



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2021-692, **Version:** 1

An ordinance approving the expansion plans for a solid waste processing facility located at 4651 Amy Lynn Drive, Nashville, Tennessee 37218.

WHEREAS, on May 2, 2017, the Council for the Metropolitan Government of Nashville and Davidson County (the "Council") approved Ordinance No. BL2016-484, making applicable to Metropolitan Government 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 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, Tenn. Code Ann. §68-211-701 further provides that, prior to accepting any waste that would require a change in the classification of a landfill, the landfill operator shall first submit the proposal to accept the waste to the county legislative body; and

WHEREAS, Waste Management, Inc. of Tennessee - Southern Services, located at 4651 Amy Lynn Drive, Suite 1, Nashville, Tennessee 37218, has submitted an application, attached hereto and incorporated herein as an Exhibit to this ordinance, for a Class III landfill expansion; and

WHEREAS, the proposed expansion would apply to a facility consisting of a Class III landfill accepting demolition debris and yard waste located at 4651 Amy Lynn Drive, Nashville, TN 37218 upon a parcel zoned IR; and

WHEREAS, the amount of waste to be handled, processed, and/or stored by the proposed facility totals 1,500 tons per day; and

WHEREAS, on March 24, 2021, the Davidson County Solid Waste Region Board denied Waste Management's application for the expansion of this landfill; and

WHEREAS, pursuant to Tenn. Code Ann. §68-211-703, public notice of the proposal has been properly circulated by the Metropolitan Clerk within the geographical area of the proposed facility landfill 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 Council acted within 30 days of such public hearing, or the opportunity therefor, to approve or disapprove the proposed new construction; and

WHEREAS, pursuant to Tenn. Code Ann. §68-211-704, the Council duly considered the following criteria in evaluating the proposal: (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 application for the expansion of the Class III landfill, located at 4651 Amy Lynn Drive, Nashville, Tennessee 37218 as set forth in the exhibit hereto, is hereby approved.

Section 2. The Solid Waste Region Board and 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 pertains to the expansion of the Southern Services construction and demolition (C&D) landfill located at 4651 Amy Lynn Drive. On May 2, 2017, the Metro Council adopted 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. This includes the expansion of currently permitted landfills.

On March 24, 2021, the Davidson County Solid Waste Region Board considered and disapproved a request by Waste Management for the expansion of the Southern Services landfill. This proposal would allow for acceptance of demolition debris and yard waste in the amount of 1,500 tons per day. Although the Jackson Law process is relatively new in Metro, plans for the construction/expansion of a landfill are typically submitted to the Council for approval before going to the Solid Waste Region Board. At this point, Waste Management has not submitted any plans or application to the Metropolitan Council for the expansion of the facility.

The ordinance now under consideration would "approve the application" for the expansion of this C&D landfill. 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). As noted above, there is currently no application for expansion pending. However, Southern Services has now appealed the Solid Waste Region Board's denial, which would indicate an intention to proceed with the expansion.

If this ordinance is approved, and a court was to determine that no expansion application or plans were pending at the time of its approval, then it is likely the Council would have to repeat this same process and approve another ordinance.