



Department of
Environment &
Conservation



Role of the Regional Municipal Solid Waste Board in Tennessee

Handbook for Members 2nd Edition

Division of Solid Waste Management | Handbook | March 2023



**THE ROLE
OF THE
REGIONAL MUNICIPAL SOLID WASTE BOARD
IN TENNESSEE**

A HANDBOOK FOR BOARD MEMBERS

SECOND EDITION

JULY 2022

STATE OF TENNESSEE

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF SOLID WASTE AND HAZARDOUS WASTE MANAGEMENT
MATERIALS MANAGEMENT PROGRAM**

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The information provided in this handbook is not, and is not intended to, constitute legal advice. Readers of this handbook should obtain legal, independent counsel with respect to any particular legal matter.

Introduction

The Solid Waste Management Act of 1991 (SWMA or Act) directed the development of solid waste regions to provide information on the generation, collection and disposal of solid waste, and to plan for a ten-year period on these topics with annual updates. Local government resolutions established the municipal solid waste regions in 1992 after each solid waste district prepared and considered needs assessments identifying solid waste infrastructure needs for the district.

Each municipal solid waste region established through resolution a board to administer the activities of the region. The board consists of an odd number of individuals who represent the municipalities and counties within the region providing solid waste services and has between five and fifteen members. The legislature added a provision directing appointing authorities of the regional solid waste board to strive to include least two elected officials.

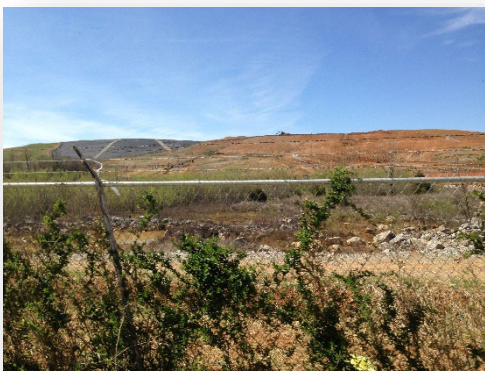
The General Assembly conceived the organization of solid waste regions to be multi-county regions, and early in the 1990's several multi-county regions were formed. Over the past three decades

some boards have functioned as designed, while other boards have proven to not meet their designated standards resulting in their being labeled dysfunctional. In recent years there has been a movement towards breaking multi-county regions into single county regions. In some

cases, members use the regional municipal solid

waste board as a government alliance to assist its members in political matters relating to solid waste. In the best cases, the region and its board provide for integrated services among local governments. This underlines the need to have the correct resources, proper planning, and an understanding of solid waste management which is very important. Especially since solid waste boards have become more high profile and at the front-and-center to the many challenges

Recently, solid waste boards have become more high profile and at the front-and-center



local governments face in dealing with solid waste management, recycling, planning, and end of life material management.

The Tennessee Department of Environment and Conservation (referred to as TDEC or Department within this handbook) prepared this handbook to assist the regional solid waste board members to understand the purpose of the board, each member's role, and serve as a reference guide for the board's work. The municipal solid waste board's work is important and impacts every citizen in their communities. When the board fails to do its job effectively, the citizens suffer the consequences.

The Municipal Solid Waste Board

REPRESENTATION

The Act designs the region’s municipal solid waste board’s membership to provide participation and representation of all local governments within the region providing solid waste collection or disposal services whether the region is a single county or multi-county region. The purpose of this solid waste board is to administer the activities of the solid waste region which this document describes later. The solid waste board representation is through an odd number (not less than five, nor more than fifteen) of members on the solid waste board. The region should strive to have representation comprised of at least two elected officials.

The law requires the representation of each county within the region by at least one board member. The municipalities that have solid waste collection or disposal services (either directly or through contract) must have representation on the board also. The voice of the board should represent all local governments that provide solid waste services and have representation on the board.

The municipalities entitled to representation on the board may agree to joint or multiple representation by a board member. 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. 64), the board should have a variety of representation that reflects the diversity of interests in solid waste management. This representation would include private industry, agricultural interests, and at-large citizens.

The board should have a variety of representation that reflects the diversity of interests in solid waste management

Depending on the local government, the county mayor or municipal mayor may appoint solid waste board member representatives. If a board member represents several local

governments, the agreement will specify the method for making the appointment within an agreement by those local governments. The appointing authority for a region may select members of county and municipal governing bodies, county mayors, municipal mayors, county and municipal officers, and department heads for service on the solid waste board. The corresponding legislative or governing bodies of the respective counties and eligible municipalities within the solid waste planning region must approve appointments.

In counties with populations less than 200,000 according to the 1990 federal census or any subsequent federal census (T.C.A. 68-211-813 (b) (3)), at least 30% of the solid waste board membership 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 ensures that agricultural interests are adequately represented on rural solid waste boards.

Municipalities that fall within the boundaries of two or more solid waste regions must select by resolution the region in which they will participate. This decision not only affects representation on the board, but it also impacts how the Department awards grants to the region and how the Department measures progress toward the waste reduction goal.

The county and municipal mayors, and any other authorities, who appoint members to regional boards created under T.C.A. 68-211-813 (b)(1)(A) must strive to ensure that at least two (2) elected officials serve on each regional board. The legislature added this to encourage elected official participation and awareness of board actions.

If a single county solid waste region had a solid waste authority prior to July 1, 1991, and it is not a Part 9 Authority (see "Part 9 Authorities" section of the handbook for more information), the region may designate this authority to fulfill the responsibilities of the solid waste board. To accomplish this action, a resolution and vote of the legislative body of the county and each municipality that provides solid waste collection or disposal services within the region must occur.

TERMS

Board members' terms are for six years or until an appointment for a successor takes an oath of office. Initially, the statute staggers these terms 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 the region reappoints and the representative desires 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. As such, the region must maintain the representation continuity member to member.

REFERENCE: T.C.A. §68-211-813

Municipal Solid Waste Regions

The SWMA required the formation of solid waste regions and for the regions to develop plans to manage solid waste within that region for a ten-year planning period. This materials management approach ensures that each region had adequate collection and disposal capacity for municipal solid waste into the future. Pursuant to this concept, each region developed a ten-year plan to govern progress towards this objective.

The SWMA gives responsibility to the solid waste board for overseeing, directing, and implementing waste reduction efforts that lead the region toward meeting the state mandated goal. As of 2022, the goal to reduce twenty-five percent per capita base year disposal going to Class I municipal solid waste landfills still remains. A 2007 amendment to the SWMA allows the Underground Storage Tank-Solid Waste Disposal Control Board to promulgate rules that establishes a new solid waste or reduction goal due to the dynamic, changing nature of technology, and needs in waste management. As of the publication of this handbook, the original goal remains in place.

Currently, there are 66 municipal solid waste regions. The majority of these regions are single county regions. Single county regions are solid waste regions made up of one county and the municipal governments within that county providing solid waste collection and disposal services. To become a single county region, the 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 made up of two or more counties and their municipal governments. At present, there are nine multi-county solid waste regions. These regions range from two to ten counties in size.

After 20 years, the effectiveness of municipal solid waste regions varies greatly. At a minimum, the region should meet once yearly to review updates to the 10-year solid waste plan and Annual Progress Report submitted to the state. After reviewing the Annual Progress Report, the region's solid waste board should vote whether or not to approve the plan update.

In the best cases, the solid waste board meets monthly or as often as a 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 region. The region should adopt and use Robert's Rules of Order (Appendix C) or an equivalent for the conduct of an orderly business meeting. This document addresses the types of issues the board may hear and addresses these issues in the section titled "Responsibilities."

The needs assessment completed in the early 1990's identified resources for the solid waste district members to share to avoid duplication and provide maximum utilization of funds and resources. It found some local governments find this concept problematic as each expects exclusive right and use of their own equipment and staff without regard to duplication in the next jurisdiction. Further, relations across government boundaries are not always positive. The region's solid waste board can be a mechanism to bridge these differences among their local governments since the Board represents 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.

Here is an example of duplication waste. Five counties all have one vertical baler. The counties only utilize each baler 20% of the time. The balers sit idle the remaining time. By sharing one baler, that single baler utilization rises to 100%, dropping the cost per bale, the need for maintenance for 4 balers, operational costs for 4 balers, and staff costs for the 4 balers for shared cost savings.

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 the region dissolves or becomes modified. The process to modify a region is very similar to the initial establishment of the solid waste region. The first step, as a matter of policy, is to review a current needs assessment from the solid waste district. The needs assessment would identify existing resources and future expected needs in a proposed region; then would "count the costs" prior

to region dissolution or modification. The region would identify infrastructure needed to function as a new solid waste region for planning and build a new plan accordingly.

Next, the member counties of the existing region must pass a resolution to dissolve or reconfigure the solid waste region. Each county within the region must pass this resolution. The law does not require municipal participation in this resolution.

Finally, each county within the solid waste region to be reconfigured must vote on a resolution that restructures and defines the new region. Again, the Act does not present a 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 the region appoints new board members, the makeup of the board, the number of board members, and how the board will stagger member terms to allow for one-third of the board rotating every two years as discussed previously in the section, "The Municipal Solid Waste Board", "Terms," and stay consistent with the SWMA.

Upon passage of the required resolutions, the reconfigured solid waste region must submit to the Department a list of new board members with their addresses, phone numbers, and terms of office (T.C.A. §68-211-813 (a)(2)(C)). Also, the Act requires a new or revised solid waste plan for each of the new or reconfigured regions to submit 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 plan approval officially creates the solid waste region. The approval date of the solid waste plan becomes the creation date of the new region. New solid waste board member term periods start with this date setting future appointment board member service periods. The process for dissolution or reconfiguration generally takes about one year to complete because of the complexity in coordinating local government efforts, resolutions, solid waste plans, and finding and appointing new board members to fill the required terms.

Solid waste regions have several resources available to assist them in the dissolution or reconfiguration process. The local development district may assist in the development or modification of 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 in designing solid waste systems and infrastructure. CTAS may provide model resolutions and help coordinate efforts between the various local governments involved. The Division of Solid Waste Management also provides technical assistance and guidance, on request, answering questions and providing information as needed to help the newly organized solid waste regions.

REFERENCE: T.C.A. §68-211-813

Responsibilities

MUNICIPAL SOLID WASTE PLANNING

The main function of the solid waste board is to provide direction and oversight to the region on matters of solid waste management. The SWMA directs planning to the regional solid waste board as the best means to manage and provide oversight of solid waste within the region. The oversight includes the generation, collection, and proper disposal of solid wastes.

A materials management approach should dictate solid waste planning and leverage the integrated solid waste management systems of the region. The SWMA's long term goal is to remove as much material from the waste stream as possible, to extend the life spans of landfills, and to leverage more sustainable methods of using the material collected. The long- term plan should also remove potential toxic materials by diverting them to other programs. If effective, the region should have the most appropriate wastes destined for the landfill with all other materials directed for reuse, compost, recycling, and used for energy production. The region should also divert household hazardous wastes to other disposal options away from the landfill.

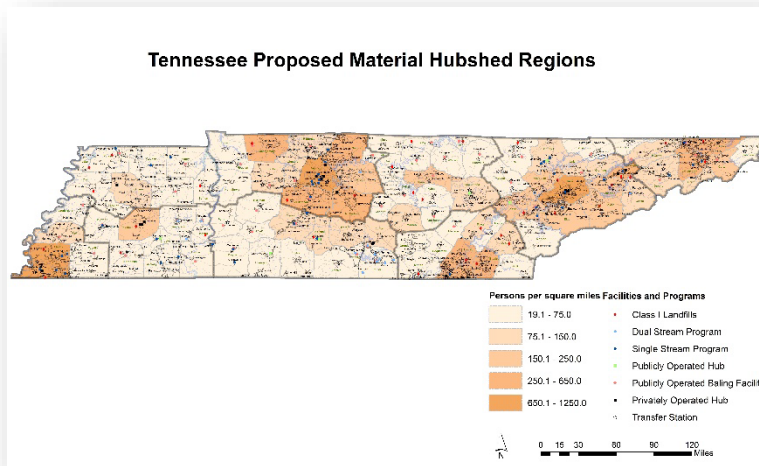
The solid waste region has the responsibility to review the various solid waste systems and options and then make sound planning decisions towards how the region should proceed.

To a large degree, a region may redirect nearly 75% of materials currently sent to the landfills to other material management options. Yard trimmings may go to composting facilities; operations may reuse or recycle construction and demolition materials. Material recovery facilities (MRF) may recycle commodities like fiber, plastic, metals, and glass, or specialize in specific materials such as construction and demolition. There are outlets that can manage the recycling or reuse of batteries, oil, paint, antifreeze, and electronic scrap that when referred to together often have the acronym BOPAE. Department sponsored mobile household hazardous waste collection events may collect household hazardous wastes. Some counties have permanent or approved temporary collection facilities which fill that role.

The solid waste region has the responsibility to review the various solid waste systems and options and then make sound planning decisions towards how the region should proceed. Many of these choices create or sustain local jobs in recycling and manufacturing. The lack of a well thought out plan costs taxpayers' money through higher costs associated with disposal, repetitive systems, incompatible equipment, higher transportation costs, and potential lost revenues from the sale of commodities.

When the region plans for solid waste, the region's members benefit from economy of size. The potential larger contracts, due to the region's population size and geographical distribution, may attract higher quality services and price discounts. The increased knowledge base of an interdisciplinary board membership brings stronger solutions to the solid waste region. Keeping equipment purchases to a minimum while maximizing utilization of existing resources

within the region will further benefit the local governments through the freeing of funds and making those funds available for other services or programs.



The Act requires the solid waste board to maintain a solid waste plan for the region. Originally, the SWMA specified this as a ten-year

plan for adequate collection and

disposal capacity in the landfills used by the region and included a plan for waste reduction methods that extend the life of these landfills. While original planning efforts sought a plan update every five years to adjust the ten-year plan for population changes and any new challenges within the solid waste region, updates and revisions may occur at any time needed. Yearly, the annual progress report updates the region's information for the ten-year plan to indicate progress made toward the current goal.

In 2004, the General Assembly designated the Annual Progress Report as the primary document for yearly updating to the region's ten-year solid waste plan, eliminating the need for a five-year update to that plan. Since that time, the Annual Progress Report has described ten-year forward-looking changes to the region's solid waste plan. This view looks to the needs of

the solid waste region identifying necessary equipment and facilities to improve the region's infrastructure.

The region may completely or partially revise its solid waste plan at any time to address changes and new developments within the region. The solid waste board should determine the need to address major changes in the region with a new plan. The board may also consider minor modifications as needed. The region may address most routine changes through the Annual Progress Report submitted each March. Before a region submits a new or revised solid waste plan to the Department, the solid waste region must hold a public hearing on the proposed new solid waste plan or plan revision.

SOLID WASTE FACILITY PERMIT REVIEW

An applicant seeking a permit for construction or expansion of a solid waste disposal facility or incinerator must submit its application to the regional board before or at the same time the applicant sends its application to the Department. The board must determine whether the application complies with T.C.A. §68-211-814 and conforms with the region's solid waste plan. The region must utilize a public hearing process to determine approval after the region gives public notice in accordance with 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 region's solid waste management plan approved by the Department. The region must document in writing the specific grounds to which the region finds any application inconsistent with its plan.

The public hearing must give all interested persons an opportunity to submit written and oral comments. The region shall record and transcribe proceedings. The statute gives the region ninety (90) days to complete this process. Once the region completes the public hearing process, the solid waste region immediately notifies the Commissioner of its acceptance or rejection of the application.

When a region rejects a landfill or incinerator application, the Department will review the solid waste region's process record and the reasons for rejection of the application. The Department's review ensures that the solid waste region's decision is adequately supported and is not arbitrary or capricious. The solid waste region may only reject the application due to inconsistency with the regional solid waste plan previously 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 applicant a permit.

An aggrieved party has 30 days to appeal to chancery court in Davidson County the solid waste region's final actions relative to any permit application. The Act limits aggrieved parties to either the permit applicant, persons owning property within three miles radius 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 maintaining a knowledgeable solid waste board membership in handling the affairs of the solid waste region. Proper understanding, planning, and administration of the region's solid waste systems assists the region in determining the need and the correct fit for facilities.

REFERENCE: T.C.A. §68-211-814

Solid Waste Planning

TEN-YEAR PLAN

When a solid waste region forms, the SWMA requires the compilation of a ten-year plan to address certain items. Once the Department receives a plan, and after careful review, the Department must approve or reject the plan within ninety (90) days. If the compilation adequately addresses each planning element required within the SWMA, the Department may approve the plan. If deficiencies exist, the Department will send a written notice to the region informing the region of the deficiencies. In the notice, 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.

A regional solid waste board should further consider the content and direction of each region's solid waste plan

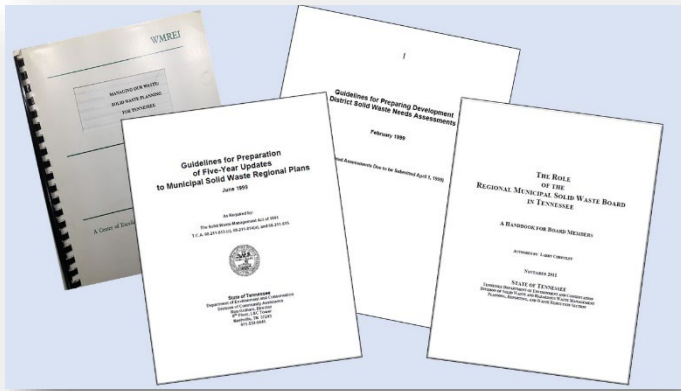
At any time, the region may update or revise the plan to reflect subsequent developments within the region. The region must submit the revision or update for review to the Department for either approval or rejection in the same manner as noted in the initial plan review and approval.

The ten-year plan must contain the information listed below.

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;
- 11. 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;
- 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 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 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 plan.

Solid waste rules, Chapter 0400-11-01-.09(2)(b), state that incineration (where the primary purpose is not energy recovery), un-marketed or stored compost, and recyclable recovered materials do not count toward the waste reduction and diversion goal. Under the rule, the (2)(b) Waste Reduction Methods restrict and provide guidance on materials available as acceptable methods of waste reduction in the development of a ten-year solid waste plan.



A regional solid waste board should further consider the content and direction of each region's solid waste plan and assure that each plan remains consistent with the current State solid waste plan, the provisions of the SWMA, and any rules or other applicable provisions related to solid waste planning.

Ultimately, any plan should detail the region's objectives, infrastructure, actions, and responsibilities needed to accomplish those objectives, then define and provide a timeline for accomplishment of the that objective or goal. The plan should further define projected strategies, tactics, and action steps required to meet the goal.

FIVE-YEAR UPDATE

The legislature amended the SWMA 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.

In accordance with T.C.A. §68-211-871(a), the region shall submit by March 31st an Annual Progress Report for the immediately preceding calendar year.

ANNUAL PROGRESS REPORTS AND TEN-YEAR PLAN UPDATES

The solid waste regions submit annual progress reports documents submitted to the Department by March 31st describing activities and efforts toward meeting the region's waste reduction goal and other requirements related to the region's solid waste plan.

The Department currently requires a digital format approved through an internet-based subscription service for data reporting. The Department posts information about how to access the digital reporting tool on its website by January 1st of each year in accordance with the Act. This service provides a large number of reports to help the region compare their progress with other regions, local governments, and other states' benchmarking data.

The information contained in the report is similar in nature to the region's ten-year plan and must meet at a minimum, the statutory requirements outlined in T.C.A. §68-211-815 as the annual progress report updates these planning documents. Thus, the region will always have a solid waste plan and required assurances in place covering the next ten years.

It is the responsibility of the solid waste region to collect information on the progress of the region and its members towards the current goal and other requirements of the region's solid waste plan. Once the region collects the information, it must submit the Annual Progress Report to the Department in an approved format.



Prior to submitting the ten-year plan update- to the Department, the SWMA directs the region to conduct a public hearing, review the document, and certify its accuracy through adoption of the update in accordance with T.C.A §68-211-814(b)(6). The regional solid waste board chair then signs the submission attesting that the region presented, reviewed, adopted, and is confident it is an accurate representation of the region's

progress. Further, this approval indicates the region met the statutory requirements for these public participation steps.

The annual progress reports represent the immediately preceding calendar year's efforts. This sometimes creates a challenge to regions collecting data and completing the annual progress report forms prior to the March 31st submittal date. Maintaining a tight schedule will assist in successful submission. In the event of an unexpected delay, the region's chair should contact the Division of Solid Waste Management as quickly as possible. A rule amendment to 0400-11-01-.09 5(e) supports a submission delay up to thirty (30) days with prior written approval by the Commissioner.

The statute requires the region to include at a minimum collection information, recycling, transportation, disposal, public costs, and other required information in the region's annual progress reports. See T.C.A. §68-211-815 and 68-211-871 for specific submission requirements.

When the region completes its annual progress report, properly reviews the document in a public format, and submits the report, the county mayors within the solid waste region and solid waste board chair must then digitally sign it certifying the document's accuracy.

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

Funding

Funding is one challenge that the solid waste regions handle in different ways. The local government's authorizing resolutions and solid waste plan should address funding for the region. The solid waste plan describes the participation of each local government and resources each commit to the region to effectuate that plan. The SWMA does provide certain authority to local governments to establish fees. See T.C.A. §68-211-835 regarding tipping fee usage. This document's Appendix A includes additional information relevant to this topic.

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 do not have this same luxury. The regional solid waste plan must address the funding challenge. A lead local government may take on the burden of managing the financial requirements of the region with other local governments paying to support their government's share and cover the expenses of the region.



The solid waste plan describes the participation of each local government and resources each commit to the region to effectuate that plan.

Another funding example is a “pay-as-you-go” method of dealing with expenses. As expenses arise, the region, as decided by the solid waste board, distributes funds. There are many ways that regions approach this issue. The solid waste plan sets the ultimate authority on how to handle funding issues for the region.

REFERENCE: T.C.A. §68-211-835

Enforcement

THE REGION'S POWERS OF ENFORCEMENT

The SWMA places the enforcement burden for the regional partnership on the region. SWMA gives authority and charges the region to implement and effectuate the plan. The authority allows regions to 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 that make up the region to participate in reporting its efforts to the solid waste planning region.

SWMA gives authority and charges the region to implement and effectuate the plan.

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. This section allows solid waste regions to seek recovery of 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 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 serious sanctions on the region by the Department.

If 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, the Act allows the Department to bring sanctions against the solid waste region. Not all sanctions are monetary, but in the end, the final penalty may result in a substantial financial penalty.



On the first instance of noncompliance, the Department may issue a warning letter to the solid waste region or noncompliant local governments. This warning describes the reason for noncompliance and outlines graduated sanctions that may occur if the region or local governments remain in noncompliance. This initial warning will offer technical assistance to the noncompliant region or local government. The goal is to bring the region or local governments into compliance as quickly as possible to avoid future sanctions.

If noncompliance continues thirty days after the warning, the region and local governments may lose eligibility for grants from the solid waste management fund, unless the commissioner states in writing that a longer time period is appropriate. An extended period of time would depend upon the circumstances of the noncompliance. Loss of funds from the solid waste management fund would prevent the award of any funding for local programs with grant funds including all recycling equipment grants, recycling rebates, education and outreach, convenience center, and other grant types.

If the noncompliance continues for sixty days after the warning letter, the Department's commissioner may impose a civil penalty of up to \$5,000 per day for noncompliance beyond the sixty days. This can add up quickly and place a substantial burden on a region and their local governments that fail to comply. Because of this, it is important for a region or local governments to quickly address deficiencies in their solid waste plans and updates when the Department gives notice. The Act places penalties collected from noncompliant regions and local governments in the solid waste management fund and uses the funds for technical and financial assistance and statewide services addressed in the SWMA.

Individuals violating solid waste related statutes, rules, regulations, and standards may be subject to the sanctions described in T.C.A. §68-211-117 (b). These penalties may be greater than \$5,000 per day if the individual's noncompliance involves waste disposal into sinkholes.

REFERENCE: T.C.A. §68-211-816

Regional Municipal Solid Waste Advisory Committee

One assigned solid waste board responsibility is to establish a regional municipal solid waste advisory committee within the region. The solid waste board may construct the solid waste advisory committee in a manner necessary to accomplish its goals. This advisory committee will advise the solid waste board on matters relating to 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. The committee may further include technical assistance providers contracted by the Department to assist the solid waste regions. These technical assistance providers include representatives from statutory identified organizations like County Technical Assistance Service (CTAS), the University of Tennessee (UT) Municipal Technical Advisory Service, development districts, and non-specified organizations such as the Recycling Partnership which is an organization that promotes recycling education.

The regional municipal solid waste advisory committee is the panel of experts supporting the region's solid waste board.



Other stakeholders the board may consider for membership on the regional municipal solid waste advisory committee include local economic and community development planners, emergency management personnel, and community leaders. The committee might also consider incorporating organizations or citizens knowledgeable of solid waste and waste reduction activities for issues that may arise.

The regional municipal solid waste advisory committee is the panel of experts supporting the region's solid waste board. This committee researches solid waste issues for the solid waste board and advises the board of its findings at solid waste board meetings. 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 stronger administrative, financial, and technical power to implement regional solid waste plans and statutorily authorized programs. Solid Waste Authority Act agencies, commonly called Part 9 Authorities, established under this law, act as public corporations similar to utility boards and manage the solid waste functions for the covered area. The Part 9 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. The Part 9 Authority may also be different from authorities created under other legal authorities. The legislature wanted counties in the newly formed solid waste regions to have more authority and power, and to use the authority as a tool to implement mandates under the SWMA.

The authorities created under Part 9, have autonomy and more powers

The authorities created under Part 9, have autonomy and more powers so that regional solid waste management plans, systems, and services are expedited, economized, and consolidated.

A major difference between a solid waste board and a Part 9 Authority is that the law mandates the solid waste board to develop a regional solid waste plan for disposal capacity assurance, to meet a goal, provide collection assurance, offer solid waste education, as well as other aspects of integrated solid waste management. A Part 9 authority is an optional tool for consolidating,



integrating, and administering these programs between various county and city jurisdictions. A Part 9 Authority may fulfill and effectuate a region's solid waste functions.

Part 9 Authorities have powers that are unavailable to a region's solid waste board. These additional powers include: (1) the right to sue and be sued; (2) right to acquire real and personal property, and exercise the power of eminent domain in order 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 own 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 membership. Local governments that are uncomfortable with giving up control of day-to-day operational and funding control over their solid waste programs should not choose the Part 9 Authority option.

REFERENCE T.C.A. §68-211-901, et seq.

Considerations for Content Inclusion in a Region's Plan

Each solid waste region may create either a very detailed or general solid waste and materials management plan to meet their goals and objectives for the region. Regions that are more rural may find generalized language to meet their needs, while regions wrestling with sustainable objectives, reducing waste generation, environmental justice, and climate issues may desire a plan that engages the public more or provides greater oversight to those wishing to bring operations to the region.

The current statewide 2015-2025 Solid Waste and Materials Management Plan organizes planning around eight objectives and additional benchmarking or appendix data. The following examples will suggest concepts regions may entertain in the development and updating of their solid waste plans by objective.

These are examples and each region can define and form language that best meets their needs.

Regions wrestling with sustainable objectives, reducing waste generation, environmental justice, and climate issues may desire a plan that engages the public...

OBJECTIVE 1 – UPDATING GOALS AND MEASURING PROGRESS

Establish an aspirational regional goal that exceeds statewide goals. Entities like the US EPA often set aspirational goals to drive results and seek to improve existing standing and efforts. These goals may take the form of adding qualitative services or quantitatively improving material recovery across the board or specifically in a category like packaging. Assign these goals to the government operations and lead by example.

If a region determines the need for an aspirational goal or even the setting of goals through ordinance, then consider the methods needed to record progress such as defining key performance indicator measures or outlining the objective key results sought by the region to identify success.

Clearly define materials under the local government's control and how the governments will manage each. This may take the form of mandatory recycling, use of transfer stations, hauler permits or other tools.

Set the frequency the waste characterization studies will occur. Consider incorporating the randomized waste audits already conducted at landfills into this process. This gives the region information needed to understand the waste stream.

OBJECTIVE 2 - INCREASE RECYCLING ACCESS AND PARTICIPATION

Many different policies could support the region and its member governments in increasing



recycling access and participation. Any direction that increases recycling access or participation for residents can lead to great results. A region can consider implementing policies that mandate pro-recycling actions such as pairing recycling and disposal containers at all public locations, requiring new construction to provide equal access, especially at multi-family dwellings, Pay-As-You Throw (PAYT) or volume pricing, providing recycling containers to all residents, mandating recycling, increasing recycling collection frequency, and requiring disposal companies to provide equivalent recycled bundle services on a ton for ton basis.

Other actions for the region's consideration will include requiring disposal or collection companies to provide recycling education under any contract request for proposal publication.

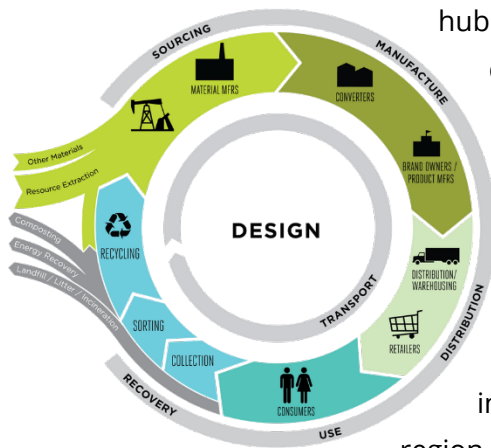
Direct residents utilizing convenience centers or those who can place materials curbside to provide bagless, single-stream recycling. This supports a behavior-based approach to recycling. The regional board should eliminate remaining green box locations that do not have attendants nor recycling options. Add a plan to incorporate temporary household hazardous waste buildings or create Commonly Hard to Recycling Materials (also referred to as CHaRM) centers to collect problem wastes and household hazardous wastes year around.

The board working with other agencies to promote industry participation and recruiting based on material recovery will further improve the recycling culture of the region. Language in the plan can extend to commercial construction and demolition (C&D) debris materials and direct these materials for incorporation into LEED friendly projects or to C&D MRFs, all keeping them away from the landfills.

OBJECTIVE 3 – PROMOTE MATERIAL PROCESSING AND END USE IN TENNESSEE

A regional board should consider how economies of scale influence the region's cost structure for materials management. Set planning language to focus on one function (Collecting or Processing) and join or build a new partnership with other counties or regions to establish a

hub and spoke system. The region's advisory committee discussed previously should research and coordinate with the Department prior to pursuing this action to identify best options, but the results will definitely move the mark in savings, services, and economies of scale.



Additional planning language in the region's solid waste plan can include tools and ordinances that support industry's efforts to be more sustainable and promote the region through the Department of Economic and Community

Development as a green or recycling friendly region. Often times, industry recruitment comes down to the availability of infrastructure to those companies seeking new property locations. Solid waste plans that show recycling culture development at schools, homes, and in industry can be quite effective.

OBJECTIVE 4 – INCREASE DIVERSION OF ORGANICS

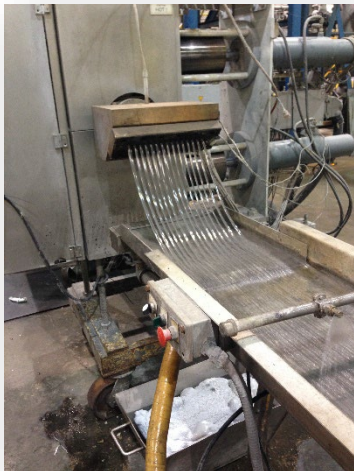
The organics fraction remains one of the least managed materials in the waste wheel but can yield some great returns in weight-based goals. These organics make up nearly 28% of MSW generated. The solid waste region should consider policies and programs that address this large fraction. Regional initiation of local programs like composting and yard waste management will address significant amounts of organic materials.

The region may initiate policy changes that redirect unwanted food to the food insecure through food banks or non-profits that deliver food or provide meals. The regional board may

promote home composting or similar organics programs. Also, the region may want to embrace technologies such as anaerobic digestion (AD) to add to their integrated solid waste management system. Regions with large agricultural works such as chicken houses or cattle farms may customize policy to address the needs which arise from these activities.

OBJECTIVE 5 – SUPPORT NEW WASTE REDUCTION AND RECYCLING TECHNOLOGY

This objective might be challenging for a regional board to consider. Technology peddlers often look to local governments to try or justify new technologies usage. Sometimes these pitches cost local governments significant amounts of money but do not bring promised results. The regional board stands in the gap to guard against quick unreviewed claims. The regional board's advisory committee is perfect to review and make recommendations to the board on the viability of the promoted technology. However, the region must place requirements in its plan.



The board may require unbiased engineering reviews, public input, and set appropriate performance standards for the technology. The board may require review of new technology contract language or set minimum standards or scopes for a contract. The board provides oversight of all things solid waste within the region to protect the people of that region on these matters. Language supporting this should appear in the region's plan long before a new or old technology application arises.

Other actions of the board may facilitate corporate recruitment to the region through maintaining database resources. The board may also, build their integrated solid waste management system to favor new technologies or support partnerships. One example might include working with other agencies to improve zoning or local taxes that favor new waste reduction technologies.

OBJECTIVE 6 – EXPAND AND FOCUS EDUCATION AND OUTREACH

Research has shown that a region's use of education and outreach can improve solid waste system performance. The board inclusion of education and outreach strategies within their regional plan might be the requirement of the use of "oops!" feedback tags, adopting and using



branding strategies like “#RecycleRightTennessee,” or standardized suites of collected materials to bring regional consistency in recycling communication to the public. The regional board may also coordinate consistent messaging at schools.

The board’s inclusion of these items within the region’s plan creates a consistent approach across the region and its local governments. Regional policies that promote K-12 and adult education are a cornerstone of improving efficiency and operations. Plan language might include requiring this consistency, setting minimum requirements for standardized suites of materials and

their communication, and setting training standards for solid

waste professionals that operate and coordinate integrated solid waste management systems.

A specialized contingent of the region’s solid waste advisory committee can research and make recommendations regarding actions for consideration.

OBJECTIVE 7 – ENSURE SUFFICIENT AND ENVIRONMENTALLY SOUND DISPOSAL

This objective addresses one of the core reasons for the regional board. The SWMA specifically lays out the legal path a board must follow regarding a submitted application. However, long before the board reviews its first application, that board should place plan language that addresses this planning foundation as a basis for review of applications. Statements that require and address how an application’s proposal meets a demonstration of need for

example.



The language for demonstration of need might take the form of “prior to approval a permit applicant must attest that no other facilities of this facility class are present within 50 miles of the proposed facility to

effectuate the plan in a manner that reduces competition for waste and to reduce the waste generated within the region.” This demonstration of need may continue in a way that adds

language stating the facility shall operate in accordance with all local, state, and federal mandates within the region. Continued or repetitive problems may allow the region to remove approval with due process. The region's goal, in this case, is to support environmentally safe and viable disposal within the region.

Plan language that requires facility reporting in a timely manner or format to the region will aid the region in its oversight. This language might require accurate remaining life, tons per day received or other performance indicators needed to provide the necessary monitoring. However, language that requires reporting will also need to identify the responsible agency within the region to receive such data and a process to address discrepancies.

Other policies that might support this objective could include requiring disposal operations ceilings or to match or demonstrate performance of diversion of materials from the landfill at some percent of disposal. Another would be how local agencies handle illegal dumping of waste materials or approaching the illegal dumping as an unmet need and setting policies to address that need. Lastly, the region might consider the use of centralized problem waste management for tires or household hazardous waste and the use of fees to cover program costs.

OBJECTIVE 8 – DEVELOP SUSTAINABLE FUNDING SOURCES FOR SUSTAINABLE MATERIALS MANAGEMENT

Regions must plan ahead for sustainable funding to effectuate their solid waste plans. This plan action can take the form of local government specific responsibilities or the creation of a Part 9 Authority that manages all things solid waste within the region. The regional board must look ahead and consider how the various programs will support the region's ambitions.

The region might want to consider approaches and language that require host fees, tip fees, grants, or usage fees to support and meet its plan's objectives. The board should include its sustainable funding preferences within this objective in the plan. A well thought out approach that secures long term funding where local administration changes do not jeopardize future operations is best. As mentioned previously, this might be through the development of a Part 9

Authority or requiring the use of enterprise funds that not only track expenses more like a business, but also allows for an apples to apples comparison to proposed commercial services compared to the public services currently used by the region's local governments.



One form of a sustainable funding operation may take the form of the region identifying which sectors receive the public services and which entities must pay or seek services elsewhere. The plan should declare and detail how a region will provide services to non-public entities and the method through which the region will account for these organizations' contributions. In the case of a region that collects recyclables, the region or its local governments may determine to collect for free those recyclables with the commodity revenue or plan effectuation sufficient to justify the services. The plan should describe each funding approach and coordinate between each member.

PLAN APPENDIX – DISASTER DEBRIS MANAGEMENT

Natural disasters will occur. The region's plan to address these events is paramount to successful coordination and ensuring the region sends materials to the correct and best locations. The clear inclusion of debris management planning policy will aid the region in its recovery from natural disasters. Because initial disaster response focuses on saving lives, the



recovery phase allows for time to make well thought out decisions. Preplanning makes these decisions even simpler as most recovery efforts follow similar pathways. Board statements that verbalize priorities to send waste to the appropriate end of life destinations are important. These statements may allow local governments to select more cost-effective management strategies during an event that federal emergency management agencies can support and reimburse.

The region may direct and require structural debris be sent to Class III landfills or C&D recycling operations. When the Disaster Debris Management Plan declares how the region will handle household hazardous wastes or other resource availability to homeowners for an event, these actions will improve efficiency of the recovery and reduce misunderstandings.

The goal of the plan's disaster debris management section is to aid in recovery. However, it is also to effectuate the general plan in the event of a natural disaster. This means the disaster debris plan should direct as many materials as possible away from disposal to other uses under the current goals. This can take the form of setting contracting standards within the plan, stating the purpose to keep materials out of landfills, and setting the minimum members of a multidisciplinary advisory committee to address this issue.

REFERENCE: 2015-2025 Solid Waste and Materials Management Plan

Appendix A – Tennessee Code Annotated Citations

The following summaries from the Tennessee Code Annotated may prove 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.

The regional board members should have some working understanding of Part 6 – Tennessee Solid Waste Planning and Recovery Act, Part 7 – Local Approval of Solid Waste Facilities, Part 8 – Solid Waste Management Act of 1991, and Part 9 – Solid Waste Authority Act of 1991. Some regions may desire to also incorporate Part 10 – The Used Oil Collection Act of 1993. Legal counsel for the board can provide insights on specific legal impacts. The University of Tennessee Municipal Technical Advisory Service, CTAS, or Department can provide technical assistance to support the board also if requested.

The regional board members should have some working understanding



For a current and complete guide to the Tennessee Code Annotated please visit:
<http://www.lexisnexis.com/hottopics/tncode/>

68-211-601 ET SEQ. TENNESSEE SOLID WASTE PLANNING AND RECOVERY ACT

This Act initiated the State’s solid waste planning efforts in 1989. The purpose statement for this statute promotes the public health, safety and welfare require comprehensive planning for the disposal of solid waste on a local, regional, and state level. The general assembly further sought whenever economically and technically feasible, that generators of solid waste should reduce at the source or recycle, consistent with market demand for recyclable materials, to decrease the volume of waste which they dispose through incineration or landfilling. This is the basis the SWMA.

Rapidly diminishing capacity and increased cost for local governments to develop new landfills necessitated a need to seek a plan to improve sustainability of material management. These needs encouraged state leadership to develop a comprehensive solid waste management plan for the state. The plan's purpose was, to the greatest extent practicable, to reduce waste destined for landfills and support the procurement of recyclable materials. The Act directs the contents of this statewide plan.

68-211-701 ET SEQ. LOCAL APPROVAL OF SOLID WASTE FACILITIES (JACKSON LAW)

The statute commonly called the "Jackson Law" provides a process to give local governments the ability to provide local approval for solid waste facilities within the local government's jurisdiction affected by the proposed facility operation. The process allows the public to request a public hearing, to come forth at that meeting, and to make comment. This Act requires the facility to notify each landowner within a three-mile radius of the landfill within 15 days in advance of such hearing.

The Jackson Law lays out criteria for application consideration to include:

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.

The Act limits the review to thirty (30) days after the notice and opportunity for public hearing.

68-211-801 ET SEQ. SOLID WASTE MANAGEMENT ACT OF 1991

The Solid Waste Management Act of 1991, or as it is called SWMA, declares the policy of the state in furtherance of its responsibility to protect public health, safety and well-being of

Tennesseans, and protect and enhance the environment the requirement to maintain a comprehensive integrated solid waste management program statewide. This program focuses its efforts on the maximum utilization of resources contained in solid waste. The Act states this to be at the extent feasible and practical and to encourage generators and handlers to reduce and minimize waste. It acknowledges that merely collecting recycled materials does not make the process sustainable but the need to promote markets and engage in products made with those products.

The SWMA contains several components addressing the following: administrative functions, organizational bodies, planning, grants and funding, technical assistance, educational efforts, and informational. Administrative functions describe the reason for the SWMA, definitions and applicability of the Act, the penalties associated with non-compliance, and the use of liberal construction to effectuate the plans. Further, in support of proper administration, the Act requires solid waste systems to employ specific accounting methods. Organizational sections describe how the Act comprises the regions, the boards, and supporting solid waste districts and resources for these creations. Planning sections dictate how the regions will prepare and submit their regional plans and the plan contents.

The Solid Waste Management Fund (or SWMF) funds the grants and activities for effectuating the Act. These funds support the hiring of Department staff, program projects, the many grant programs, and activities such as characterization studies, databases, and services such as household hazardous waste mobile collection sweeps. Aiding local governments in the cleanup of roadside dumps and management of tires are other explicit concerns addressed under the SWMA. Technical assistance such as financial assistance takes many forms. The Act specifies certain agencies such as CTAS, the Development Districts, and the creation of the Office of Cooperative Marketing. The SWMA directs the creation of the information clearing house, report generation, and how to manage problem wastes such as tires, batteries, and electronics.

Addressing education and outreach are also key sections of the Act. Not only K-12 education, but the Act also enumerates college and adult education. The Act directs resources to provide for the need for knowledgeable operators at landfills and a certification program.

68-211-901 ET SEQ. SOLID WASTE AUTHORITY ACT OF 1991

The Solid Waste Authority Act of 1991 (SWAA) creates and provides authority in the creation of a public corporation that acts in the capacity of a utility board for solid waste. The SWAA lays out the procedure of establishing or dissolving authorities, their powers (allow for the management

of wastes, issuance of bonds, condemning of property, and their ability to sue or be sued, for example) and the authority's management. As with the SWMA, the SWAA has a provision that allows for liberal construction to effectuate a systematic and efficient means of waste disposal and the encouragement of best utilization and conservation of energy and natural resources.

In the case where local governments establish a solid waste authority, the authority may assume the purpose of the region's Part 8 responsibilities including the plan and authority implementation of services. Authorities created under this Part have responsibilities including to report their status annually to the Secretary of State.

Appendix B - Definitions and Abbreviations

A. DEFINITIONS

2015-2025 Solid Waste and Materials Management Plan - The state solid waste management plan to reduce waste at the state and local level for the period of 2015 through to 2025. The purpose of the plan is to achieve identified waste reduction and diversion goals for the same period in fulfillment of §68-211-603.

Annual Progress Report - The annual report to the Department that regions submit that provides a new 10 Year solid waste planning window, progress towards implementing the region's solid waste plan, and any update to the existing 10 Year solid waste plan due Mar. 31 of the calendar year immediately following the reporting calendar year.

Calendar Year - The twelve-month period from January 1 through December 31.

Class I Landfill - A sanitary landfill which serves a municipal, institutional, and/or rural population and used or to be used for disposal of domestic wastes, commercial wastes, institutional wastes, municipal solid wastes, bulky wastes, landscaping and land clearing wastes, industrial wastes, construction/demolition wastes, farming wastes, shredded automotive tires, dead animals, and special wastes.

Class III Landfill - A landfill used or to be used for the disposal of farming wastes, landscaping and land clearing wastes, demolition/construction waste, shredded automotive tires, or certain wastes having similar characteristics and approved in writing by the Department.

Compost - Solid waste which has undergone biological decomposition of organic matter, and has been disinfected using composting or similar technologies, and has been stabilized to a degree which is potentially beneficial to plant growth, and which is suitable for use as a soil amendment, artificial topsoil, growing medium amendment or other similar uses.

Commissioner - The commissioner of Environment and Conservation

Conditionally Exempt Small Quantity Generator - Very small quantity generator as defined in the Rule 0400-12-01-.01

Construction and Demolition - Waste generated from the alteration, construction, demolition, and rehabilitation of facilities or improvements and the Department generally considers inert.

Department - Department of Environment and Conservation

Department of General Services - The department responsible for providing goods and services to the State government of Tennessee.

Development District - A development district organized pursuant to title 13, chapter 14

Disaster Debris Plan - A planning tool that assists local governments prepare for disaster response in advance to reduce response time, direct debris materials to best end of life management, and define roles and responsibilities of key contacts before an event.

Division of Solid Waste Management - Division under Environment and Conservation responsible to protect, improve, and promote health and environmental quality through the responsive, effective oversight of waste management activities and the beneficial use of recovered materials.

Federal Emergency Management Agency - The Federal agency responsible for emergency management and civil defense.

Fiscal Year - The twelve-month period from July 1 through June 30 used to designate the operational and accounting year of the state.

Go Green With Us - A partnership between TN State Parks' staff and visitors to become better stewards of our natural and financial resources through the integration of common sense sustainability practices into park management and operations.

Grants Management System - The department's electronic grant application and project management program accessible to stakeholders through the website

Hazardous Waste Inspection Training - Statewide Hazardous Waste Inspector Training (HWIT) program for hazardous waste generators geared to improve customer compliance during hazardous waste inspections by clarifying the expectations of inspectors in accordance with DSWM policy and state regulations.

Hazardous Waste Operations and Emergency Response - A set of guidelines produced and maintained by the Occupational Safety and Health Administration which regulates hazardous waste operations and emergency services in the United States.

High Density Poly Ethylene (HDPE) Plastic Resin #2 - A thermoplastic polymer made from petroleum used in a wide variety of applications including bottles, milk jugs, shampoo bottles, bleach bottle, cutting boards, and piping commonly noted by resin code #2.

Household Hazardous Waste - Solid wastes discarded from homes or similar sources as listed in 40 CFR 261.4(b)(1), that are either hazardous wastes as listed by the EPA in 40 CFR 261.33(e) or (f), or wastes that exhibit any of the following characteristics as defined in 40 CFR 261.21 — 261.24: ignitability, corrosivity, reactivity and TCLP toxicity

Household Hazardous Waste Collection Facility - One of the permanently located HHW collection sites located in Memphis, Nashville, Chattanooga, Cookeville, or Knoxville that provide continuous collection throughout the year and often provide collection services to surrounding counties.

Household Hazardous Waste Mobile Event - Periodic State sponsored household hazardous waste collection services scheduled in selected counties in the spring or fall of the year as requested local by governments based on availability.

Household Hazardous Waste Temporary Storage - Temporary storage buildings funded by the Department via grants to the counties that allow for the temporary storage of household hazardous wastes until a milk run can be scheduled with the state contractor to pick up collected materials.

ICI Sector - Short for Industry-Commercial-Institutional Sector that includes manufacturing plants, retail and office operations, and public institutions. Any premises that the Department does not consider residential would fall to this sector.

Integrated Solid Waste Management Systems - A coordinated and systematic approach to sustainable management of solid wastes and its facilities designed and based on transportation, economic, and efficiency with the ultimate goal to reduce the amount of wastes going to landfills.

Landfill - A facility, permitted pursuant to Part 1 of chapter 211, where solid wastes are disposed of by burial in excavated pits or trenches or by placement on land and covering with soil or other approved material.

Landfill Operator Certification Training - A three day classroom instruction and exam that cover Tennessee solid waste regulations, statutes, landfill operations and design, and record keeping.

Low Density Polyethylene (LDPE) Plastic Resin #4 - A thermoplastic polymer that is a soft, flexible, lightweight plastic material. LDPE is noted for its low temperature flexibility, toughness and commonly denoted by resin code #4.

Material Recovery Facility (MRF) - A material reclamation facility designed to sort and bundle various commingled materials from residential or commercial sectors.

Materials Marketplace - Creates a collaborative network of businesses, organizations, and entrepreneurs where one organization's hard-to-recycle waste and by-products becomes another organization's raw material.

Milk Run - A logistical approach used to transport reoccurring previously collected HHW loads from various locations to the HHW contractor's facilities for end of life management.

Mixed Office Paper (MOP) - One of the major recycling fiber grades comprised of a mix of two of the following grades- Newspaper, office paper, and kraft/cardboard

Municipal Solid Waste - Any garbage, refuse, industrial lunchroom or office waste, household waste, household hazardous waste, yard waste, and any other material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities; provided, that "municipal solid waste" does not include the following: (A) Radioactive waste; (B) Hazardous waste as defined in § 68-212-104; (C) Infectious waste; (D) Materials that are being transported to a facility for reprocessing or reuse; provided further, that reprocessing or reuse does not include incineration or placement in a landfill; and (E) Industrial waste which may include office, domestic or cafeteria waste, managed in a privately owned solid waste disposal system or resource recovery facility, if such waste is generated solely by the owner of the solid waste disposal system or resource recovery facility.

North American Industry Classification System (NAICS) - A classification system of business establishments that note the type of economic activity or process of production used by that business. Does not address multiple establishments from the same company.

Office of Policy and Planning - One of the two predecessor business units of the now Office of Policy and Planning that provided policy and planning support to the Department.

Office of Policy and Sustainable Practices - The business unit at the Department that has three primary service areas: Business, Community, and State Government and Institutions. Each service area provides programs, resources, and technical assistance that promote environmental sustainability and resilience throughout Tennessee.

Old Closed Landfill - A publicly owned class I landfill permitted by the department that is now closed and does not have a composite liner system in place, where the department determined that the landfill is causing harm to health or the environment through contamination of ground water.

Old Corrugated Cardboard (OCC) - A fiber grade that covers those boxes where the materials are made from three separate layers of paper, two liners and a corrugated or wavy layer sandwiched between them.

Old News Print (ONP) - A low-cost, non-archival paper consisting mainly of wood pulp and mostly used to print newspapers and other publications.

Organics Management - The management practice of materials that are carbon-based compounds that come from living things and are readily biodegradable, making them a valuable resource rather than a waste.

Polyethene Terephthalate (PET or PETE) Plastic Resin #1 - The chemical name for polyester, a plastic resin, that is clear, strong, and lightweight plastic that is widely used for packaging for foods and beverages, especially convenience-sized soft drinks, juices, and water.

Polypropylene (PP) Plastic Resin #5 - A widely used thermoplastic polymer versatile plastic resin used in a variety of applications such as food tub made from propylene monomers.

Polystyrene (PS) Plastic Resin #6 - A hard, stiff, brilliantly transparent synthetic resin produced by the polymerization of styrene. It is widely employed in the food-service industry as rigid trays and containers, disposable eating utensils, and foamed cups, plates, and bowls.

Polyvinyl Chloride (PVC) Plastic Resin #3 - A high strength thermoplastic material resin widely used in construction and building applications such as pipes, medical devices, wire and cable

Radio Frequency Identification - An acronym for “radio-frequency identification” and refers to a technology whereby readers via radio waves capture digital data encoded in RFID tags or smart labels. RFID is similar to barcoding in that a device captures data from a tag that stores the data in a database.

Recycled Materials Processing Facility - A facility engaged solely in the storage, processing and resale or reuse of recovered materials. A recovered materials processing facility is not a solid waste processing facility

Recycling Equipment Grant - A matching grant program defined by § 68-211-825(a) for key pieces of recycling equipment.

Recycling Marketing Cooperative of Tennessee (RMCT) - A non-profit agency that the Department contracted to fulfill the responsibilities of the Office of Cooperative Marketing. The organization assisted local governments achieve full trailer load quantities of recyclables for best commodity prices.

Recovered Materials - Waste material and byproducts which have been recovered or diverted from solid waste, but such term does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process.

Recycling Rebate - A statutory rebate defined by § 68-211-825(b) for the top 5 most populous counties provided in lieu of a recycling equipment grant allocated proportionally by population for those local governments that provide solid waste services within the qualifying five counties.

Region - A municipal solid waste region organized pursuant to § 68-211-813(a)

Solid Waste Advisory Committee - A formerly statutory defined committee that provided non-regulatory, advisory responsibility to the Department on the SWMA implementation. The

Underground Storage Tanks - Solid Waste Disposal Control Board assumed the responsibilities of the committee.

Solid Waste Assistance Program - The original Department program designated to implement the Solid Waste Management Act of 1991. The predecessor of the current Materials Management Program.

Solid Waste Association of North America (SWANA) - An organization of more than 10,000 public and private sector professionals committed to advancing from solid waste management to resource management through their shared emphasis on education, advocacy, and research.

Solid Waste Management Act of 1991 - The 1991 Act that outlines a comprehensive process for dealing with Tennessee's municipal solid waste on a regional basis by promoting solid waste planning, sustainable funding, technical assistance, and goals to maximize the use of materials away from landfills.

Solid Waste Management Fund - A state special revenue fund established under § 68-211-821 to fund the authorized implementation activities of the Solid Waste Management Act of 1991.

Solid Waste Management Systems - A system of facilities that treats solid waste including trash, recycling, and organic management solutions for the state.

Solid Waste Regulatory Programs - The Department program responsible for implementation of the Solid Waste Disposal Act (Title 68, Chapter 211, Part 1) and the supporting rules.

Solid Waste Uniform Inspection Training - A training program designed to provide solid waste facility operators and employees with a basic knowledge of the state facility inspection program. SUIT provides information regarding the policies and regulatory citations associated with each item on the inspection document.

Sorted Office Paper (SOP) - Consists of paper, as typically generated by offices, containing primarily white and colored groundwood-free paper, free of unbleached fiber. May include a small percentage of groundwood computer printout and facsimile paper.

Southeast Recycling Development Council (SERDC) - A non-profit agency that the Department contracted to engage the public and industries of the state to foster greater

recycling, improve communications amongst recyclers and their sources, promote sustainable recycling programs and coordinate education and public awareness activities related to recycling.

Standard Industry Code (SIC) - A four-digit number system used by the government to classify industry areas.

Tennessee Department of Environment and Conservation - The Tennessee cabinet level agency that exists to enhance the quality of life for citizens of Tennessee and to be stewards of our natural environment by: Protecting and improving the quality of Tennessee's air, land, and water through a responsible regulatory system.

Tennessee Department of Transportation - The Tennessee cabinet level multimodal agency with statewide responsibilities in roadways, aviation, public transit, waterways, and railroads. The mission of TDOT is to provide a safe and reliable transportation system for people, goods, and services that supports economic prosperity in Tennessee.

Tennessee Emergency Management Agency - The agency responsible to coordinate preparedness, response, and recovery from man-made, natural, and technological hazards in a professional and efficient manner in concert with our stakeholders.

Tennessee Recycling Coalition - A 501(c)3 non-profit organization dedicated to promoting recycling and sustainable materials management practices in Tennessee.

Tennessee School Laboratory Rehabilitation Program - A DSWM program to provide schools with an opportunity to learn about chemical safety practices and provide information for a safe disposal of hazardous wastes from public school premises.

Tennessee Solid Waste Director's Association - An association of county level solid waste professionals organized to provide education and outreach for its membership through networking meetings and organized trainings.

Tennessee Training Academy - A partnership between the Department, SWANA's Tennessee Chapter, SERDC, TRC, TSWDA, and UT-CTAS to improve the industry knowledge of Tennessee's solid waste professionals.

The Recycling Partnership - A national nonprofit with mission to transform recycling in towns all across the country and works hand-in-hand with communities and companies, continuously innovating to improve recycling systems.

Tire - A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle

Tire Derived Aggregate - A compilation of materials from shredded scrap tires and used in a wide range of construction projects. These uses include retaining wall backfill, lightweight embankment fill, landslide stabilization, vibration mitigation, and various landfill applications

Tire Environmental Act - The statute that authorizes the selection and funding of projects that best result in one of the beneficial end uses for waste tires for the state. Fees collected from the sale of new cars for the tires on vehicles provide revenue to implement the act.

Tire Environmental Act Program - The Department program responsible for implementing the Tire Environmental Act.

Tire Environmental Fund - The special revenue fund created and authorized under § 68-211-304 to implement the Tire Environmental Act under the same Part.

Underground Storage Tanks - Solid Waste Disposal Control Board - The Governor appointed board that provides oversight of the departmental programs of underground storage tanks and on solid waste management issues.

United States Business Council for Sustainable Development - An action oriented and member-led nonprofit business association that harnesses the power of collaborative projects, platforms and partnerships to develop, deploy and scale solutions to ecosystems, carbon, energy, materials and water challenges.

United States Environmental Protection Agency - The federal agency responsible for protecting human health and the environment

University of Tennessee's Center for Industrial Services - A University of Tennessee Institute of Public Service agency that provides technical assistance to industry and manufacturing entities

University of Tennessee's County Technical Assistance Service - A University of Tennessee Institute of Public Service agency that provides technical assistance to county governments.

Urban Green Lab - A 501(c)3 non-profit organized to provide sustainability education through a mobile laboratory.

Waste Reduction Task Force - The taskforce created in 2007 by the Solid Waste Advisory Committee to look into the big picture of how Tennessee manages its solid waste and recycle material streams to set future goals and establish a method to measure it.

B. ABBREVIATIONS

ACRONYM

ACRONYM CONTEXT

2025 Plan	2015-2025 Solid Waste and Materials Management Plan
APR	Annual Progress Report
C&D	Construction and Demolition
CIS	University of Tennessee's Center for Industrial Services
CTAS	University of Tennessee's County Technical Assistance Service
CY	Calendar Year
DD	Development District
DDP	Disaster Debris Plan
DGS	Department of General Services
DSWM	Division of Solid Waste Management
FEMA	Federal Emergency Management Agency
FY	Fiscal Year

GGWU	Go Green With Us
GMS	Grants Management System
HAZWOPER	Hazardous Waste Operations and Emergency Response
HDPE	High Density Polyester (Plastic Resin)
HHW	Household Hazardous Waste
HHWCF	Household Hazardous Waste Collection Facility
HHWME	Household Hazardous Waste Mobile Event
HHWTS	Household Hazardous Waste Temporary Storage
HZWIT	Hazardous Waste Inspector Training
ICI	Industry-Commercial-Institutional (Sectors)
ISWMS	Integrated Solid Waste Management Systems
LDPE	Low Density Polyethylene
LOCT	Landfill Operator Certification Training
MMP	Materials Marketplace
MOP	Mixed Office Paper
MRF	Material Recovery Facility
MSW	Municipal Solid Waste
OCC	Old Corrugated Cardboard

OCL	Old Closed Landfill
OM	Organics Management
ONP	Old News Print
OPP	Office of Policy and Planning
OSP	Office of Sustainable Practices
PET	Polyethene Terephthalate
PP	Polypropylene
PS	Polystyrene
PVC	Polyvinyl Chloride
RE	Recycling Equipment Grant
RFID	Radio Frequency Identification
RMCT	Recycling Marketing Cooperative of Tennessee
RMPF	Recycled Materials Processing Facility
RR	Recycling Rebate
SERDC	Southeast Recycling Development Council
SOP	Sorted Office Paper
SSD	Subsurface Sewage Disposal
SUIT	Solid Waste Uniform Inspection Training

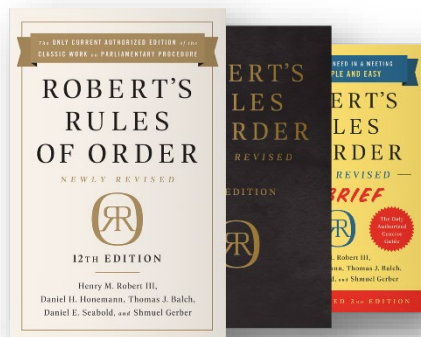
SWAC	Solid Waste Advisory Committee
SWANA	Solid Waste Association of North America
SWAP	Solid Waste Assistance Program
SWMA	Solid Waste Management Act of 1991
SWMF	Solid Waste Management Fund
SWMS	Solid Waste Management Systems
SWRP	Solid Waste Regulatory Programs
TDA	Tire Derived Aggregate
TDEC	Tennessee Department of Environment and Conservation
TDOT	Tennessee Department of Transportation
TEA	Tire Environmental Act
TEAP	Tire Environmental Act Program
TEF	Tire Environmental Fund
TEMA	Tennessee Emergency Management Agency
TRC	Tennessee Recycling Coalition
TRP	The Recycling Partnership
TSLRP	Tennessee School Laboratory Rehabilitation Program
TSWDA	Tennessee Solid Waste Director's Association

TTA	Tennessee Training Academy
UGL	Urban Green Lab
US EPA	United States Environmental Protection Agency
USBCSD	United States Business Council for Sustainable Development
UST-SWDCB	Underground Storage Tanks-Solid Waste Disposal Control Board
VSQG	Very Small Quantity Generator
WRTF	Waste Reduction Task Force

Appendix C - Robert's Rules

Robert's Rules of Order - Summary Version (Excerpted from Website) **For Fair and Orderly Meetings & Conventions**

Robert's Rules of Order provides common rules and procedures for deliberation and debate in order to place the whole membership on the same footing and speaking the same language. The conduct of ALL business is controlled by the general will of the whole membership - the right of the deliberate majority to decide. Complementary is the right of at least a strong minority to require the majority to be deliberate - to act according to its considered judgment AFTER a full and fair "working through" of the issues involved. Robert's Rules provides for constructive and democratic meetings, to help, not hinder, the business of the assembly. Under no circumstances should "undue strictness" be allowed to intimidate members or limit full participation.



The fundamental right of deliberative assemblies require all questions to be thoroughly discussed before the assembly takes action.

The assembly rules - they have the final say on everything.

Silence means consent.

- Obtain the floor (the right to speak) by being the first to stand when the person speaking has finished; state Mister/Madam Chair. Raising your hand means nothing, and standing while another has the floor is out of order. The Chair must recognize the individual before speaking.
- Debate cannot begin until the Chair has stated the motion or resolution and asked "are you ready for the question?" If no one rises, the chair calls for the vote.
- Before the Chair states the motion (the question) members may suggest modification of the motion; the mover can modify as he pleases, or even withdraw the motion without consent of the seconder; if mover modifies, the seconder can withdraw the second.
- The "immediately pending question" is the last question stated by the Chair.
Motion/Resolution - Amendment - Motion to Postpone

- The member moving the "immediately pending question" is entitled to preference to the floor.
- No member can speak twice to the same issue until everyone else wishing to speak has spoken to it once.
- All remarks must be directed to the Chair. Remarks must be courteous in language and deportment - avoid all personalities, never allude to others by name or to motives.
- The agenda and all committee reports are merely recommendations. When presented to the assembly and the question is stated, debate begins and changes occur.

The Rules

- **Point of Privilege:** Pertains to noise, personal comfort, etc. - may interrupt only if necessary.
- **Parliamentary Inquiry:** Inquire as to the correct motion - to accomplish a desired result, or raise a point of order
- **Point of Information:** Generally applies to information desired from the speaker: "I should like to ask the (speaker) a question."
- **Orders of the Day (Agenda):** A call to adhere to the agenda (a deviation from the agenda requires Suspending the Rules)
- **Point of Order:** Infraction of the rules, or improper decorum in speaking. Must be raised immediately after the error is made
- **Main Motion:** Brings new business (the next item on the agenda) before the assembly
- **Divide the Question:** Divides a motion into two or more separate motions (must be able to stand on their own)
- **Consider by Paragraph:** Adoption of paper is held until all paragraphs are debated and amended and entire paper is satisfactory; after all paragraphs are considered, the entire paper is then open to amendment, and paragraphs may be further amended. Any Preamble cannot be considered until debate on the body of the paper has ceased.
- **Amend:** Inserting or striking out words or paragraphs, or substituting whole paragraphs or resolutions
- **Withdraw/Modify Motion:** Applies only after question is stated; mover can accept an amendment without obtaining the floor
- **Commit /Refer/Recommit to Committee:** State the committee to receive the question or resolution; if no committee exists include size of committee desired and method of selecting the members (election or appointment).
- **Extend Debate:** Applies only to the immediately pending question; extends until a certain time or for a certain period of time

- **Limit Debate:** Closing debate at a certain time, or limiting to a certain period of time
- **Postpone to a Certain Time:** State the time the motion or agenda item will be resumed
- **Object to Consideration:** Objection must be stated before discussion or another motion is stated
- **Lay on the Table:** Temporarily suspends further consideration/action on pending question; may be made after motion to close debate has carried or is pending
- **Take from the Table:** Resumes consideration of item previously "laid on the table" - state the motion to take from the table
- **Reconsider:** Can be made only by one on the prevailing side who has changed position or view
- **Postpone Indefinitely:** Kills the question/resolution for this session - exception: the motion to reconsider can be made this session
- **Previous Question:** Closes debate if successful - may be moved to "Close Debate" if preferred
- **Informal Consideration:** Move that the assembly go into "Committee of the Whole" - informal debate as if in committee; this committee may limit number or length of speeches or close debate by other means by a 2/3 vote. All votes, however, are formal.
- **Appeal Decision of the Chair:** Appeal for the assembly to decide - must be made before other business is resumed; NOT debatable if relates to decorum, violation of rules or order of business
- **Suspend the Rules:** Allows a violation of the assembly's own rules (except Constitution); the object of the suspension must be specified

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Robert's Rules of Order Motions Chart

Based on Robert's Rules of Order Newly Revised (10th Edition)

Part 1, Main Motions. These motions are listed in order of precedence. A motion can be introduced if it is higher on the chart than the pending motion. § indicates the section from Robert's Rules.							
§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§21	Close meeting	I move to adjourn	No	Yes	No	No	Majority

§20	Take break	I move to recess for ...	No	Yes	No	Yes	Majority
§19	Register complaint	I rise to a question of privilege	Yes	No	No	No	None
§18	Make follow agenda	I call for the orders of the day	Yes	No	No	No	None
§17	Lay aside temporarily	I move to lay the question on the table	No	Yes	No	No	Majority
§16	Close debate	I move the previous question	No	Yes	No	No	2/3
§15	Limit or extend debate	I move that debate be limited to ...	No	Yes	No	Yes	2/3
§14	Postpone to a certain time	I move to postpone the motion to ...	No	Yes	Yes	Yes	Majority
§13	Refer to committee	I move to refer the motion to ...	No	Yes	Yes	Yes	Majority
§12	Modify wording of motion	I move to amend the motion by ...	No	Yes	Yes	Yes	Majority
§11	Kill main motion	I move that the motion be	No	Yes	Yes	No	Majority

		postponed indefinitely					
§10	Bring business before assembly (a main motion)	I move that [or "to"] ...	No	Yes	Yes	Yes	Majority

Part 2, Incidental Motions. No order of precedence. These motions arise incidentally and are decided immediately.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§23	Enforce rules	Point of Order	Yes	No	No	No	None
§24	Submit matter to assembly	I appeal from the decision of the chair	Yes	Yes	Varies	No	Majority
§25	Suspend rules	I move to suspend the rules	No	Yes	No	No	2/3
§26	Avoid main motion altogether	I object to the consideration of the question	Yes	No	No	No	2/3
§27	Divide motion	I move to divide the question	No	Yes	No	Yes	Majority
§29	Demand a rising vote	I move for a rising vote	Yes	No	No	No	None

§33	Parliamentary law question	Parliamentary inquiry	Yes	No	No	No	None
§33	Request for information	Point of information	Yes	No	No	No	None

Part 3, Motions That Bring a Question Again Before the Assembly.

No order of precedence. Introduce only when nothing else is pending.

§	<i>PURPOSE:</i>	<i>YOU SAY:</i>	<i>INTERRUPT?</i>	<i>2ND?</i>	<i>DEBATE?</i>	<i>AMEND?</i>	<i>VOTE?</i>
§34	Take matter from table	I move to take from the table ...	No	Yes	No	No	Majority
§35	Cancel previous action	I move to rescind ...	No	Yes	Yes	Yes	2/3 or Majority with notice
§37	Reconsider motion	I move to reconsider ...	No	Yes	Varies	No	Majority

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