



Department of  
**Environment &  
Conservation**

## **Public Hearing**

**Draft Permit Modification DML790000109**

**North Memphis Class III Landfill**

July 9, 2024

5:30-6:00 pm – Informational Session

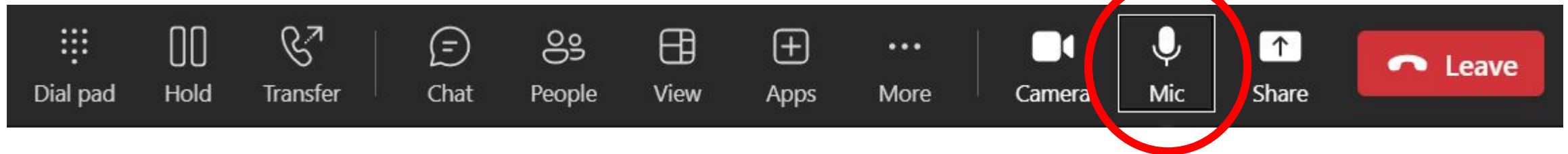
6:00 pm – Public Hearing

# Questions? Open Question and Answer Period Until 6:00 pm

- Virtual Participate Questions

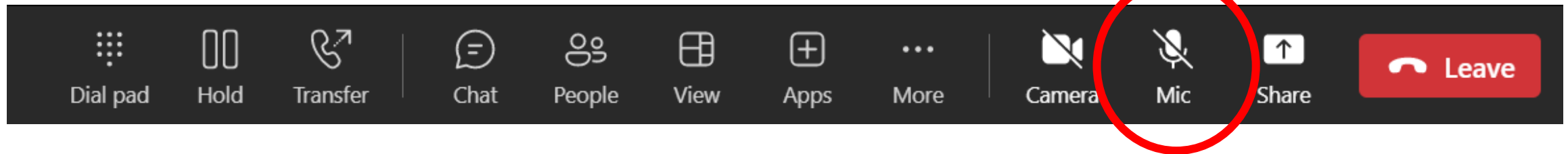
- Un-mute yourself to talk

- If calling in, unmute by dialing \*6
    - If using the Microsoft Teams application, use the microphone icon to mute/un-mute yourself



- Please mute yourself after discussion to reduce background noise.

- Dial \*6 to mute or make sure the microphone icon has a slash through it (muted)



# Hearing Format

- The public hearing will also be presented via a Microsoft Teams Teleconference.
  - **5:15 pm** - The video-teleconference will open to participants
  - **5:30 pm** - The informational session will begin with a question-and-answer period until 6:00 pm.
  - **6:00 pm** - The formal hearing will begin at 6:00 pm. During this time the Division will accept verbal comments for the record. Comments received during the Public Hearing will be responded to in writing in the formal response to comments and Notice of Determination.
  - Individuals who cannot attend the public hearing online or by phone may request for their written comments to be read into the record during the public hearing. Written comments do not need to be read during the hearing to be part of the record.
- Participants may join online, via the MS Teams app available to iPhone and Android phones, or by phone call. Participants are highly encouraged to join online or with the MS Teams app in order to view maps, pictures, and other content which will be shared by the Division.

# Sign-in Form

- Please complete sign-in using the following link:
- <https://www.tn.gov/environment/notices/milan-landfill/hearing>

# Why Sign-in?

- The purpose of the survey is to provide TDEC with contact information in order to send participants the permit decision with a response to comments and the Notice of Determination.
- Please indicate whether or not you would like to make a public comment to ensure your name is called. If you select no, you will still be provided an opportunity to comment at the end of the hearing.



Department of  
**Environment &  
Conservation**

## **Informational Session**

**Draft Permit Modification DML700000109**

**North Memphis Class III Landfill**

July 9, 2024

5:30-6:00 pm

# Agenda

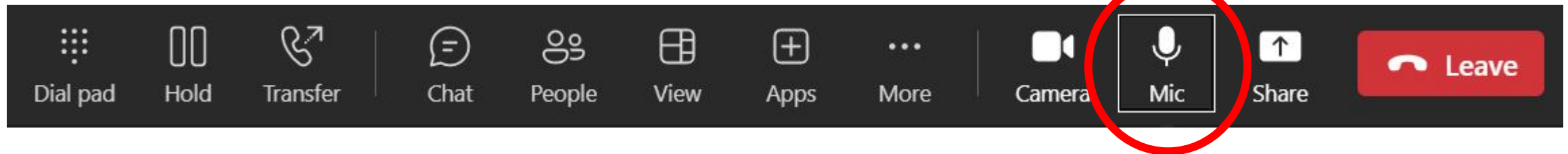
- **5:30 p.m. Informational Session Begins**
  - Review the Draft Permit, Fact Sheet, application, and plans
  - Visit the TDEC and North Memphis Landfill tables to discuss your questions one-on-one prior to the start of the formal hearing.
  - Write down or record your comments during this time; sign up at the Registration Table
  - If you're joining us on MS Teams, please type your questions into the chat box. Instructions on using the chat box will be posted within the chat box.
- **6:00 p.m. Public Hearing Begins**
  - i. Welcome and Overview  
Kathryn Schulte, Moderator
  - ii. Presentation from TDEC  
Nick Lytle, Division of Solid Waste Management
  - iii. Presentation from Applicant  
Marvin Frick, Fullen Dock & Warehouse
  - iv. Receipt of Public Comments
  - v. Closing

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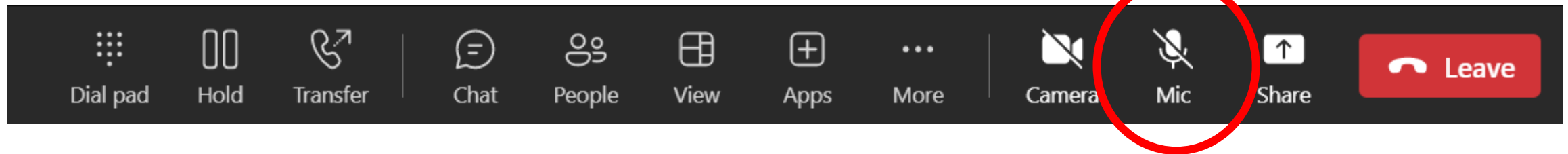
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Department of  
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Conservation**

# Public Hearing

Draft Permit Modification DML790000109

North Memphis Class III Landfill

6:00 pm

# Agenda

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- To provide TDEC with contact information in order to send participants the permit decision with a response to comments and the Notice of Determination.
- Indicate whether or not you would like to make a public comment to ensure your name is called.
- If you select no, you will still be provided an opportunity to comment at the end of the hearing.

# Presenters

- TDEC Staff member presenter:
  - Nick Lytle, TDEC Solid Waste Permits Manager
- North Memphis Landfill member presenter:
  - Marvin Frick, Fullen Dock & Warehouse

# Introductions

- Solid waste permits are facilitated by the Tennessee Department of Environment and Conservation (TDEC), Division of Solid Waste Management (DSWM).
- North Memphis Landfill representatives present:
  - Marvin Frick, Consultant, Fullen Dock & Warehouse
  - Dan Nisbit, President, Eco2 Development Recycling Center
  - Lanny Chalk, Eco2 Development Recycling Center
  - Clint Holmes, Eco2 Development Recycling Center
- TDEC staff members present:
  - Nick Lytle, DSWM, Solid Waste Permits Manager
  - Jim Holt, DSWM, Memphis Environmental Field Office Manager
  - John Boatright, DSWM, Memphis Environmental Consultant
  - Brianna Rives, DSWM, Solid Waste Permitting
  - Breanna Couey, DSWM Public Participation Officer

# Purpose of Hearing

- To receive public comments on the proposal by the Division of Solid Waste Management to issue a new solid waste disposal facility permit major modification to the applicant.

Permit Applicant: Eco2 Recycling Development Center, LLC,  
Facility Name: North Memphis Class III Landfill  
Permit Number: DML790000109  
County: Shelby County

# Purpose of Hearing

- This permit would allow
  - Construction, operation, closure, and post-closure care of the Class III disposal facility for the disposal of farming wastes, landscaping and land clearing wastes, construction/demolition waste, shredded automotive tires, and/or certain wastes having similar characteristics and approved by the Department which are non-hazardous.



# TDEC DSWM's Tentative Decision

- In-depth review of the application
  - The application meets the applicable requirements of the Tennessee Solid Waste Disposal Act and Rules promulgated pursuant to the Act.
- The Division of Solid Waste Management intent that this permit be issued.
  - Pending consideration of any contrary technical information received during the public comment period ending on Monday, July 22, 2024.

# Notice of this Tentative Decision

- The June 6, 2024, edition of the *Daily News*
- Mail & Email
  - Sent to the solid waste mail and email list for Shelby County or occurring statewide.
- Department's website
  - Under the Public Participation Opportunities section.
- TDEC Memphis EFO, Frayser Library, & the Division's Data Viewer
  - Copies of the application, plans, fact sheet, and draft permit have been and are available for public inspection.

# Decision Process

- Response to Comments
  - This will address all significant comments received by 4:30 p.m., Monday, July 22, 2024.
- Reviewed by the Division Director
  - The draft Response to Comments and written comments received
  - Audio recording of this hearing
- Final Response to Comments Issued
  - If a permit is issued, the Response to Comments will also specify which provisions, if any, of the draft permit have been changed in the final permit decision and the reasons for the change.

# Notice of Final Decision & Response to Comments

- Receive notice of the final decision
  - By Mail
    - Selection option on the sign-in form.
  - By E-mail
    - Please be sure to provide us your e-mail address.
  - Everyone who comments orally tonight or submits written comments and who has provided a legible, complete mailing address will automatically be sent a copy of the Public Notice of Final Decision and the Response to Comments.
- Posted on the Department's website.

# Hearing Procedure

- Nick Lytle will explain the Division's proposal to issue the solid waste disposal facility permit.
- Marvin Frick will provide some general background information on the proposed facility.
- Receive comments
  - Through the computer and app chat function
  - Verbal comments



Department of  
**Environment &  
Conservation**

**North Memphis Class III Disposal Facility  
Major Modification  
Memphis, TN  
Public Hearing  
Tuesday, July 9, 2024 – 6:00PM**

# Technical Contact on Draft Permit

**Contact: Nick Lytle**

**Email: Nickolaus.Lytle@tn.gov**

**Phone: 615-854-4581**

**Mail: Division of Solid Waste Management  
Davy Crockett Tower  
500 James Robertson Parkway, 7th Floor,  
Nashville, TN 37243**

# Environmental Field Office Contact

**Contact: Jim Holt**

**Email: Jim.Holt@tn.gov**

**Phone: 901-378-6376**

**Mail: Division of Solid Waste Management  
Memphis Environmental Field Office  
8383 Wolf Lake Drive  
Bartlett, TN 38133**



## Facility Info

- Existing Class III Solid Waste Disposal Facility
- The Facility is located at 128 Gold Medal Road, Milan, Tennessee (latitude 35.929186 / longitude -88.796269)
- The currently proposed expansion will reduce the current permitted footprint from 9.7 acres to 9.1 acres but will increase the overall height of the facility. Final elevation increases 58 feet.

# Facility Info

- The type of waste accepted at the City of Milan Class III landfill includes farming wastes, landscaping and land clearing wastes, construction/demolition waste, shredded automotive tires, and/or certain wastes having similar characteristics and approved by the Department which are non-hazardous.

# Facility Size and Location

- The area of landfill operations is approximately 47 acres
- Total Permitted Disposal Area is 9.1 Acres
- 128 Gold Medal Road, Milan, Tennessee 38358



# Permitting Process

- Subject to Tennessee Rule Chapter 0400-11-01
- Regulations enforce or implement the Solid Waste Disposal Act – T.C.A. 68-211 Part 1
- Apply to New and Existing Solid Waste Facilities
- Outlines steps to follow when issuing a new permit

# Permitting Process

## Part I Application: A completed application which includes

- The name, address and phone numbers of the owner(s);
- Proposed activities to be conducted at the facility;
- A statement regarding whether the facility is subject to local approval and county approval, if necessary;
- A topographic map showing the facility, property boundaries to 1/2 mile past the boundaries, each waste processing or disposal unit, wells, springs, and other surface water bodies within 1/4 mile of the property boundaries;
- A disclosure statement.

# Permitting Process

- Original Part I permit application received – August 26, 2020
  - Public Notice of Receipt of Part I– September 22, 2020 issued in the *Mirror Exchange*

# Permitting Process

## Part II Permit Application

### *Hydrological Report, Operational Manual, and Engineering Plans*

- Required to demonstrate and describe how the new site will meet the standards of the regulations
- Includes:
  - Hydrogeological Report
  - Engineering Drawings/Plans
  - Operations Manual with Written Narrative
  - Ground Water Monitoring Plan
  - Closure/Post-Closure Plan

# Permitting Process

## **Part IIa Permit Application** ***Hydrogeological Report***

- The Part II permit application must include a report assessing the hydrogeological characteristics of the site and must be prepared and certified by a State registered geologist
- Contains:
  - Characterization of underlying soils at the site.
  - Water table elevations and aquifer information
  - Locations of all springs and well in the area
  - Narrative summary of site suitability



# Permitting Process

## **Part IIb Permit Application** ***Operational Manual and Engineering Plans***

- Initial Review is a non-technical completeness review to make sure the applicant has addressed each and every requirement that needs to be addressed. If deficiencies are found, a notice of incompleteness is issued. These steps are repeated until the application is determined to be complete.
- Once determined to be complete, an in-depth technical review is performed to ensure that the applicant adequately addressed each regulatory requirement. This technical review also includes a Peer review by another technical staff member to ensure consistency and thoroughness. If deficiencies are found, a notice of deficiency is sent to the applicant. Applicant must revise and resubmit to continue.
- Final review step – permit application is presented at the Permit Review Committee Meeting with Division Director and technical staff.

# Permitting Process

- Key Permit Milestones
  - Hydrogeological Plan Received 8/25/2020
    - Resubmitted 9/27/2021
  - Engineering Plans received 8/25/2020
  - Notice of Incompleteness Issued 11/12/2021
  - Engineering Plans deemed complete 3/23/2022
  - 2 Notice of Permit Deficiencies (NOD) were issued:
    - NOD #1 issued 6/21/2022, resolved 2/7/2023
    - NOD #2 issued 4/21/2023, resolved 4/3/2024
  - Permit Review Team Review and Approval 4/17/2024
  - Directors Review and Approval 5/1/2024

# Permitting Process

- Public Notice prepared for local newspaper
- Fact Sheet and Draft Permit with specific conditions
- Applicant published combined Public Notice including notice for Public Hearing – June 11, 2024
- Public Comment Period lasts 45 days
- Ends July 26, 2024 - 4:30 PM
- Public Display of Documents during Comment Period
- Public Hearing is held
- At end of public comment period, evaluate all comments
- Final Permit Decision to Approve or Deny with response to comments

# Variations and Waivers

1. A waiver is granted from the buffer zone standards of Rule 0400-11-01-.04(3)(a)1 to allow the permitted waste boundary to be located less than the prescribed 100 feet from the mutual property line with Dudley Kizer Scout Camp Inc., as agreed to by R. Keaton Webb III, President of Board, in an agreement dated August 30, 2019, and included in the approved Facility/Operations Plan.
2. A waiver is granted from the buffer zone standards of Rule 0400-11-01-.04(3)(a)1 to allow the permitted waste boundary to be located less than the prescribed 100 feet from the mutual property line with L. Ross Campbell Jr. as agreed to in an agreement dated August 23, 2019, and included in the approved Facility/Operations Plan.

# Facility Specific Permit Conditions

1. The Permittee must submit to the Division of Solid Waste Management (Division) by October 1, 2024, and every subsequent year (on October 1) during the active life of the landfill, a survey depicting the current (survey to be conducted within the previous three (3) months) contours of the landfill including the limits of all placed waste superimposed with the final permitted waste contours. This survey must include calculations on the current constructed capacity of the facility and the total remaining volume of the facility in cubic yards. This report will be prepared and certified by a professional engineer. This condition shall be superseded by any future changes to Chapter 0400-11-01 regarding survey requirements relevant to Class III disposal facilities.

# Facility Specific Permit Conditions, cont.

2. Due to the well integrity and reliability concerns the Division outlined the December 19, 2023 groundwater monitoring report review document, a minor permit modification to replace Groundwater monitoring wells MW-B and MW-E must be submitted within 60 days of issuance of this permit.
3. Groundwater monitoring well MW-5 must be replaced within 24 months from the issuance of this permit. The replacement well must be established within the compliance boundary for the Class III Landfill.
4. All waste must be covered at least once every 14 days with at least a six-inch layer of compacted soil, or an adequate standard of other material as approved by the Division. A written record of all cover events must be kept on site and made available to the Division for review during facility inspection.

# Facility Specific Permit Conditions, cont.

5. The Permittee must install markers along the permitted limit of waste at an interval of no greater than 150 feet. The permitted limit of waste markers must be posts extending at least six feet above ground level and must not be obscured by vegetation. The Permittee must inspect the markers on a monthly basis and maintain records of inspection at the facility. Any damaged markers must be replaced in a timely manner not to exceed 60 days.

# Comments

**Send comments to Brianna Rives  
by Monday, July 22, 2024**

**Email: Brianna.Rives@tn.gov**

**Phone: 615-308-0104**

**Mail: Division of Solid Waste Management  
Davy Crocket Tower  
500 James Robertson Parkway, 7th Floor  
Nashville, TN 37243**



# Thank You



**THANK YOU**

# Eco2 Class III Landfill-Proposed Vertical Expansion



Dan Nisbit  
President Eco2 Development Recycling Center

Marvin Frick  
Consultant



## Eco2 Landfill Basic Facts

- Located at 382 Klinke Rd Memphis TN 38127.
- Operates under Tennessee Department of Environment and Conservation (TDEC) permit number DML79-0109.
- Approximately 52 acres of landfill area.
- Class III wastes are only allowed in this landfill:
  - Class III Wastes - farming wastes, landscaping and land clearing wastes, demolition/construction waste, shredded automotive tires, wastes having similar characteristics.



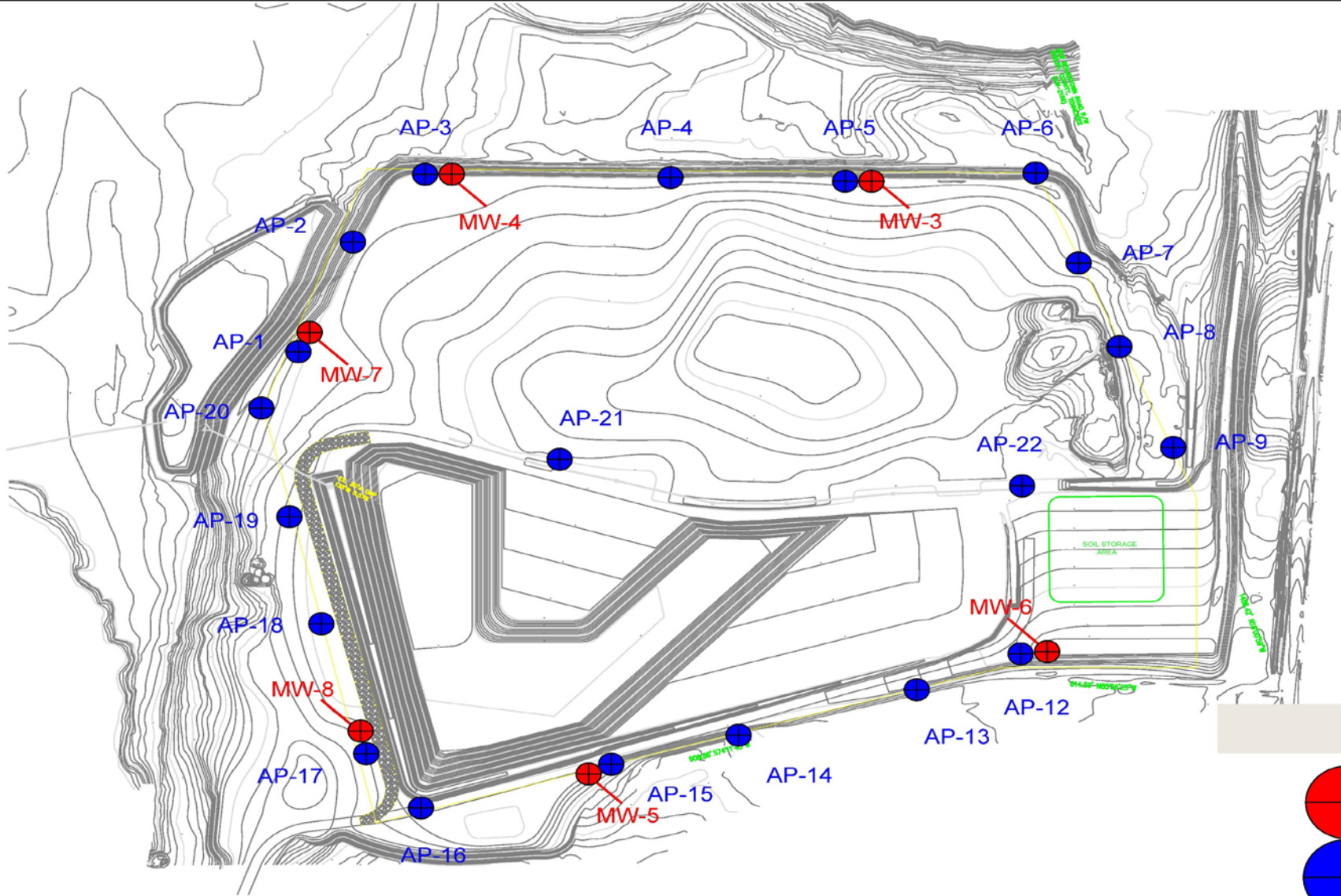
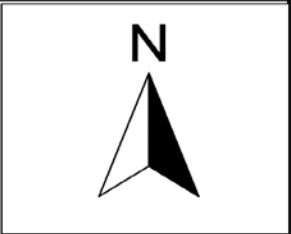
## Reason for Proposed Vertical Expansion

- Provide added landfill space for rapidly increasing construction waste generation without increasing the footprint of the landfill.

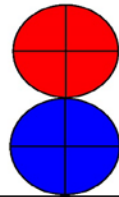


# Environmental Protection and Monitoring Measures

- Groundwater monitoring system:
  - Currently, there are six (6) groundwater monitoring wells.
  - Groundwater is sampled semi-annually.
  - Results are documented in a report submitted to the TDEC semi-annually.
- Surface air monitoring system:
  - Currently, there are twenty-two (22) air monitoring locations.
  - Surface air is sampled quarterly and tested for methane.
  - Results are documented in a report submitted to the TDEC quarterly.



## LEGEND



GROUNDWATER  
MONITOR  
WELL

AMBIENT  
AIR  
MONITORING  
POINT

NO.	REVISIONS	DATE	ENGR

BAR IS ONE INCH ON ORIGINAL DRAWING  
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY



2803 FESSEY PARK ROAD  
P.O. BOX 46056  
NASHVILLE, TENNESSEE 37204  
615-730-5059

DRAWN BY: ZAW  
CHECKED BY: JCT  
ENGINEER: JCT  
DATE: 10/27/2023

### METHANE SURFACE AIR EMISSIONS MONITORING LOCATION MAP

SCALE:	PROJECT NO.
NTS	23462
CONTOUR INTERVAL:	EXHIBIT NO.:
NA	1-1

# Public Comment Guidelines

- Pertinent Comments
  - The State is limited by Statute and Regulations in what it can consider in making its final permit decision.
  - The State can only consider the factual and pertinent comments that relate to the requirements of the State (Solid / Hazardous) Waste Management Act and Regulations.
  - Require that all testimony be relevant to solid waste disposal facility-related issues.
  - Avoid undue repetition in oral presentations.

# Comments: Equal Opportunity

- Comments limited to three (3) minutes.
  - Strictly enforced
- Timer beep
  - To advise you have 1-minute remaining.
- At the 3-minute limit, TDEC may mute the online participants.
- Disruptive participants, may be re-muted by the host, or removed from the Teams Meeting.
- Written comments will be accepted at the hearing and by TDEC until **Monday, July 22, 2024.**
  - Written comments will be afforded the same consideration as verbal testimony.



# Public Comment Procedure

- Comment Order
  1. Participants who stated they wished to comment via the survey or sign-in sheet.
  2. Additional comments from people participating by:
    - i. Computer
    - ii. App
    - iii. Phone
  3. Comments from those who could not attend
- Staff cannot answer questions during the formal hearing

All questions or comments will be responded to in writing.

# Comments?

- Is there any one left who would like to make a comment for the record that has yet to do so?
- TDEC will read comments from persons unable to attend the hearing in person and who indicated they wished their comments would be read.
- Written comments do not need to be read at the hearing to be part of the record

# Decision Processes

- We will review all your comments, oral and written, and make our decision. Based on the comments and evaluation, we can issue, modify, revise, extend the hearing, or deny the application. We can also ask for additional information and data from the applicant, if needed, to complete the decision process.
- A copy of our permit decision with a response to comments and the Notice of Determination will be mailed or emailed to those in our record of attendance and will also be uploaded to TDEC's public dataviewer.

# Closing

- You may submit written comments until **July 22, 2024**.

Division of Solid Waste Management

500 James Robertson Parkway, 7th Floor, Nashville, TN 37243

[Brianna.Rives@tn.gov](mailto:Brianna.Rives@tn.gov)

- All comments received by the deadline will be reviewed by the Division in order to make the best possible permit decision.



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**Thank you!**