Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #:	BL2023-2021		
Type:	Bill	**Status:**	Withdrawn
File created:	6/27/2023	**In control:**	Metropolitan Council
On agenda:	8/15/2023	**Final action:**	8/15/2023
Title:	An ordinance approving the plans for a solid waste processing facility to be located at 7133 Centennial Boulevard, Nashville, TN 37209, with ancillary uses at 7139 Centennial Boulevard, Nashville, TN 37209.		
Sponsors:	Mary Carolyn Roberts		
Indexes:			
Code sections:			
Attachments:	1. Exhibit		

Date	Ver.	Action By	Action	Result
8/15/2023	1	Metropolitan Council	withdrawn	
8/1/2023	1	Metropolitan Council	public hearing	
8/1/2023	1	Metropolitan Council	deferred indefinitely	
7/14/2023	1	Metropolitan Council	advertised	
7/6/2023	1	Metropolitan Council	referred	
7/6/2023	1	Metropolitan Council	passed on first reading	
6/27/2023	1	Metropolitan Council	filed	

An ordinance approving the plans for a solid waste processing facility to be located at 7133 Centennial Boulevard, Nashville, TN 37209, with ancillary uses at 7139 Centennial Boulevard, Nashville, TN 37209.

WHEREAS, on June 7, 2017, the Council for the Metropolitan Government of Nashville and Davidson County ("Metro Council") approved Ordinance No. BL2016-484 making applicable to the Metropolitan Government ("Metro") the provisions of Part 7 of Chapter 211 of Title 68 of the Tennessee Code Annotated to require local approval of landfills, solid waste disposal facilities, and solid waste processing facilities prior to the construction of such facilities; and

WHEREAS, Tenn. Code Ann. §68-211-701 provides that no construction shall be in initiated for any new landfill for solid waste disposal or for solid waste processing until the plans for such new landfill have been submitted to and approved by the county legislative body or governing body of the municipality in which the proposed landfill is located; and

WHEREAS, Barge Design Solutions has submitted an application on behalf of Triune Residuals Management, LLC, along with the required plans, for a solid waste processing facility to the Tennessee Department of Environment and Conservation ("TDEC"), Division of Solid Waste Management. The application including the plans for the facility, which are attached hereto as an exhibit, was submitted by Barge Design Solutions to the Metropolitan Department of Water and Sewerage, Waste Services Division on January 27, 2023; and

WHEREAS, the plans submitted are for an upgrade of the current recovered materials processing facility to a full processing facility per TDEC regulations located at 7133 Centennial Boulevard, Nashville, TN 37209

(Parcel ID 07900011600) and ancillary uses, scale house and storage, at 7139 Centennial Boulevard, Nashville TN 37209 (Parcel ID 07900011700), both parcels zoned IR. If approved, the facility would process and sort incoming construction and demolition waste to recycle the ferrous and non-ferrous metals, cardboard, drywall, wood, aggregate/concrete, and then remove the residual waste to an approved landfill; and

WHEREAS, the amount of waste to be handled, processed, and/or stored by the proposed facility totals 1,200 tons per day, with a maximum storage capacity of 9,850 cubic yards; and

WHEREAS, pursuant to Tenn. Code Ann. §68-211-703, public notice of the proposed facility has been properly circulated by the Metropolitan Clerk within the geographical area of the proposed facility by publication in a local newspaper of general circulation, and such notice has included all information set forth in Tenn. Code Ann. §68-211-703(b); and

WHEREAS, all provisions for a public hearing set forth within Tenn. Code Ann. §68-211-703, et seq. have been complied with as of second reading of this ordinance; whereupon the Metro Council acted within 30 days of such public hearing, or the opportunity therefor, to approve or disapprove the proposed application; and

WHEREAS, pursuant to Tenn. Code Ann. §68-211-704, the Metropolitan Council duly considered the following criteria in evaluating the construction of any new solid waste disposal/processing facility: (1) the type of waste to be disposed of; (2) the method of disposal to be used; (3) the projected impact on surrounding areas from noise and odor created; (4) the projected impact on property values on surrounding areas; (5) the adequacy of existing roads and bridges to carry the increased traffic projected to result; (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.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVODSON COUNTY:

Section 1. That the plans for the solid waste processing facility to be located at 7133 and 7139 Centennial Boulevard, Nashville, TN 37209 (Parcel ID 07900011600 and 07900011700) as set forth in the exhibit hereto, are hereby approved.

Section 2. The Solid Waste Region Board and the Board of Zoning Appeals, upon the enactment and approval of this ordinance, may process related permit applications, and the applicant may otherwise pursue approval through local, state, and federal agencies.

Section 3. This ordinance shall take effect immediately after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance approves the plans for a new solid waste processing facility to be located at 7133 Centennial Boulevard, with ancillary uses at 7139 Centennial Boulevard. On May 2, 2017, the Metro Council approved adoption of the provisions of the "Jackson Law" per Ordinance No. BL2016-484, thereby requiring local approval of landfills, solid waste disposal facilities, and solid waste processing facilities prior to construction.

Barge Design Solutions has submitted an application on behalf of Triune Residuals Management, LLC for a solid waste processing facility to the Tennessee Department of Environment and Conservation, Division of Solid Waste Management. The application including the plans for the facility, which, if approved, would process and sort incoming construction and demolition waste to recycle the ferrous and non-ferrous metals, cardboard, drywall, wood, aggregate/concrete, and then remove the residual waste to an approved landfill.

The amount of waste to be handled, processed, and/or stored by the proposed facility is estimated to be 1,200 tons per day, with a maximum storage capacity of 9,850 cubic yards.

The state enabling legislation establishing the Jackson Law requires the municipal governing body to approve or disapprove the proposed new construction "[w]ithin thirty (30) days after notice and an opportunity for a public hearing." Tenn. Code Ann. §68-211-704(a). The Metropolitan Council must consider the following criteria in evaluating the construction of this facility:

(1) the type of waste to be disposed of;
(2) the method of disposal to be used;
(3) the projected impact on surrounding areas from noise and odor created;
(4) the projected impact on property values on surrounding areas;
(5) the adequacy of existing roads and bridges to carry the increased traffic projected to result;
(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.