions. These regions range from two to ten counties in size.

After twenty years, the effectiveness of municipal solid waste regions varies greatly. At a minimum, the region should meet once yearly to review updates to the ten-year solid waste plan and Annual Progress Report that is submitted to the state for review and approval. After reviewing the Annual Progress Report, the solid waste planning region should vote to approve the plan update. Once approved, the solid waste board chairman should sign and submit the Annual Progress Report to the county(s) for final approval and mailing to the state. In best cases, the solid waste board should meet monthly or as often as the county's solid waste committee to hear issues related to solid waste management. However, quarterly meetings may be sufficient to hear and address solid waste issues arising within the solid waste planning region. The region should adopt and use Robert's Rules of Order or an equivalent to conduct an orderly business meeting. Types of issues to be heard and addressed by the solid waste planning board are discussed in the section titled "Responsibilities."

Once infrastructure and resources were identified in the needs assessments in the early 90s, local governments within a solid waste planning region were to share resources to eliminate duplication and provide maximum utilization of funds and resources. This concept has been problematic because local governments prefer the exclusive right and use of their

equipment and staff. Also, relations across government boundaries are only sometimes positive. The region's solid waste planning board can be a mechanism to bridge any differences among their local governments since they represent the entire region and should provide a consistent vision across the region. Solid waste regions that exercise resource sharing have benefited economically by not duplicating resources.

***REFERENCE: T.C.A. § 68-211-813 through § 68-211-815***



## **Region Dissolution, Reformation, and Consolidation**

Once established, solid waste regions will continue to exist until they are dissolved or modified. Modifying a region is very similar to the initial establishment of the solid waste planning region. As a matter of policy, the first step is to review a current needs assessment from the solid waste district. The needs assessment would identify existing resources and future needs in a proposed region, "count the costs" before dissolving or modifying the region and identify the infrastructure needed to function as a new solid waste planning region.

Next, the member counties of the existing region must pass a resolution to dissolve or reconfigure the solid waste planning region. (Appendix A.) This resolution must be passed by each county represented in the region. The law does not require municipal participation in this resolution, as the county legislative body represents the municipalities.

Last, each county within the solid waste planning region to be reconfigured (Appendix A.) must vote on a resolution that restructures and defines the new region. Again, there is no requirement for municipal governments to participate or vote on the resolution to recreate the new or reconfigured solid waste planning region.

The resolution to consolidate the new solid waste planning region must contain information about how board members will be appointed, the makeup of the board, the number of board members, and how the board member terms will be staggered to allow for one-third of the board rolling off every two years as discussed previously in the section, "The Municipal Solid Waste Board," "Terms" and consistent with the SWMA. (Appendix B.)

Upon passage of the required resolutions, the reconfigured solid waste planning region must submit to the Tennessee Department of Environment and Conservation (Department) a list of new board members with their addresses, phone numbers, and terms of office. Also, most time-consuming and costly, a new or revised solid waste plan for each new or reconfigured region must be submitted to the Department for review and approval after holding a public hearing.

Once the Department reviews and approves the solid waste plans for each region affected by the reconfiguration, the solid waste regions are officially created. The approval date of the solid waste plan becomes the creation date of the new regions. New solid waste board member terms will be associated with this date for future appointments. The process for dissolution or reconfiguration generally takes about one year to complete because of the complexity of coordinating local government efforts, resolutions, solid waste plans, and finding and appointing new board members to fill the required terms.

Several resources are available to the solid waste regions to assist in the dissolution and reconfiguration of the solid waste regions. The local development district can assist in developing or modifying solid waste plans required for the reconfigured regions. Also, the University of Tennessee, Institute for Public Service's County Technical Assistance Service (CTAS) provides technical assistance to local governments. CTAS can provide model resolutions and help coordinate efforts between the various local governments. The Division of Solid Waste Management also provides technical assistance on request to answer questions and provide information as needed to help the newly organized solid waste regions.

**REFERENCE: T.C.A. §68-211-813**

## **Responsibilities**

### **Municipal Solid Waste Planning**

The primary function of the solid waste board is to provide direction and oversight to the region on matters of solid waste. Early on, it was noted that solid waste planning should be done at the local level. Therefore, the SWMA directed this responsibility to the regional solid waste board as the best means of managing planning and oversight of solid waste within the region, including generation, collection, and proper disposal.

Solid waste planning should be done from a materials management approach leveraging the region's integrated solid waste management systems. The long-term goal is to remove as much material from the waste stream as possible to lengthen the life spans of landfills and to leverage more sustainable methods of using the material collected. The long-term plan should also remove potentially toxic materials by diverting them to other programs. If effective, the region should have just the actual waste going to the landfill, with other materials being reused, composted, recycled, and used for energy production. In addition, household hazardous wastes should be diverted to other disposal options away from the landfill.

It is estimated that seventy-five percent (75%) of materials going to the landfill can be redirected to other material management options. For example, yard trimmings can go to composting facilities; construction and demolition materials can be reused or recycled. Commodities like fiber, plastic, metals, and glass can be recycled at a material recovery facility (MRF). Batteries, oil, paint, antifreeze, and electronic scrap (BOPAE) can be managed through recycling and reuse. Household hazardous wastes (HHW) can be collected at permanent collection facilities or mobile HHW collection events sponsored by TDEC. The planning of all this should focus on the most cost-effective manner for a county/region.

The solid waste planning region is responsible for reviewing the various solid waste systems and options and making sound planning decisions on how the region needs to proceed. Many of these choices create or sustain local jobs in recycling and manufacturing. However, the lack of a well-thought-out plan costs taxpayers money in higher costs associated with disposal, redundant systems, incompatible equipment, higher transportation costs, and potential lost revenues from the sale of commodities.

When solid waste planning is done from a regional level, the region will benefit from an economy of size. Better contracts may be attracted due to a region's combined, more significant population. The increased knowledge base of a diverse solid waste planning board helps to solve problems in favor of the solid waste planning region. Keeping equipment purchases to a minimum while maximizing utilization of existing resources within the region will further benefit the local governments by freeing funds and making them available for other services or programs.

The solid waste board is required to maintain a solid waste plan for the region. Initially, the SWMA specified this as a ten-year plan for adequate disposal capacity in the landfills used by the region and included a plan for waste reduction methods to extend the life of these landfills. The ten-year plan was designated to be updated every five years to adjust the ten-year plan for population changes and new challenges within the solid waste planning region. Yearly the information in the ten-year plan was updated through the annual progress report to indicate progress toward the 25% waste reduction and diversion goal. TDEC has received, reviewed, and approved these reports over the last thirty years.

In 2005, the Annual Progress Report was designated as the primary document to update the ten-year solid waste plan yearly, eliminating the need for a five-year update. Since then, the Annual Progress Report has described changes in the ten-year solid waste plan while looking forward to the needs of the solid waste planning region, identifying equipment and facilities needed to improve the region's infrastructure.

The solid waste plan may be completely or partially revised to address regional changes. The solid waste board should determine if a completely new plan should address significant regional changes or if a minor modification is sufficient. Most changes can be made through the Annual Progress Report submitted each March by the solid waste planning region. Before a new or revised solid waste plan is submitted to the Department, the solid waste planning region must hold a public hearing on the proposed new solid waste plan or plan revision.

### **Solid Waste Facility Permit Review**

Before an applicant for a solid waste disposal facility or incinerator can be issued a solid waste permit by the Department, an application must be submitted to the solid waste planning region's board. The board must review the application against the solid waste plan and determine whether the application complies with TCA §68-211-814 and the region's solid waste plan. Changes must be made through a public hearing after public notice is given following title 8, chapter 44.

The board's review should determine if the proposed construction or expansion of the solid waste facility or incinerator's application is consistent with the solid waste management plan adopted by the County or region and approved by the Department. The region must document the specific grounds for any application to be inconsistent with the plan.

The public hearing must allow all interested persons to submit written and oral comments. In addition, the proceedings must be recorded and transcribed. The region has ninety (90) days to complete this process. Once the public hearing process is complete, the solid waste planning region will immediately notify the Commissioner of its application acceptance or rejection.

When a region rejects a landfill or incinerator application, the Department will review the solid waste planning region's record of the process followed and the reasons for the rejection of the application. The Department's review assures that the decision of the solid waste region is adequately supported and is not arbitrary or capricious. The solid waste planning region's rejection of an application must be because of inconsistency with the regional solid waste plan adopted by the region and approved by the Department. If the record does not support the application rejection made by the region, the Department may issue the facility a permit.

The aggrieved party may appeal the final actions of the solid waste planning region relative to any permit application within 30 days to the chancery court in the County. An aggrieved party would be limited to the permit applicant, persons owning property within three miles of the proposed facility or site proposed for permitting, or the local government(s) where the facility is located.

This process illustrates the importance of a knowledgeable solid waste board in handling solid waste matters in the region. In addition, proper planning and administration of the region's solid waste systems assist the region in determining what the proper facilities for the region are.

## **Flow Control**

The subject of the control of the flow of solid waste has many legal complexities. Therefore, we recommend that the regional board obtain current legal advice before taking action to restrict the import or export of solid waste across the region's boundaries or an action approving or disapproving a landfill application.

There have been several court decisions by state and federal courts regarding whether restrictions on the flow of solid waste are unconstitutional under "the dormant commerce clause." To determine whether a particular action is permissible, an attorney must review both what the SWMA says and what the courts have said. At the time of publication of this information, two types of actions are authorized by the law and the courts. First, the regions may approve or disapprove the siting of landfills in the region based on consistency with the plan. See *Eastern Kentucky Resources v. Fiscal Court of Magoffin County*, 127 F.3d 532, (6th Cir. 1997). Regional boards and local governments may also require that waste generated within the region go to certain publicly owned facilities. See *United Haulers Association v. Oneida- Herkimer Solid Waste Management Authority*, 550 US 330, (2007).

If established following Part 9, solid waste regions or solid waste authorities may also regulate the flow of collected municipal solid waste generated within the region. However, before the adoption of any resolution declaring the necessity of requiring a mandatory flow of municipal solid waste, the region or authority, following one or more public hearings, must demonstrate in writing to the Department that it has considered the utilization of any

municipal solid waste management facility in existence within the region, which meets the federal Resource Conservation and Recovery Act (RCRA) Subtitle D regulations. In addition, the region or authority must show that its decision not to use the existing facility is based on the following:

- Such a facility is environmentally unsound or inadequate to meet the region's ten-year capacity assurance plan;
- Costs for the use of such facility are inconsistent with comparable facilities within the state; or
- The existing facility is operating in a manner that is inconsistent with the plan; and,
- The waste subject to flow control will be sent to a facility or facilities that meet all state and federal regulations.

The solid waste board cannot restrict the flow of recovered materials into, out of, or within the region. The board also may refrain from interfering with contractual obligations entered into before the approval of the region's plan. This includes the original or subsequent plan that the solid waste planning region may adopt following any reconfiguration.

**REFERENCE: T.C.A. §68-211-814**

## Solid Waste Planning

### Ten-Year Plan

When a solid waste region is formed, the SWMA requires a compiled ten-year plan to address at least certain items. Once the plan is received by the Department, and after careful review, the plan must be approved or rejected within ninety (90) days. If the plan adequately addresses each element required by the SWMA, the plan may be approved by the Department. If deficiencies exist, the Department will send a notice of rejection of the region's solid waste plan. In the notice of rejection, the Department must list deficiencies in detail to assist the region in preparing a revised plan for review. The region must review any disapproved plan and resubmit a revised plan within sixty (60) days to the Department with the correction of all noted deficiencies.

The region may update or revise the plan at any time to reflect subsequent developments. However, the revision or update must be submitted, reviewed, and either approved or rejected by the Department in the same manner as noted in the initial plan review and approval.

The ten-year plan must contain the information listed below and follow the Guidelines for Preparation of a Municipal Solid Waste Regional Plan created in 1992 by Tennessee's State Planning Office. In addition, the following are minimum requirements, taken from the SWMA, for the contents of the solid waste plan.

1. Demographic information;
2. A current system analysis of:
  - a. Waste streams, including data concerning types and amounts, generated;
  - b. Collection capability, including data detailing the different types of collection systems and the populations and areas which receive and do not receive such services;
  - c. Disposal capability, including an analysis of the remaining life expectancy of landfills or other disposal facilities;
  - d. Costs, using a full-cost accounting model developed by the commissioner, including costs of collection, disposal, maintenance, contracts, and other costs; and
  - e. Revenues, including costs reimbursement fees, appropriations, and other revenue sources;
3. Adoption of the uniform financial accounting system required by §68-211-874;
4. Anticipated growth trends for the next ten-year period;
5. Anticipated waste capacity needs;
6. Planned capacity assurance, including descriptions of planned or needed facilities
7. A recycling plan, including a description of current public and private recycling efforts and planned efforts to enhance recycling within the county or region;

8. A plan for the disposal of household hazardous wastes;
9. Adoption of uniform reporting requirements as required by the SWMA;
10. A description of waste reduction and recycling activities designed to attain the goal required by the SWMA; A description of education initiatives aimed at businesses, industries, schools, citizens, and others, which addresses recycling, waste reduction collection, and other goals of the SWMA;
11. An evaluation of multi-county solid waste disposal region options with an explanation of the reasons for adopting or failing to adopt a multi-county regional approach;
12. A timetable for implementation of the plan;
13. A description of the responsibilities of the various participating jurisdictions;
14. A certification from the region's part 9 solid waste authority, if such an authority has been formed, or if no such authority has been formed, the county legislative body of each county in the region that they have reviewed and approved the region's plan or updated plan;
15. A plan for managing solid waste generated as a result of disasters or emergencies; and
16. Any other information the commissioner may deem relevant to implementing this plan.

Solid waste rules, Chapter 1200-1-7-9(3)(a)(1-4), state that incineration, un-marketed/stored compost and recyclable recovered materials, and illegal or unauthorized storage of solid waste do not count toward the waste reduction and diversion goal and cannot be used as a planned method of waste reduction in the development of the ten-year solid waste plan.

Further consideration of the content and direction of each region's solid waste plan is that each plan must be consistent with the current state solid waste plan, provisions of the SWMA, and any rules or other applicable provisions related to solid waste planning.

Ultimately, any plan should detail the region's infrastructure needs, define the end goal for the planning period and provide a timeline for accomplishing that goal. The plan should further define the action steps required to meet the goal.

### **Five-Year Update**

The SWMA was amended effective May 28, 2004, to eliminate the need for regular five-year plan updates and reads as follows: "Each municipal solid waste region shall submit an annual progress report to the department covering the next ten (10) years that includes, at a minimum, the information..." described in the 17 points stated above.

The Annual Progress Report, due March 31 of each year, is currently accepted as an update to the region's solid waste plan.

## **Annual Progress Reports**

The annual progress reports are documents submitted to the Department yearly by March 31 from the solid waste regions describing activities and efforts toward meeting the region's waste reduction goal and other parts of the region's solid waste plan. The information in the report is similar to the ten-year plan and must meet, at a minimum, the requirements outlined in T.C.A. §68-211-815 as the annual progress report updates these documents. Thus the region will always have a plan covering the next ten years.

The solid waste region is responsible for collecting information on the progress toward the 25% waste reduction and diversion goal and other requirements of its solid waste plan. Once the information is collected and the annual progress report is completed, the region must submit the report in an approved format to the Department. Before submitting the information to the Department, the region is to conduct a public hearing, review the document, and certify the accuracy by adopting the update. The regional solid waste board chairman then signs the document attesting that the annual progress report has been presented, reviewed, adopted, and accurate according to the statute.

The annual progress reports are to be completed for the immediately preceding calendar year's efforts. However, the annual progress report sometimes challenges regions to collect data, complete the annual progress report forms, and then schedule the necessary public meetings before the March 31 submittal date.

The statute requires, at a minimum, that collection information, recycling, transportation, disposal, general costs, and other required information is included in the annual progress reports. Requirements are outlined explicitly in T.C.A. §68-211-815.

The format approved by the Department is an internet-based subscription service for data reporting. The Department posts information about how to access the reporting documents on its website by January 1 each year. This service provides reports that help the region compare its progress with other regions, local governments, and other states' benchmarking data.

When the region's annual progress report is complete and properly reviewed, the county mayors within the solid waste planning region and the solid waste board chairman may access the document and digitally sign it certifying its accuracy to the Department.

***REFERENCE: T.C.A. § 68-211-814 thru 815***



## **Funding**

Funding is one challenge that is handled by solid waste regions in different ways. Funding for the solid waste planning region should be addressed in the authorizing resolutions by the local governments and in the solid waste plan itself. The solid waste plan describes the participation of each local government and resources committed to the region to accomplish the solid waste plan. The SWMA does provide certain authority to local governments to establish fees. See §68-211-835. Additional information is included in Appendix A at the back of this document.

Solid waste regions operated by Part 9 Authorities have methods of raising revenue built into their charters. Solid waste boards that operate solid waste regions have a different luxury. This challenge must be addressed in the regional solid waste plan. A lead local government may take on the burden of managing the financial requirements of the region, with other local governments paying their share to cover the region's expenses.

Another example may be a “pay-as-you-go” method of dealing with expenses. As expenses arise, the costs are distributed throughout the region as decided by the solid waste board. There are many ways that regions approach this issue. However, the ultimate authority on handling funding issues would be in the solid waste plan for the region.

***REFERENCE: T.C.A. § 68-211-835***

## **Enforcement**

### **The Region's Powers of Enforcement**

The SWMA places the burden of enforcement of the regional solid waste plan on the region. The solid waste planning region is charged with implementing its plan, and the SWMA gives the region the authority to see that the plan can be effectuated. This authority extends to requiring each person actively and regularly engaged in the collection, transportation, and disposal of municipal solid waste or the recovery or recycling of materials in the county or counties that make up the region to participate in reporting their efforts to the solid waste planning region.

The region may bring an action for a mandatory injunction in chancery court against any person failing to properly report necessary information to the region for compliance with the region's reporting requirements to the Department. In addition, the solid waste planning region is entitled to recover all costs and attorney's fees from persons failing to comply with the reporting requirements.

***REFERENCE: T.C.A. § 68-211-871 (c) and (d)***

### **Enforcement Sanctions Against the Region**

While the region has the authority to obtain information to complete the reporting requirements placed on the region by the SWMA, the region must also comply with the reporting requirements. Failing to comply with the SWMA may bring severe sanctions for the region by the Department.

When a region fails to submit an adequate solid waste plan in a timely fashion or if the Department does not approve the region's plan, sanctions may be imposed on the solid waste planning region by the Department. Not all sanctions are monetary, but in the end, the final penalty may result in a substantial financial penalty.

On the first instance of non-compliance, the Department issues a warning letter to the solid waste region or non-compliant local governments. This warning describes the reason for non-compliance and outlines graduated sanctions that may occur if the region or local governments remain non-compliant. In addition, this initial warning will offer technical assistance to the non-compliant region or local government. The goal is to avoid additional placement of sanctions and bring the region or local governments into compliance as quickly as possible.

Suppose non-compliance exists thirty days after the warning. In that case, the region and local governments can lose eligibility for solid waste management fund grants unless the commissioner states in writing that a longer period is appropriate. An extended period would

depend upon the circumstances of the non-compliance. Loss of funds from the solid waste management fund would prevent the award of any funding for local programs with grant funds, including all waste tire recycling grants, recycling equipment grants, recycling rebates, Etc.

Suppose the non-compliance continues for sixty days after the warning letter. In that case, the Department's commissioner may impose a civil penalty of up to \$5,000 per day for non-compliance beyond sixty days. The penalty can add quickly and place a substantial burden on a region and its local government that fails to comply. Because of this, it is essential for region or local governments to quickly address deficiencies in their solid waste plans and updates when notice is given. The penalties collected from non-compliant regions and local governments are placed in the solid waste management fund and used for technical and financial assistance and statewide services addressed in the SWMA.

Individuals that violate the terms of the SWMA are also subject to similar sanctions as listed above. The SWMA refers penalties to these individuals to another section in T.C.A. §68-211-117. These penalties may be more significant than \$5,000 per day if the individual's non-compliance involves waste being thrown into sinkholes.

**REFERENCE: T.C.A. § 68-211-816**

## **Regional Municipal Solid Waste Advisory Committee**

One of the solid waste board's responsibilities is establishing a regional municipal solid waste advisory committee within the region. This advisory committee's composition may be whatever the solid waste board deems necessary to accomplish its goals. This advisory committee will advise the solid waste board on solid waste, waste reduction, and recycling. This committee meets at the discretion of the solid waste board to review and research issues for the board.

Because the regional municipal solid waste advisory committee is advisory in nature, membership comprised of diverse resources and views on solid waste matters is most helpful. Local government solid waste and public works staff would be an integral part of any advisory committee. In addition, the committee may include technical assistance provided by the Department. Further assistance for the solid waste region outside the Department is the University of Tennessee County Technical Assistance Service.

Other resources that should be considered for membership on the regional municipal solid waste advisory committee include local economic and community development planners, emergency management personnel, and community leaders and organizations knowledgeable of solid waste and waste reduction activities and issues or impacted by solid waste issues.

The regional municipal solid waste advisory committee is the panel of experts for the region's solid waste board. This committee researches solid waste issues presented to the solid waste board and advises the board of its finding at a solid waste board meeting. If the advisory committee has no pressing issues, they may review and research better solid waste and waste reduction activities for the solid waste board to consider in future meetings. It is up to the solid waste board to utilize the advisory committee and take advantage of the knowledgeable resources available to the board.

***REFERENCE: T.C.A. § 68-211-813 (e)***

## **Part 9 Authorities**

Solid waste authorities are entities with administrative, financial, and technical power to implement regional solid waste plans and programs outlined therein to the maximum extent. As established under Part 9 of the SWMA, authorities are different from other solid waste commissions, boards, cooperatives, and committees, formed by county commissions as a result of inter-local agreements or private acts. They may also be different from authorities created under other legal authority. The legislature wanted counties in the newly formed solid waste regions to have complete authority and power, using Part 9 authorities as a tool to implement mandates under the SWMA.

These authorities created under Part 9, or the Solid Waste Authority Act, have autonomy and more powers so that regional solid waste management systems and services are expedited, economized, and consolidated.

A significant difference between a solid waste planning board and a Part 9 authority is that the solid waste board is mandated by law to develop a regional solid waste plan for disposal capacity assurance, 25% waste reduction, collection assurance, solid waste education, and other aspects of integrated solid waste management. A Part 9 authority is optional for consolidating, integrating, and administering these programs between various county and city jurisdictions.

Part 9 authorities have powers that are unavailable to solid waste boards. These additional powers include: (1) the right to sue and be sued; (2) the right to acquire real and personal property and exercise the power of eminent domain to achieve solid waste planning goals; (3) the right to enter into contracts for any projects undertaken and to make rules and regulations deemed necessary to manage the affairs of the authority; (4) power to issue revenue bonds on its authority; (5) borrow money and incur debt; (6) employ agents and pay compensation to employees; and (7) set tipping fees and surcharges.

Part 9 authorities can operate independently from the local governments they serve, especially if the authority and the planning board have the same board members. However, local governments uncomfortable with giving up control of day-to-day operations and funding control over their solid waste programs should choose something other than the Part 9 authority option.

***REFERENCE T.C.A. §68-211-901, et seq.***

## Appendix A – Tennessee Code Annotated Citations

The following are excerpts from the Tennessee Code Annotated that may be helpful to the solid waste board's members. These citations relate to the regional municipal solid waste board, its function, and other important topics that board members may need to fulfill their commitment to their solid waste planning region. For a complete guide to the Tennessee Code Annotated please visit: <http://www.lexisnexis.com/hottopics/tncode/>

Tennessee Code Annotated §§68-211-700 et. seq., §68-211-117, §§68-211-813, 68-211-814, 68- 211-815, 68-211-816, 68-211-817, & 68-211-871

*68-211-700 et seq. Local Approval of Solid Waste Facilities (Jackson Law)*

### **68-211-701. Required approval — Submission of proposal to accept waste that would change classification of landfill.**

(a) No construction shall be initiated for any new landfill for solid waste disposal or for solid waste processing until the plans for such new landfill have been submitted to and approved by:

- (1) The county legislative body in which the proposed landfill is located, if such new construction is located in an unincorporated area;
- (2) Both the county legislative body and the governing body of the municipality in which the proposed landfill is located, if such new construction is located in an incorporated area; or
- (3) Both the county legislative body of the county in which such proposed landfill is located and the governing body of any municipality which is located within one (1) mile of such proposed landfill.

(b) Prior to accepting any waste that would require a change in the classification of a landfill under rules promulgated pursuant to this chapter to a classification with higher standards including, but not limited to, changing the classification from a Class III or IV to a Class I or II or from a Class II to a Class I, the plans for which were approved pursuant to subsection (a), the landfill operator shall first submit the proposal to accept the waste to:

- (1) The county legislative body in which the landfill that is the subject of the proposed change in classification is located, if such landfill is located in an unincorporated area;
- (2) Both the county legislative body and the governing body of the municipality in which the landfill that is the subject of the proposed change in classification is located, if such landfill is located in an incorporated area; or
- (3) Both the county legislative body of the county in which the landfill that is the subject of the proposed change in classification is located and the governing body of any municipality which is located within one (1) mile of such landfill.

(c) After submission to the county legislative body or municipality under subsection (b), the county legislative body or the municipality or both shall give public notice and an opportunity for public hearing

on the proposal and then approve or disapprove it in accordance with § 68-211-704(a) and (b). Judicial review of the decision shall be available in accordance with § 68-211-704(c).

[Acts 1989, ch. 515, § 3; T.C.A., § 68-31-701; Acts 1995, ch. 5, § 1; 2013, ch. 342, § 1.]

**68-211-702.** Meaning of landfill or landfilling.

For purposes of this part, “landfill or landfilling” means any land used for disposal of solid waste by filling and covering.

**68-211-703.** Public notice — Comments — Public hearing.

(a) In order to inform interested persons in the area of a proposed landfill, public notice shall be circulated by the county legislative body, the municipal governing body, or both such entities within the geographical area of the proposed landfill approval by any of the following means:

- (1) Posting in the post office and public places of the municipality nearest the landfill under consideration; or
- (2) Publishing in local newspapers and periodicals, or, if appropriate, in a daily newspaper of general circulation.

(b) Public notice of a proposed landfill approval includes the following:

- (1) Name, address and telephone number of the local city/county/official/department/agency reviewing the application;
- (2) Name and address of the proposed landfill owner and/or operator;
- (3) Location and size of the proposed landfill;
- (4) Brief description of the type operation to be operated at the landfill, the location of the landfill and the type waste that will be accepted;
- (5) A description of the time frame and procedures for making a final determination on the landfill application approval or disapproval; and
- (6) Address and telephone number of the premises at which persons may obtain further information, request copies of data on the landfill, and inspect this data.

(c) A copy of the public notice and fact sheet shall be sent to any person who specifically requests one. A copy of each notice of application and fact sheet shall also be sent to those persons who have requested the addition of their names to a mailing list.

(d) Interested persons may submit written comments on the proposed landfill within thirty (30) days of the public notice or such greater period as is allowed. All written comments submitted shall be retained and made available to the department of environment and conservation in its final determination of registration of the proposed site.

(e) Interested persons may request in writing that the county legislative body, municipal governing body or both such entities hold a public hearing on any proposed new construction for solid waste disposal by landfilling or solid waste processing by landfilling prior to approval of such new construction. The

request must be filed within the period allowed for public comment and must indicate the interest of the party filing it and the reason why a hearing is warranted. If there is a significant public interest in having a hearing, one (1) hearing shall be held in the geographical area of the proposed landfill. Instances of doubt should be resolved in favor of holding a hearing. The comments made at the hearing shall be transcribed or recorded to assist in the final determination of approval of the proposed new landfill.

(f) No less than fifteen (15) days in advance of the hearing, public notice of it shall be circulated at least as widely as was the notice of the proposed landfill approval. The procedure for circulation of public notice for the hearing shall include the following:

- (1) Publication in a newspaper of general circulation within the geographical area of the landfill; and
- (2) Sending notice to all persons who received a copy of the notice or fact sheet for the proposed landfill approval and any person who specifically requests a copy of the notice of the hearing.

(g) Each notice of a public hearing shall include at least the following contents:

- (1) Name, address and telephone number of the city/county official/department/agency who/which was responsible for the review of the application;
- (2) Name and address of each proposed landfill owner or operator who will be heard at the hearing;
- (3) A description of the proposed landfill and the type of disposal methods to be used;
- (4) A brief reference to the public notice issued for each proposed landfill;
- (5) Information regarding the time and location for the hearing;
- (6) The purpose of the hearing;
- (7) A concise statement of the issues raised by the persons requesting the hearing;
- (8) Address and telephone number of the premises at which interested persons may obtain further information, request a copy of each draft permit, request a copy of each fact sheet, and inspect and copy forms and related documents; and
- (9) A brief description of the nature of the hearing, including the rules and procedures to be followed.

(h)

- (1) In addition to all other notice requirements of this section, the proposed landfill owner shall provide notice to persons owning property within a three-mile radius of such landfill no less than fifteen (15) days in advance of any hearing scheduled in accordance with this part by having signs erected on all roads leading directly to the proposed landfill site. The signs shall contain the information required in subdivision (h)(2), shall be erected on such roads at the perimeter of the three-mile radius and be clearly visible to persons traveling into the area.



(2) The signs shall be at least three feet (3') high and five feet (5') wide and include the following in legible type:

- (A) Name of the local city/county/official/department/agency reviewing the application;
- (B) Name and address of the proposed landfill owner and/or operator,
- (C) Location and size of the proposed landfill;
- (D) Brief description of the type operation to be operated at the landfill and the type waste that will be accepted;
- (E) A description of the time frame for making a final determination on the landfill application approval or disapproval; and
- (F) Address and telephone number of the premises at which persons may obtain further information, request copies of data on the landfill, and inspect this data.

(3) The highway department for the county in which the landfill is proposed to be located may erect and maintain the signs, and remove the signs within ten (10) days of the completion of all hearings related to the application for a proposed landfill.

(4) All costs associated with the erection of the signs including, but not limited to, their design, construction, delivery and removal shall be borne by the proposed landfill owner.

(5) A violation of this subsection (h) shall be a Class B misdemeanor punishable by a fine only of up to five hundred dollars (\$500). Each day a violation occurs constitutes a separate offense.

[Acts 1989, ch. 515, § 4; T.C.A., § 68-31-703; Acts 2011, ch. 207, § 1.]

68-211-704. Time limit for determination — Criteria considered.

(a) Within thirty (30) days after notice and an opportunity for a public hearing as provided in § 68-211-703, the county legislative body, the municipal governing body or both such entities shall approve or disapprove the proposed new construction for solid waste disposal by landfilling or solid waste processing by landfilling.

(b) The following criteria shall be considered in evaluating such construction:

- (1) The type of waste to be disposed of at the landfill;
- (2) The method of disposal to be used at the landfill;
- (3) The projected impact on surrounding areas from noise and odor created by the proposed landfill;
- (4) The projected impact on property values on surrounding areas created by the proposed landfill;
- (5) The adequacy of existing roads and bridges to carry the increased traffic projected to result from the proposed landfill;
- (6) The economic impact on the county, city or both;

(7) The compatibility with existing development or zoning plans; and

(8) Any other factor which may affect the public health, safety or welfare.

(c) Judicial review of the legislative body's determination shall be a de novo review before the chancery court for the county in which the landfill is proposed to be located.

[Acts 1989, ch. 515, § 5; T.C.A., § 68-31-704.]

**68-211-705. [Repealed.]**

**68-211-706. Applicability — Private, municipal or county landfills.**

(a) This part shall not apply to any private landfill that accepts solid waste solely generated by its owner if the waste is solely generated within the county subject to this part and if the private landfill does not accept county or municipal solid waste or ordinary household garbage.

(b) This part shall not apply to any municipal or county owned and/or operated landfill.

[Acts 1989, ch. 515, §§ 10, 12; T.C.A., § 68-31-706; Acts 2009, ch. 199, § 1.]

**68-211-707. Applicability — Requirement of local approval.**

(a) Sections 68-211-701 — 68-211-704 and 68-211-705 [repealed] and this section shall only apply in any county or municipality in which it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the appropriate legislative body. Sections 68-211-701 — 68-211-704 and 68-211-705 [repealed] and this section are for local review and approval and shall be conducted prior to issuance of a permit by the department of environment and conservation or the commissioner.

(b) In any county or municipality in which §§ 68-211-701 — 68-211-704 and this section have been approved by a two-thirds ( $\frac{2}{3}$ ) vote of the appropriate legislative body prior to May 13, 2013, § 68-211-701(b) shall only apply if it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the appropriate legislative body.

(c) Any county or municipality which has approved this part by a two-thirds ( $\frac{2}{3}$ ) vote of the appropriate legislative body pursuant to subsection (a) shall have the authority to later reject this part by a two-thirds ( $\frac{2}{3}$ ) vote of the appropriate legislative body. If the appropriate legislative body votes by two-thirds ( $\frac{2}{3}$ ) to reject this part after having previously voted to approve this part, then this part shall no longer apply to such county or municipality.

[Acts 1989, ch. 515, § 7; T.C.A., § 68-31-707; Acts 1995, ch. 5, § 3; 2013, ch. 342, § 2.]

**68-211-708. [Repealed.]**

**68-211-117. Civil penalties.**

(a)

(1) Any person who violates or fails to comply with any provision of this part or any rule, regulation, or standard adopted pursuant to this part shall be subject to a civil penalty of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) per day for each day of violation; provided, however, that if the violation involves the disposal of solid waste in a sinkhole, it shall be subject to a civil penalty of not less than seven hundred dollars (\$700) nor more than seven thousand dollars (\$7,000) per day for each day of violation because of the increased likelihood of harm to the environment and the public.

(2) Each day such violation continues constitutes a separate violation. In addition, such person shall also be liable for any damages to the state resulting therefrom, without regard to whether any civil penalty is assessed.

(b) Any civil penalty or damages shall be assessed in the following manner:

(1) The commissioner may issue an assessment against any person responsible for the violation or damages. Such person shall receive notice of the assessment by certified mail, return receipt requested;

(2) Any person against whom an assessment has been issued may secure a review of the assessment by filing with the commissioner a written petition setting forth the grounds and reasons for such person's objections and asking for a hearing in the matter involved before the board. When such a petition is timely filed, the procedure for conducting the contested case shall be in accordance with § 68-211-113(b);

(3) If a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator is deemed to have consented to the assessment and it shall become final;

(4) Whenever any assessment has become final because of a person's failure to appeal either the commissioner's assessment or the board's order, the commissioner may apply to the appropriate court for a judgment and seek execution on such judgment. The court, in such proceedings, shall treat the failure to appeal such assessment as a confession of judgment in the amount of the assessment; and

(5) The commissioner may institute proceedings for assessment in the chancery court of Davidson County or in the chancery court of the county in which all or part of the violation or failure to comply occurred. Such court shall have venue over such actions, notwithstanding § 20-4-101 to the contrary.

(c) In assessing a civil penalty, the following factors may be considered:

(1) The harm done to public health or the environment;

(2) The economic benefit gained by the violators;

(3) The amount of effort put forth by the violator to attain compliance; and

(4) Any unusual or extraordinary enforcement costs incurred by the commissioner.

(d) Damages to the state may include any reasonable expenses incurred in investigating and enforcing violations of this part, and in restoring the air, water, land and other property, including animal, plant and aquatic life, of the state to their former condition.

[Acts 1980, ch. 662, § 6; T.C.A., §§ 53-4344, 68-31-117; Acts 2004, ch. 848, § 2; 2013, ch. 181, § 7.]

**68-211-813. Municipal solid waste regions — Board — Plan for disposal capacity and waste reduction — Regional municipal solid waste advisory committee.**

(a)

(1) After consideration of the needs assessment is completed, municipal solid waste regions shall be established by resolutions of the respective county legislative bodies by December 12, 1992. A municipal solid waste region shall consist of one (1) county or two (2) or more contiguous counties. If the region consists of more than one (1) county, an agreement establishing the region shall be approved by the legislative body of each county that is a party to the agreement.

(2) Once established, municipal solid waste regions shall continue to exist until dissolved, a successor region or regions established and the requirements of this section are met. A municipal solid waste region may be dissolved and a new region or reconfigured region established upon completion of the following procedure:

(A) The approval of the dissolution of the existing region by resolution of the county legislative body of each county in the existing region;

(B) The approval of the proposed new or reconfigured region by resolution of the county legislative body of each county that is to be a part of the new or reconfigured region;

(C) The submittal to the department of environment and conservation of a list of the new board members, their addresses, phone numbers, terms of office and a new or revised plan for any new or reconfigured region that complies with the requirements of this part; and legislative body of each county that is to be a part of the new or reconfigured region;

(D) The approval of the department of environment and conservation of all of the new or revised plans for all of the new or reconfigured regions.

(3) Each county and region shall continue to follow the existing approved plan until new or revised plans are approved by the department of environment and conservation for each new or reconfigured region.

(4) The preferred organization of the regions shall be multi-county. Any county adopting a resolution establishing a single-county region shall state the reasons for acting alone in the resolution.

(b)

(1)

(A) The resolution establishing a region for a county or approving an agreement to establish a region with other counties shall provide for the establishment of a board to administer the activities of the region. This board shall consist of an odd number, not less than five (5) nor more than fifteen (15). Each county that is a member of a region shall be represented by at least one (1) member on the board. Municipalities that provide solid waste collection services or provide solid waste disposal services, directly or by contract, shall be represented on the board. The members of the board shall be appointed by the county mayors and municipal mayors, respectively, of the counties and eligible municipalities within the region. Municipalities entitled to representation on the board may agree to joint or multiple representation by a board member or for a county member to represent one (1) or more municipalities upon agreement of all local governments who share representation by a board member. Any such agreement shall specify the method of making the appointment for a member representing more than one (1) local governmental entity. Members of county and municipal governing bodies, county mayors, municipal mayors, county and municipal officers and department heads may be appointed to the board. Appointments must be approved by the legislative or governing bodies of the respective counties and eligible municipalities within the region. The members of the board shall serve for terms of six (6) years or until their successors are elected and are qualified by taking an oath of office, except that the initial board shall have approximately one-third ( $\frac{1}{3}$ ) of the members with terms of two (2) years, and approximately one-third ( $\frac{1}{3}$ ) of the members with terms of four (4) years, so as to stagger the terms of office.

(B) The county and municipal mayors, and any other authorities, who appoint members to regional boards created under subdivision (b)(1)(A) must strive to ensure that at least two (2) elected officials serve on each regional board.

(2) Any county that has a solid waste authority, not organized pursuant to part 9 of this chapter and in existence on July 1, 1991, may designate such authority as the board to administer the activities of the region, if such county chooses to be a region unto itself. The legislative body of the county and of each municipality that provides solid waste collection services or solid waste disposal services in the region shall approve such designation by the passage of an appropriate resolution.

(3) Appointments made after July 1, 1994, to the board for a municipal solid waste region consisting of counties having a population less than two hundred thousand (200,000), according to the 1990 federal census or any subsequent federal census, shall be made so that rural landowners shall have representation on the board, and by December 31, 1998, at least thirty percent (30%) of the membership shall consist of members who own at least a fifty percent (50%) equitable or fee simple interest in land that is eligible for classification as agricultural, forest or open space land under the terms of the Agricultural, Forest and Open Space Land Act of 1976, compiled in title 67, chapter 5, part 10.

(c) Each region shall develop a plan for a ten-year disposal capacity, and for achieving compliance with the waste reduction and recycling goal required by § 68-211-861.

(d) The legislative body of any municipality which lies within the boundaries of two (2) or more regions shall select by resolution in which region it shall participate.

(e) Within each municipal solid waste region, the board of the region shall establish a regional municipal solid waste advisory committee whose composition shall be determined by the board.

(f) The department shall maintain materials designed to assist municipal solid waste region board members with administering their regions. The department shall publish the materials on its website and send an electronic copy of the materials to the appropriate appointing authorities by July 1, 2018.

[Acts 1991, ch. 451, § 12; T.C.A., § 68-31-813; Acts 1994, ch. 735, § 1; 1996, ch. 846, §§ 11-13; 2003, ch. 90, § 2; 2007, ch. 462, § 1; 2017, ch. 335, § 1; 2018, ch. 1009, § 1.]

**68-211-814. Municipal solid waste region plans — Authority of region or solid waste authority after approval.**

(a)

(1) Each region shall submit its plan to the department of environment and conservation by July 1, 1994. The plan shall be formulated in strict compliance with § 68-211-815. After receiving a plan, the department shall approve or disapprove the plan within ninety (90) days. The department shall approve the plan if it adequately addresses each element required by § 68-211-815. If a plan is disapproved, the department shall state in detail the reasons for such disapproval. The region shall review any disapproved plan and shall resubmit a plan which corrects all deficiencies to the department within sixty (60) days of receiving the letter of disapproval.

(2) The plan may be revised at any time to reflect subsequent developments in the region. Each revised plan shall be submitted to, reviewed by and approved or disapproved by the department of environment and conservation in the same manner as the initial plan.

(3) Each municipal solid waste region shall submit an annual progress report to the department covering the next ten (10) years that includes, at a minimum, the information contained in § 68-211-815(b).

(b)

(1)

(A) If the commissioner approves the plan, the region or solid waste authority, if one has been formed pursuant to part 9 of this chapter, by resolution and subsequent adoption of ordinances by counties and municipalities in the region, may also regulate the flow of collected municipal solid waste generated within the region. Prior to the adoption of any resolution declaring the necessity of requiring mandatory flow of municipal solid waste, the region or authority, following one (1) or more public hearings, shall demonstrate in writing to the commissioner that it has considered the utilization of any municipal solid waste management facility in existence within the region on July 1, 1991, which meets the proposed or final federal Resource Conservation and Recovery Act (RCRA),

compiled in 42 U.S.C. § 6901 et seq., Subtitle D regulations. The region or authority must show that its decision not to use the existing facility is based on the fact that:

(i) Such facility is environmentally unsound or inadequate to meet the region's ten-year capacity assurance plan;

(ii)

(a) Costs for the use of such facility are inconsistent with comparable facilities within the state; or

(b) The existing facility is operating in a manner that is inconsistent with the plan; and

(iii) The waste subject to flow control will be sent only to a facility or facilities that meet all state and federal regulations.

(B) The region or authority may restrict access to any landfills and incinerators which dispose of municipal solid waste by excluding waste originating with persons or entities outside the region in order to effectuate the plan. If a facility within a region has accepted waste from a specific source outside the region prior to July 1, 1991, the region may not prohibit that facility from continuing to accept waste from that source, unless the facility's acceptance of that waste significantly impairs the region's ability to effectuate its plan.

(C) Appeal of final actions of the region or authority, including any determinations under subdivision (b)(1), shall be taken by an aggrieved person within thirty (30) days to any chancery court in the region or authority which took such final action.

(D) After the plan is approved, the region must approve any application for a permit for a solid waste disposal facility or incinerator within the region as is consistent with the region's disposal needs before any permit is issued by the commissioner pursuant to this chapter.

(2)

(A) An applicant for a permit for construction or expansion of a solid waste disposal facility or incinerator shall submit a copy of the application to the region at or before the time the application is submitted to the commissioner. The region shall review the application for compliance with this section, and shall conduct a public hearing after public notice has been given in accordance with title 8, chapter 44, prior to making the determination provided for in this subdivision (b)(2). The hearing must afford all interested persons an opportunity to submit written and oral comments, and the proceeding must be recorded and transcribed. The region shall render a decision on the application within ninety (90) days after receipt of a complete application. The region shall immediately notify the commissioner of its acceptance or rejection of an application. If no decision is rendered by the region on the application within ninety (90) days after receipt of a complete application, then the commissioner may continue processing of the application.

(B) The region may reject an application for a new solid waste disposal facility or incinerator or expansion of an existing solid waste disposal facility or incinerator within the region only upon determining that the application is inconsistent with the solid waste management plan

adopted by the county or region and approved by the department, and the region shall document in writing the specific grounds on which the application is inconsistent with such plan.

(C)

(i) Appeal of a final action of the region under this subdivision (b)(2) must be made by an aggrieved person within thirty (30) days to the chancery court of Davidson County. The court shall exercise the same review as it would in a case arising under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. For the purposes of this section, an “aggrieved person” is limited to a person applying for permits, a person who owns property or lives within a three-mile radius of the facility or site that is proposed for permitting, or cities or counties in which the proposed facility is located.

(ii) A permit that is the subject of an appeal made to the chancery court of Davidson County within the time prescribed in subdivision (b)(2)(C) must not be:

(a) Processed by the commissioner until there is a final adjudication of the appeal on the merits; or

(b) Issued in contravention of the final adjudication on the merits.

(D) If an aggrieved party does not appeal a final action of the region in accordance with subdivision (b)(2)(C), then the commissioner may issue the permit unless the commissioner finds that the decision of the region to reject the application is arbitrary and capricious and unsupported in the record developed before the region.

(E) The region shall provide for reasonable public notice of meetings. The region is subject to title 10, chapter 7, part 5, and shall act in accordance with title 8, chapter 44.

(3) If the region has formed a solid waste authority pursuant to part 9 of this chapter, then the authority shall approve any permit applications as provided for in this section instead of the region.

(4) A region or solid waste authority may not impair the obligations of contracts entered into before the date of approval of the region's plan in violation of the article I, § 20 of the Tennessee Constitution.

(5) A region or solid waste authority may not restrict the movement of recovered materials into, out of, or within the region.

(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.

[Acts 1991, ch. 451, § 13; T.C.A., § 68-31-814; Acts 1993, ch. 523, § 4; 1996, ch. 846, §§ 14-18; 2004, ch. 783, § 2; 2022, ch. 875, § 1.]

## **68-211-815. Municipal solid waste region plans — Contents.**



(a) Each plan and revised plan submitted by a municipal solid waste region pursuant to this part shall be consistent with the state solid waste plan, with this part, with all other applicable law and with any regulation promulgated by the department.

(b) At a minimum, each plan and revised plan submitted by a municipal solid waste region shall include the following:

- (1) Demographic information;
- (2) A current system analysis of:
  - (A) Waste streams, including data concerning types and amounts generated;
  - (B) Collection capability, including data detailing the different types of collection systems and the populations and areas which receive and do not receive such services;
  - (C) Disposal capability, including an analysis of the remaining life expectancy of landfills or other disposal facilities;
  - (D) Costs, using a full-cost accounting model developed by the commissioner, including costs of collection, disposal, maintenance, contracts and other costs; and
  - (E) Revenues, including cost reimbursement fees, appropriations and other revenue sources;
- (3) Adoption of the uniform financial accounting system required by § 68-211-874;
- (4) Anticipated growth trends for the next ten-year period;
- (5) Anticipated waste capacity needs;
- (6) Planned capacity assurance, including descriptions of planned or needed facilities;
- (7) A recycling plan, including a description of current public and private recycling efforts and planned efforts to enhance recycling within the county or region;
- (8) A plan for the disposal of household hazardous wastes;
- (9) Adoption of uniform reporting requirements as required by this part;
- (10) A description of waste reduction and recycling activities designed to attain the goal required by § 68-211-861;
- (11) A description of education initiatives aimed at businesses, industries, schools, citizens and others, which addresses recycling, waste reduction, collection and other goals of this part;
- (12) An evaluation of multi-county solid waste disposal region options with an explanation of the reasons for adopting or failing to adopt a multi-county regional approach;
- (13) A timetable for implementation of the plan;
- (14) A description of the responsibilities of the various participating jurisdictions;
- (15) A certification from the region's title 68, chapter 211, part 9 solid waste authority, if such an authority has been formed, or if no such authority has been formed, the county legislative body of

each county in the region that they have reviewed and approved of the region's plan and/or revised plan;

(16) A plan for managing solid waste generated as a result of disasters or emergencies; and

(17) Any other information as the commissioner may deem relevant to the implementation of this part.

[Acts 1991, ch. 451, § 14; T.C.A., § 68-31-815; Acts 1995, ch. 501, § 3; 1996, ch. 846, §§ 19-22; 2007, ch. 462, §§ 2, 3.]

**68-211-816. Municipal solid waste regions — Failure to submit adequate plan — Noncompliance with part — Sanctions and penalties.**

(a) If a municipal solid waste region fails to submit an adequate plan in a timely fashion or if the commissioner does not approve any plan submitted to it, or for any other noncompliance with a provision of this part, then the commissioner shall impose the following sanctions, as appropriate, on the noncompliant county or region:

(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 noncomplying 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.

(b) Any civil penalty shall be assessed in the same manner as provided in § 68-211-117(b). Any penalty collected pursuant to this section shall be deposited in the solid waste management fund.

(c) Any person who violates § 68-211-608, § 68-211-866(a) or § 68-211-867(d) shall be subject to the penalties provided for in § 68-211-117.

[Acts 1991, ch. 451, § 16; T.C.A., § 68-31-816; Acts 1995, ch. 501, § 3; 2007, ch. 462, §§ 4-6.]

**68-211-817. Publicly owned landfills or incinerators — Exclusion of certain solid waste.**

A publicly owned landfill or incinerator for disposal of municipal solid waste may exclude solid waste originating outside of the region if such exclusion is consistent with the region's plan submitted pursuant to § 68-211-814.

[Acts 1991, ch. 451, § 15; T.C.A., § 68-31-817.]

**68-211-835. Tipping fee — Amount — Collection — Expenditure of revenues — Joint ventures — Surcharges — Solid waste disposal fees — Collection — Penalty for nonpayment — Use of fee.**

(a) Each county, municipality, or solid waste authority which owns a municipal solid waste disposal facility or incinerator may impose a tipping fee upon each ton of municipal solid waste or its volume equivalent received at such solid waste disposal facility or incinerator. Such a tipping fee shall be set by the governing body of the county or municipality, or by the board of directors of the solid waste authority. This tipping fee shall be collected by the operator of the publicly owned municipal solid waste disposal facility or incinerator and remitted to the owner. The fee imposed may be equal to, or a portion of, the estimated cost of providing solid waste management services on a per ton or volume equivalent. Such full cost shall be determined pursuant to the uniform solid waste accounting system developed by the comptroller of the treasury.

(b) Revenue from tipping fees at publicly owned solid waste disposal facilities and incinerators received by counties, municipalities and solid waste authorities shall be expended only for solid waste management purposes.

(c) When a municipal solid waste disposal facility is operated as a joint venture by more than one (1) city or county, or combination thereof, or by an authority, the tipping fee authorized under this section shall be imposed by the joint operators or authority, and the tipping fee received shall be remitted to the participating local governments or authorities for expenditure for solid waste management purposes only.

(d)

(1) In addition to any tipping fee imposed by any local government under this section, there shall also be imposed a surcharge of ninety cents (\$0.90) on each ton of municipal solid waste received at all Class I solid waste disposal facilities or incinerators.

(2) The operator of the municipal solid waste disposal facility or incinerator shall collect this surcharge and remit it to the state treasury, except that the operator shall be allowed a deduction of the surcharge due, reported and paid to the department in the amount of one percent (1%) of the amount due on the report. No deduction from the fee shall be allowed if the report or payment of the surcharge is delinquent. Of the funds received from this surcharge, for a period of three (3) years starting July 1, 2009, the state shall credit an amount not to exceed two million six hundred thousand dollars (\$2,600,000) to the general fund annually, if the annual general appropriations act so provides, and the remainder shall be credited to the solid waste management fund. On July 1, 2012, and thereafter, all of the funds received from this surcharge shall be credited to the solid waste management fund.

(e) In order to encourage regional use of solid waste disposal facilities or incinerators, a county that is host to a solid waste disposal facility or incinerator used by other counties in the same region formed pursuant to this part may impose a surcharge on municipal solid waste received at any such solid waste disposal facility or incinerator by resolution of its county legislative bodies in the region. The surcharge shall be imposed on each ton or volume equivalent of municipal solid waste so received. The revenue received by a county from the surcharge authorized by this subsection (e) shall be expended for solid waste management purposes, or for purposes related to offsetting costs

incurred and other impacts resulting from the county being host to the solid waste disposal facility or incinerator. If any municipality in the host county incurs costs as a result of such a municipal solid waste facility or incinerator, then the county shall appropriate funds derived from the surcharge revenue to the municipality which shall be used by the municipality to offset such costs.

(f)

(1) In addition to any fee authorized by title 5, and to any tipping fee imposed by any local government under this section, a county, municipality or solid waste authority is authorized to impose:

(A) A surcharge on each ton of municipal solid waste received at a solid waste disposal facility or incinerator for expenditure for solid waste collection, processing, or disposal purposes consistent with this part; and/or

(B) A solid waste disposal fee authorized by subsection (g).

(2) The surcharge authorized to be imposed by a county by subdivision (f)(1)(A) shall not take effect until a regional solid waste plan is approved for such county.

(g)

(1) In addition to any power authorized by title 5, a county, municipality or solid waste authority is authorized to impose and collect a solid waste disposal fee. Funds generated from such fees may only be used to establish and maintain solid waste collection and disposal services, including, but not limited to, convenience centers. All residents of the county shall have access to these services. The amount of the fee shall bear a reasonable relationship to the cost of providing the solid waste disposal services. Such fees shall be segregated from the general fund and shall be used only for the purposes for which they were collected.

(2) Subject to any other requirement of law, a county, municipality or solid waste authority may enter into an agreement with an electric utility to collect the solid waste disposal fee as a part of the utility's billing process. The agreement shall be approved by the governing body of the county or municipality entering into the agreement, or, in the case of a solid waste authority, the agreement shall be approved by the authority's board of directors.

(3) A solid waste disposal fee shall not be imposed on any generator of solid waste when the generator's solid waste is managed in a privately owned solid waste disposal system or resource recovery facility owned by the generator.

(4) In any county having a population of not less than nineteen thousand three hundred (19,300) nor more than nineteen thousand six hundred (19,600) or not less than twenty-two thousand two hundred (22,200) nor more than twenty-two thousand five hundred (22,500) or not less than twenty-three thousand three hundred (23,300) nor more than twenty-three thousand four hundred (23,400), according to the 1990 federal census or any subsequent federal census, the solid waste disposal fee authorized by this subsection (g) shall be subject to the same penalty and interest as delinquent property taxes if not paid within thirty (30) days after notice of such fee is mailed. The unpaid fees, penalty, interest and cost shall be a lien on the real estate and improvements thereon upon filing of a notice with the office of the register

of deeds of the county in which the property lies. Such lien shall be in favor of the jurisdiction, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. The notice shall identify the debtor, owner of record of the real property, contain the property address, describe the property sufficiently to identify it and recite the amount of the obligation secured by the lien. No sale or transfer, including, but not limited to, a transfer to an heir-at-law, assignee or legatee of such real property may be legally closed and recorded until the lien has been satisfied. The same shall apply if the property is to be made the subject of a contract of sale. Upon the sale or transfer of the real property, the successor, successors or assigns shall be required to withhold a sufficient amount of the purchase money to cover the amount of the fees, interest, penalty and cost. The jurisdiction may collect the delinquent fees, penalty, interest and cost through an action for debt filed in any court of competent jurisdiction.

(h)

(1) As used in this subsection (h), “county” means any county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2010 federal census or any subsequent federal census.

(2) In addition to any power authorized by title 5, a county is authorized to impose and collect a solid waste collection, processing, and disposal fee, referred to in this subsection (h) as the “fee”. Funds generated from the fee shall only be used to:

(A) Establish and maintain solid waste collection, processing, and disposal services including, but not limited to, convenience centers;

(B) Establish and maintain material recovery venues and programs; and

(C) Cover costs borne by a county as a consequence of disposal, including the expenses incurred in determining such costs.

(3) All residents of the county imposing the fee shall have access to the services, venues, and programs established and maintained pursuant to subdivisions (h)(2)(A) and (B).

(4) The amount of the fee shall bear a reasonable relationship to the cost of providing the services, venues, and programs established and maintained pursuant to subdivisions (h)(2)(A) and (B). The fee to be imposed by the county shall be set by the county in consultation with and subject to the approval of the underground storage tanks and solid waste disposal control board created in § 68-211-111.

(5) All moneys collected from the fee shall be segregated from the general fund.

[Acts 1991, ch. 451, § 54; T.C.A., § 68-31-835; Acts 1996, ch. 846, § 31; 1997, ch. 343, § 1; 1998, ch. 817, §§ 1-3; 1999, ch. 384, §§ 1, 2; 2002, ch. 720, §§ 1, 2; 2004, ch. 783, § 1; 2007, ch. 462, § 12; 2009, ch. 531, § 5; 2016, ch. 818, §§ 1, 2.]

**68-211-871. Annual report — Contents — Annual progress report — Sanctions for noncompliance — Annual reports by recovered materials facilities.**

(a) The department shall make available on its web site, by January 1 of each year, the forms and information to be used by the regions to file an annual progress report. Each region shall submit the annual report to the commissioner by March 31 for the immediately preceding calendar year, in a format to be determined by the commissioner, which will include data on the following:

(1) Collection;

(2) Recycling;

(3) Transportation;

(4) Disposal;

(5) Public costs; and

(6) Any other information that the board, by rule, deems relevant to solid waste planning and management.

(b) After approval of the plan required by § 68-211-814, the commissioner shall require that a region submit an annual progress report on implementation of such plan in conjunction with the annual report required by this section.

(c) The region may require each person actively and regularly engaged in the collection, transportation and disposal of municipal solid waste, or the recovery or recycling of materials, in the county or counties constituting the region to provide any information necessary for the region to comply with the reporting requirements of this section.

(d) The region may bring an action for mandatory injunction in the chancery court against any person failing to properly report in accordance with this section in order to compel compliance. The region shall be entitled to recover all costs and attorney's fees from any person failing to comply with the reporting requirements of this section.

(e) Any person operating a recovered materials processing facility shall report annually the quantities of recovered materials processed at that facility, by type of material, directly to the department or its designee, in a manner approved by the department. The department may enter into agreements with private recycling organizations to facilitate the gathering of such information. Such information shall be treated as proprietary information but may be compiled and reported in cumulative statewide totals, by type of recovered material. Such information may not be released to the public in such a manner as to identify it with an individual recovered materials processing facility. A recovered materials processing facility which fully complies with the reporting requirements of this subsection (e) shall not be subject to the reporting requirements of subsection (c), for information solely related to the operation of the recovered materials processing facility.

[Acts 1991, ch. 451, § 49; T.C.A., § 68-31-871; Acts 1995, ch. 501, § 3; 1996, ch. 846, § 41; 2007, ch. 462, § 18.]

## Appendix B – Sample Dissolution Resolution

RESOLUTION NO. \_\_\_\_\_  
A RESOLUTION DISSOLVING SOUTHERN  
MUNICIPAL SOLID WASTE PLANNING  
REGION COMPOSED OF CHADAM, HACKMORE, MACKLAMORE AND WARDEN COUNTIES  
AND CREATING HACKMORE COUNTY'S  
MUNICIPAL SOLID WASTE PLANNING REGION

WHEREAS, the adoption of the Subtitle D landfill regulations by the United States Environmental Protection Agency and companion regulations adopted by the Tennessee Solid Waste Control Board has had a impact on both the cost and method of disposal of municipal solid waste; and

WHEREAS, at the urging and support of a coalition of local government, environmental, commercial, and industrial leaders, the 97th Tennessee General Assembly enacted T.C.A. § 68-211-801 et seq. Titled "Solid Waste Act of 1991"; and

WHEREAS, with the view that better planning for solid waste will help control the additional cost that will be imposed by the new landfill regulations, help protect the environment, provide and improve solid waste management system, better utilize our natural resources, and promote the education of the citizens of Tennessee in the areas of solid waste management including the need for and desirability of reduction and minimization of solid waste, local governments in Tennessee supported and worked for the passage of this Act; and

WHEREAS, one of the stated public policies of this Act is to institute and maintain a comprehensive, integrated, statewide program for solid waste management; and

WHEREAS, as per T.C.A. § 68-211-881, the nine development districts in the State of Tennessee have completed a district needs assessment which are inventories of the solid waste systems in Tennessee: and

WHEREAS, unto Hackmore County's Board of County Commissioners have given consideration to the needs assessments prepared by the Southwest Tennessee Development District; and

WHEREAS, T.C.A. § 68-211-813, required that counties in the State of Tennessee initially form municipal solid waste regions no later than December 12, 1992; and

WHEREAS, The Act's stated preference was the formation of multi-county regions with counties having the option of forming single or multi-county municipal solid waste regions; and

WHEREAS, the state of Tennessee has provided grant monies of varying amounts to single, two county , and three or more county municipal solid waste region to assist there regions in developing their municipal solid waste regions plans; and

WHEREAS, the primary and prevailing purpose of the municipal solid waste regions was the preparation of municipal solid waste regions plans which among other requirements identify how each region would reduce its solid waste disposal per capita by twenty-five percent (25%) by December 31, 1995, and a planned capacity assurance of its disposal needs for a ten (10) year period; and

WHEREAS, the development of a municipal solid waste regional plan that results in the most cost effective and efficient management of municipal solid waste is in the best interest of the citizens of Hackmore County; and

WHEREAS, formation of Chadam, Hardin, Macklamore and Warden County Municipal Solid Waste Planning Region, known as Southern Region, does not provide for the most cost effective and efficient management of municipal solid waste in the best interest of the citizens of Hackmore County; and

WHEREAS, the policy of the state Department of Environment and Conservation allows for the dissolution of the multi-county regions, if all members counties can agree to the terms of dissolution; and

WHEREAS, Chadam, Hardin, Macklamore and Warden County Municipal Solid Waste Planning Region, known as Southern Region , have agreed to pass similar resolutions;

NOW THEREFORE BE IT RESOLVED, that all ties and affiliation of Chadam, Hardin, Macklamore and Warden County Municipal Solid Waste Planning Region, known as Southern Region, be dissolved; and

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Hackmore County, Tennessee, acting pursuant to T.C.A. § 68-211-801 et seq., that there is hereby established a Municipal Solid Waste Region for and by Hackmore County, Tennessee; and

BE IT FURTHER RESOLVED, that pursuant to T.C.A. § 68-211-801 et seq., that the Board of County Commissioners of Hackmore County, Tennessee finds and determines that Hackmore County shall be and shall constitute a single county municipal solid waste region due to the following: It is the will of the Citizens of Hackmore County to remain a single entity in collection and disposal of Solid Waste, it is also the wish of the citizens to use the existing contracted services in Hackmore County to the maximum good of the people of Hackmore County; and

BE IT FURTHER RESOLVED, that pursuant to T.C.A. § 68-211-813 (b)(1), a Municipal Solid Waste Regional Board is hereby established to administer the activities of the Region; and

BE IT FURTHER RESOLVED, that this Hackmore County Municipal Solid Waste Regional Board shall be composed of 5 members; and

BE IT FURTHER RESOLVED, that pursuant to T.C.A. § 68-211-813(b)(1), Hackmore Municipal Solid Waste Regional Board members shall be appointed by the Hackmore County Mayor and approved by the Board of County Commissioners and, due to the fact that the City of Savannah collects or provides disposal services through its own initiative or by contract, the City of Savannah shall have a Board member appointed by the Mayor of Savannah and approved by their City Board of Commissioners ; and

BE IT FURTHER RESOLVED, that the members of the Board of the Municipal Solid Waste Region shall serve a six year term except that, as pursuant to T.C.A. § 68-211-813(b)(1) and as part of the participating county's agreement as evidenced by this Resolution, the following shall be the initial terms of office: one member representing Hackmore County for a six (6) year term, one members representing Hackmore County and one members representing City of Savannah a four (4) year term, two member representing Hackmore County for a two (2) year term; and



BE IT FURTHER RESOLVED, that this Hackmore County Municipal Solid Waste Region Board shall have all powers and duties as granted by T.C.A. § 68-211-81 et seq. And in addition, in the performance of its duty to produce a municipal solid waste region plan, it shall be empowered to utilize existing Hackmore County governmental personnel, to employ or contract with persons, private consulting firms, and /or governmental, quasi-governmental, and public entities and agencies and to utilize Hackmore County's services, facilities and records in completing this task; and

BE IT FURTHER RESOLVED, that the Municipal Solid Waste Region Board's initial organization meeting it shall select from its members a chair, vice-chair and secretary and shall cause the establishment of a municipal solid waste advisory committee whose membership shall be chosen by the Board and whose duties are to assist and advise the Board; and

BE IT FURTHER RESOLVED, that the Municipal Solid Waste Region Board, in furtherance of its duty to produce a municipal solid waste region plan, is authorized to apply for and receive funds from the State of Tennessee, the Federal Government, Hackmore County, City of Savannah and donations and grants from private corporations and foundations; and

BE IT FURTHER RESOLVED, that Hackmore County shall receive, disburse and act as the fiscal agent for the administration of the funds of the Municipal Solid Waste Region and the Regions's Board; and

BE IT FURTHER RESOLVED, that upon the passage of this Resolution and at no later date than \_\_\_\_\_, 2014, the County Clerk of Hackmore County shall transmit a copy of this Resolution to the Tennessee Department of Environment and Conservation, Division of Community Assistance.

RESOLVED BY THE BOARD OF COUNTY COMMISSIONS OF HACKMORE COUNTY, TENNESSEE, this \_\_\_\_ day of \_\_\_\_\_, 2014, the welfare of the citizens of Hackmore County requiring it.

Sponsor:

\_\_\_\_\_  
County Commissioner

Attest:

\_\_\_\_\_  
County Clerk

Approved:

\_\_\_\_\_  
County Mayor

**Appendix C – Sample Appointment Resolution**

**RESOLUTION  
No. 01-07-2023**

**RESOLUTION TO APPOINT NEW AND REAFFIRM  
EXISTING MEMBERS OF THE CANTON COUNTY MUNICIPAL SOLID WASTE PLANNING  
REGION BOARD.**

**WHEREAS**, Canton County Municipal Solid Waste Regional Planning Board must maintain a board to administer the activities of the region; and

**WHEREAS**, Canton County Municipal Solid Waste Regional Planning Board members were initially appointed to serve for terms of six (6) years or until their successors are elected, except that the initial board which was to be appointed as follows; approximately one third (1/3) of the members with terms of two (2) years, and approximately one-third (1/3) of the members with terms of four (4) years, so as to stagger tile terms of office; and

**WHEREAS**, the terms must be maintained pursuant to T.C.A. 68- 211-813(b)(1), and run consistent with the adoption of the Resolution forming the Canton County Municipal Solid Waste Regional Planning Board; and

**WHEREAS**, this board must be approved pursuant to T.C.A. 68- 211-801, by the Board of County Commissioners of Canton County. Tennessee.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of Canton County, Tennessee, meeting in regular session on this the 14th day of January 2008, that:

**Section 1.** Wayne Kirkland, Harold Venton, John Morris, Harold Barrett and Steve Parks shall be confirmed to the Canton County Municipal Solid waste Planning Region Board.

**Section 2.** Terms of appointments will be as follows:

Appointment	Term Ending
Wayne Kirkland	07-01-2024
Harold Venton	07-01-2026
John Morris	07-01-2028
Harold Barrett	07-01-2024
Steve Parks	07-01-2023

Duly passed and approved this the ·14th day of January. 2023.

ATTEST:

\_\_\_\_\_  
County Clerk

APPROVED:

\_\_\_\_\_  
County Mayor

## References

Graham, Ron; Guidelines for Preparation of Five-Year Updates to Municipal Solid Waste Regional Plans, Division of Community Assistance, Department of Environment and Conservation, June 1999, Print

Hall, James E.; “Guidelines for Preparation of a Municipal Solid Waste Regional Plan,” The Tennessee State Planning Office, EB-0243, July 1, 1992, Print

Barkenbus, Jack, et al.; “Managing Our Waste: Solid Waste Planning for Tennessee,” Waste Management Research and Education Institute, February 1991, Print

Christly, Larry, “The Role of the Regional Municipal Solid Waste Board in Tennessee” Material Management Section, Department of Environment and Conservation, November 2011, Print

Tennessee Code Annotated § 68-211-800 et seq., Lexis, Web, January 4, 2023;  
<https://advance.lexis.com/container?config=014CJAA5ZGVhZjA3NS02MmMzLTRlZWQtOGJjNC00YzQ1MmZlNzc2YWYKAFBvZENhdGFsb2e9zYpNUjTRalWVfyrur9ud&crd=98499454-ecd0-4db3-9a0c-9d6d7de00d5d&prid=d420c2c0-4b05-435a-b63e-7c631eff253e>

## **Acknowledgements**

*(In alphabetical order)*

**Liz Gossett**, E-Media & Information Specialist, County Technical Assistance Service, Institute of Public Service, University of Tennessee

**Jim Hart**, Manager of Field Services, County Technical Assistance Service, Institute of Public Service, University of Tennessee

**Jeff Metzger**, Legal Consultant, County Technical Assistance Service, Institute of Public Service, University of Tennessee

**Chris Payne**, Manager of Customer Service & Operations County Technical Assistance Service, Institute of Public Service, University of Tennessee

**Kim Raia**, Environmental Management Consultant, County Technical Assistance Service, Institute of Public Service, University of Tennessee

**Jon Walden**, Executive Director, County Technical Assistance Service, Institute of Public Service, University of Tennessee