

HAMBLLEN COUNTY/MORRISTOWN REGION SOLID WASTE

AUTHORITY AGENDA

PUBLIC HEARING

April 24, 2026

Hamblen County Health Department Conference Room

TYLER REPORTING SERVICE

407 McCrary Drive
MORRISTOWN, TN 37814
423-586-3713

1 MEETING CALLED TO ORDER

2 MR. RUSH: To begin with, I'll ask Amy to call the roll.

3 MS. HEMMINGER: Dennis Barnes.

4 MR. BARNES: Here.

5 MS. HEMMINGER: Mike Bell.

6 MR. BELL: Her.

7 MS. HEMMINGER: Chris Cutshaw.

8 (NO RESPONSE)

9 MS. HEMMINGER: Bob Garrett.

10 MR. GARRETT: Here.

11 MS. HEMMINGER: Tim Horner.

12 MR. HORNER: Here.

13 MS. HEMMINGER: Matt Lacy.

14 MR. LACY: Present.

15 MS. HEMMINGER: Pat McGuffin.

16 MR. MCGUFFIN: Here.

17 MS. HEMMINGER: Ventrus Norfolk.

18 MR. NORFOLK: Here.

19 MS. HEMMINGER: Tom Rush.

20 MR. RUSH: Here.

21 MS. HEMMINGER: Will Sliger.

22 MR. SLIGER: Here.

23 MR. RUSH: Before we get started, I think I'm going to let Chris
24 Capps kind of make some comments just to get us started, so, Chris, I'll
25 turn it over to you.

1 MR. CAPPS: Thank you, Tom. Folks, this is a hearing pursuant
2 to Tennessee Code Annotated 69-211-814. It's akin to an
3 administrative hearing, and we're required to have a court reporter
4 report and transcribe this hearing. Ginger Tyler is our court reporter
5 here today. To help her get this done correctly, if you're going to be a
6 speaker, if you would identify yourself, and it would help her also for
7 there to be no talking over one another. I don't anticipate that being a
8 problem. The way this will progress, I'm suspecting that Mr. Jernigan
9 will present for SEI, or someone on SEI's behalf, for about fifteen
10 minutes, and then I believe Mr. Barnes will have the floor thereafter.
11 We will not vote today. This is for consideration, the statute says, and
12 we have a period of time before we can vote. If we're prepared to
13 move on, SEI representative, we're ready to hear from them.

14 MR. JERNIGAN: Okay. Do you have a copy of my
15 presentation, or do you just want me to do this --- I've given you...

16 MR. RUSH: The one that I have is the one that you gave us
17 when you came to the first meeting.

18 MR. JERNIGAN: Well, I can do this off my notes, if that's okay.

19 MR. RUSH: Sure.

20 MR. CAPPS: And I forgot to mention one thing. There is
21 allowed a time for public comment after our primary participants speak,
22 but I don't see anyone here typically from the public, other than,
23 obviously, we have SEI representatives, and Mr. Noah. I don't see
24 any other persons here, so unless they arrive, I don't guess we'll have
25 any public comments.

1 MR. JERNIGAN: Well, we appreciate the opportunity to speak to
2 this body today. Before your February 20 meeting, we had submitted
3 an application, Part 1 application, for a Class III landfill in the Lowland
4 area of Hamblen County, right off of State Route 160. The project
5 applicant is SEI waste, owned by Mr. Kenny Noah. The current
6 property owner is Flat Creek Properties, which is a subsidiary of a
7 company that I've done work for, for 20 years, R & S Logistics.
8 They're based in Knoxville. It's a large logistics company. We just
9 appreciate the opportunity to present to you guys today, you folks
10 today. Let me talk for a minute about the historical adjoining parcel
11 land use. The parcels in question are basically land parcels 5900900
12 and 5900905. They are owned by Flat Creek Properties. There's a
13 total of about 66 acres that make up these two land parcels. Our
14 engineers are telling us there's about 40 acres of usable space on
15 those two land tracts, based on setbacks and things like that. The
16 property is zoned, currently, industrial, which does allow a landfill to be
17 operated there. The property lies within the city of Morristown
18 corporate limits. Both of these properties were actually acquired in
19 the mid 1940's, and were taken into the overall 600-plus acres,
20 Americal Enka/BASF, a synthetic fiber manufacturing facility, that
21 started in 1947. Then, by the early 2000's, the companies that
22 operated there had moved out, properties were broken up into
23 numerous parcels, and my client, Flat Creek Properties acquired this
24 property, I think, in 2024. The situation at the property adjoining the
25 properties historical land use, just so that you all are aware, to the north

1 is the large BASF north landfill. It's a closed parcel that's actually
2 being regulated by the Department of --- the Division of Remediation
3 under TDEC. It's the oldest landfill that was developed on the
4 property, but it adjoins to the north. To the south is an active
5 Lakeway Recycling Sanitation Class I landfill. It's actually --- the
6 management of that is overseen by TDEC, Division of Solid Waste
7 Management. Also, to the south adjoining is a landfill that's owned
8 now by the State of Tennessee, it's called Lenzing Fibers Solid Waste
9 Landfill. It's closed. The company was, obviously, Lenzing Fibers,
10 they're bankrupt, and the State of Tennessee took ownership of that
11 property, and it's actually being managed by the Division of Radiation
12 with TDEC. Then, a little further to the south is the BASF south
13 landfill, also being --- the closure of which is being managed by the
14 Division of Solid Waste Management. And then to the west is the
15 main complex of the BASF synthetic fiber manufacturing. There was
16 several million square feet of building there, a lot of which has been
17 torn down. R & S Logistics has actually acquired two of the larger
18 buildings there, and they've basically taken something that was out of
19 service for a very long time and put it back into great commercial uses
20 as logistic space, warehouse space. Prior to them purchasing the
21 property in 2024, we did an environmental assessment of the property,
22 and just so you understand the site geology and the hydrogeology of
23 the area, the entire area is underlain by Sevier Shale. Sevier Shale at
24 East Tennessee is about a 3,000 foot-thick shale unit that weathers to
25 form a very stiff clay residuum at the ground surface. We actually

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1 drilled that site and found that in places, the soil thickness there is over
2 50 feet. We did not encounter any groundwater in the upper 50 feet of
3 soil. We tested the soil, and there were no contaminants that we
4 found there. So, we believe this project is worthy because it ---
5 basically, the property is engulfed by existing landfills that were started
6 back in the 1950's. It's compatible with the existing surrounding land
7 use. The facility designed construction and operation is going to be in
8 full compliance with TDEC regulations that govern Class III landfills.
9 This facility will accept Class III waste only, no household waste, waste
10 placement, and it will be compacted, will be covered every day,
11 according to TDEC requirements. This will be a continually manned
12 facility. There won't be nuisance dumping there. There's no one
13 going to be able to access this facility without it being manned by the
14 company. It's going to be operated in normal daytime hours. Just to
15 be aware, there is an adjoining active Class I landfill to the south. So,
16 the project benefits that we see, the site is stable, the site is
17 geologically sound. I used to be a scientist at Oak Ridge National
18 Lab, and all of our landfills that we built after the early 1940's were built
19 in Melton Valley, which is the valley that the Oak Ridge Reservation is
20 on that is underlain by a shale unit. The geologists back in the day
21 made that decision that that's the best place to put waste facilities,
22 underlain by shale, and that's what this facility has. You know, from
23 SEI's proposal, it's going to basically return underused land to
24 productive commercial use. It's going to support the tax base, rather
25 than leaving the land idle. It supports redevelopment in an existing

1 industrial corridor that's been sitting vacant for a very long time until
2 R & S Logistics got involved, basically putting those dilapidated
3 buildings back into service. It's going to create economic activity
4 without requiring any public capital investment, and it helps to protect,
5 we think, the public's Class I landfill asset. The other thing I would
6 mention, and we've communicated this via email, but this project was
7 brought to this board in 2018 and was approved, and it's essentially the
8 same proposal, it's the exact same properties, and we've looked at your
9 1994 Regional Solid Waste Management Plan, and we don't see that
10 there are any changes in that. The previous proposal was approved
11 in 2018, using that 1994 plan, so we think that this project should be
12 supported by the regional board.

13 MR. CAPPS: Any questions for Mr. Jernigan? Identify yourself
14 before you ask a question, please.

15 MR. BARNES: You said last night and today...

16 MR. CAPPS: Dennis, identify yourself.

17 MR. BARNES: Oh, Dennis Barnes. Sorry. Are you concerned
18 that we're putting Class III waste in with our Class I now?

19 MR. JERNIGAN: I don't know that you're doing it now because I
20 know you...

21 MR. BARNES: No, we've not done that in two and a half years.

22 MR. JERNIGAN: But, historically, it's been an issue here in
23 Hamblen County. If you go back and look at the...

24 MR. BARNES: Sure it has.

25 MR. JERNIGAN: Okay. But if you go back and look at the

1 needs assessment that was done for this county in 2024 by an East
2 Tennessee development district, there's language in that document that
3 basically talks about --- if you compare what it estimates in Class III
4 waste being generated here, the numbers are so off, they're tiny,
5 compared to every adjoining county. So, the way we looked at that
6 data was, it's not real. Whatever was reported to the East Tennessee
7 Development District, we don't think that there's a good handle on the
8 number of how much Class III waste is actually being generated here.
9 It basically says something like, and I don't remember it all totally
10 correctly, but something like six million tons of waste in two consecutive
11 years. We think that's impossible. You do more than that in a day,
12 or potentially in a month. Anyway, my point to that is that I know
13 historically Class III material made its way into Class I space. Class I
14 space now costs somewhere between --- it's a mid six figure number.
15 Six hundred thousand to nine hundred thousand an acre is probably
16 being conservative. We think generating Class III waste, it ought to
17 go into Class III space, and we think this project will help preserve
18 Class I space here.

19 MR. MCGUFFIN: I'm Patrick McGuffin. Is this going to be open
20 to the public, or is it just going to be closed to you all, or...

21 MR. NOAH: No public.

22 MR. MCGUFFIN: No public. Do you know how many tons you
23 expect to...

24 MR. NOAH: Depends on how much more business I grow.

25 MR. MCGUFFIN: Well, that's true.

1 MR. NOAH: Growing every day.

2 MR. MCGUFFIN: I'm the one that got the landfill approved the
3 first time, so the only difference is, is Hamblen County did not have a
4 Class III landfill when we got ours, but since then we've acquired one,
5 GFL. The only thing I see a problem is, if it pulls a lot of revenue away
6 from our Class III landfill, the City and the County's Class III, and at the
7 end of the year, if it's a loser, if we lose money, then the City and the
8 County have to pick up the difference. You know what I'm saying? I
9 guess, isn't that how it works? That's the only thing I see. You meet
10 all of the requirements.

11 MR. JERNIGAN: So, this is a legal question. I'm a geologist,
12 I'm not a lawyer, but the way I read the statute, what this body is
13 supposed to be considering today is, is the proposal consistent with
14 your 1994 plan. The finances of this, the politics of this, all that, is not
15 really supposed to be part of this point of view. What we're asking you
16 guys to do is to follow the rule and to say whether or not it's consistent.
17 My read as a geologist and a person that's been involved in regulations
18 for 40 years is that there's nothing in your plan that makes us
19 inconsistent with what you all are doing regionally. And, further,
20 there's stuff in there that I think, makes it consistent. There's
21 information in there about classified waste, separating waste, making
22 sure that you're recycling as much as possible, keeping Class III waste
23 out of Class I space. We just think we're consistent, and that's what
24 we hope that has been communicated to you by us via email and
25 various memos, but that's what we themed that this body is supposed

1 to be judging today, voting on.

2 MR. LACY: Matt Lacy. Ron, how much Class III do you all take
3 in a day, roughly?

4 MR. WHITE: A hundred and fifty, two hundred tons. We
5 average around a thousand tons a day.

6 MR. BARNES: No. Well, we take...

7 MR. LACY: So, three hundred tons a day, roughly? You said a
8 hundred and fifty tons a day, so it's about the same on both ends. I'm
9 just trying to get a total.

10 MR. CAPPS: Any further questions?

11 MR. LILLY: I'm Bryant Lilly. Isn't --- the county's landfill, isn't it
12 the largest -- and the county?

13 MR. BARNES: Yes.

14 MR. LILLY: So, that would never affect another landfill, that's
15 always going to go to that landfill, correct?

16 MR. BARNESS: That's what?

17 MR. LILLY: That trash is always going to --- the debris is always
18 going to go to the county landfill?

19 MR. BARNES: Yeah.

20 MR. LILLY: So, your numbers are always going to be maintained
21 and not skewed by your own trash?

22 MR. BARNES: No.

23 MR. LACY: That's not Class III.

24 MR. BARNES: No, because there's so much other coming in
25 there...

1 MR. LILLY: Yeah, but what percentage is us?

2 MR. BARNES: What percentage is you right now?

3 MR. LILLY: Uh-huh.

4 MR. MCGUFFIN: It's not city and county.

5 MR. LILLY: It's not city and county that's Class III. What
6 percentage goes in the landfill now?

7 MR. BARNES: From you all, or...

8 MR. MCGUFFIN: Probably 70 percent.

9 MR. BARNES: It's 60 percent that we're diverting to Class III.

10 MR. LILLY: No, that's not what I...

11 MR. MCGUFFIN: No. Of all the trash that's brought in, total,
12 what percentage of that, City and County, 70 percent, or 80?

13 MR. BARNES: Not right now. I'm going to say 65, 70.

14 MR. LILLY: So, if you back our waste out of it, how much is it?
15 What percentage..,

16 MR. BARNES: What do you all bring, five or six hauls a day? I
17 mean, that's...

18 MR. NOAH: Probably more than that.

19 MR. LILLY: More than that.

20 MR. MCGUFFIN: But you're still going to take your Class I there.

21 MR. NOAH: We're bringing 583 tons a month.

22 MR. RUSH: How much does that --- I'm Tom Rush. How does
23 that break down between Class III and Class I, do we know roughly?

24 MR. NOAH: That right there is our Class III.

25 MR. RUSH: That's all Class III.

1 MR. LACY: Matt Lacy, again. Our problem with that would be
2 making our bond --- and I know that's not why we're here. I know
3 that's --- but this is up for discussion, and that's why I brought it up.
4 As a body, I'm looking out for solid waste in general.

5 MR. RUSH: I'm Tom Rush. So, this is a public hearing, and I
6 just want to share my thoughts. So, the plan that you've looked at did
7 not include the Class III that you purchased since then, and so.... you
8 purchased about 87 acres from GFL. Did a couple of things for us,
9 that led us --- at that point, we estimated about 40 percent of our waste
10 from Class I to Class III, which has helped lengthen the life of Class I,
11 especially during our expansion, and the property also connected us,
12 and correct me if I'm wrong, Dennis, to the 50 acre tract that we got that
13 we didn't have good access to for additional future expansion if we
14 need that down the road. I guess my primary concern with all of this,
15 and I know financial is not an issue to you, but it is to us because we
16 have about fifteen million dollars in bonds issued for the expansion
17 that's currently underway. About four and a half of that was issued by
18 the City. As a board, we don't have the authority to issue debt, so the
19 debt is going to be issued by the City or the County. The City issued
20 about four and a half million for an expansion initially, and the County
21 did roughly the same amount, and then we come along and discovered
22 that it was going to cost more than that, so the County has also issued
23 an additional --- roughly a six million dollar bond issue, so we've got
24 fifteen million dollars in bond issues that we are obligated to the City
25 and the County to repay for the expansion. The projections that we

1 made to cover that debt covers the current stream of waste that flows
2 into that landfill. Our concern is to bury that waste somewhere else,
3 and revenue not be enough to carry those bond issues, and that
4 ultimately would fall back on the taxpayers of the City and the County.
5 I just brought that on the floor because the expansion that we're looking
6 at currently on the Class I is roughly a twenty-four year life --- or what it
7 started out with, is that not correct?

8 MR. BARNES: I'm sorry?

9 MR. RUSH: The Class I expansion is estimated to have about a
10 twenty-four year life?

11 MR. BARNES: I think the last --- was twenty-seven, if I'm not
12 mistaken. I could be.

13 MR. RUSH: Twenty-seven. So, you know, we've stepped out
14 on these expansions to grow that landfill to serve the needs of the
15 County since that plan was updated, I guess, in '94, so the actions
16 we've taken, I guess, in (unintelligible) but those are my concerns. We
17 just want to be able to pay the debt back and be a good citizen for what ---
18 we're responsible for, so... that's...

19 MR. CAPPS: Any further questions for Mr. Jernigan or SEI? If
20 not, Mr. Barnes, do you want to have the floor?

21 MR. BARNES: Dennis Barnes. Again, I agree with what you
22 said. The comment that you made last night that you're just trying to
23 grow your business, and in this business, you're going to grow, and
24 grow it fast. It's going to happen. That is my --- that is my fear. It
25 is --- ain't nothing you all --- everything is right. I mean --- but the

1 financial hit will ultimately go back to the taxpayers, and it will affect
2 us. I mean, you all pretty much covered everything I was going to say
3 anyway.

4 MR. CAPPS: Any questions for Mr. Barnes?

5 MR. NOAH: I'm Kenny Noah. My biggest question to
6 everybody in here, when I go to another county that adjoins Hamblen
7 County and I open up a landfill, what's it going to cost you? I have two
8 offers on the table, but I'm not buying property when I --- so, we're
9 growing every day, that's a fact, by leaps and bounds. My competitor
10 is my best salesman. I just want you to think about that. My heart's
11 in Hamblen County, but it doesn't mean I have to stay in Hamblen
12 County, so you might want to consider that.

13 MR. LILLY: My name is Bryant Lilly. Is the County landfill
14 operated as a cost center or a profit center?

15 MR. BARNES: I'm sorry?

16 MR. LILLY: Is a landfill operated as a cost center or a profit
17 center on a financial statement?

18 MR. BARNES: I don't understand.

19 MR. MCGUFFIN: Profit.

20 MR. LILLY: It's a profit center. Okay.

21 MR. CAPPS: Any further questions? Anyone here from the
22 public to --- for public comment?

23 MR. RUSH: I think Ron wants...

24 MR. CAPPS: Ron, you're public, too, I guess.

25 MR. WHITE: Dang. My name is Ron White, I'm the general

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1 manager for GFL in the state of Tennessee for our landfill operations.
2 This, obviously, is not the format for negative cost conversation, but
3 that's really all I have to add. He just countered what I'm about to
4 say with the ultimatum of going to another county. That's a very real
5 situation. I misspoke. Last year, we did fifty-four thousand tons,
6 about 2.3 million dollars. We're going to lose that on day one. If he
7 opens that landfill, it'll be very successful. Him and his staff are going
8 to work hard to get out there and get business within a thirty mile
9 radius, easy, and they're going to be excited to go because the price
10 will be great, and they can't wait to go. When that happens -- here's
11 what I see happening. I'm going to lose volume, and it's going to hurt.
12 You all are going to lose volume, and it's going to hurt. But unlike the
13 last three times, we've raised our price incredibly in a very short amount
14 of time, very aggressively. We stayed a little bit cheaper than you all
15 the first two, and matched you on the third. When this forces you all
16 to do another price increase, I'm not going to go with you this time
17 because I'm going to let you all drive that --- to me to counter what he
18 takes from us. This isn't rocket science. But there again, if he
19 doesn't do it here, he's going to do it somewhere else, so that's just the
20 reality of it. There's no --- everything about that property makes sense
21 for a landfill. It's perfect for that. But in my opinion, the solid waste
22 board members, you're making that decision for that landfill, or an
23 elementary school right now. There is decades of air space between
24 the two of us -- your expansion and ours -- this just doesn't make sense
25 to do right now. That's it. That's all I got. This will be a big self-

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1 inflicted injury. You all have worked hard on investing and buying our
2 Class III, the expansion, and you all know what your numbers are.
3 And if the commissioners are already in the position of voting for this,
4 they asked you for financial information, how could you not do the due
5 diligence with the information already available, if they ask you for it.
6 Just start the conversation with a million dollars off the table, and what
7 does that P & L look like. I can't imagine good. And that's all, you
8 guys.

9 MR. BARNES: Dennis Barnes. — You took it a step further. I
10 didn't even think about going down that road, but --- which will take
11 more away.

12 MR. CAPPS: Any further questions or comments? If not, we'll
13 close this hearing. Anything further? If not, we will close this hearing,
14 and we will adjourn, and this body will take a vote at a later date, to be
15 determinative at this point.

16 MR. RUSH: We're adjourned. Thank you.

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18 MEETING ADJOURNED
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C E R T I F I C A T E

I, Ginger Tyler, Notary Public at Large, hereby certify that the foregoing is a true and accurate transcription of the Hamblen County/Morristown Region Solid Waste Public Hearing on the 24th day of April, 2026.



Court Reporter

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