

Upcoming Events

New York Association of Solid Waste Management in Cooperation with New York State Dept. of Environmental Conservation

Landfill Operator Training Course & Specialty Training Session

Date: March 14-15, 2006
Location: Syracuse/Liverpool Holiday Inn, Liverpool, NY
Contact: Mike Wolak at (315) 733-1224 or E-mail: mikew@ohsw.org

Waste Expo 2006

Date: April 4-6, 2006
Location: Las Vegas Convention Center, Las Vegas, Nevada
Contact: Customer Service at (708) 486-0729 or (877) 598-2722

Federation of NY Solid Waste Association's Solid Waste/Recycling Conference & Trade Show

Date: May 7-10, 2006
Location: The Sagamore on Lake George, Bolton Landing, New York
Contact: Jodi Tuttle at (315) 733-1224



SWANA INFOrmer
New York Chapter News
c/o Russell Rutkowski
Monroe County Dept. of Env. Services
City Place, 50 W. Main St., Ste. 7100
Rochester, NY 14614-1228

Federation Program in Place for May 2006!

The 2006 program for the Federation of New York State Solid Waste Associations conference offers an exciting assortment of technical sessions. The Conference will be held at The Sagamore at Bolton Landing on Lake George, New York from May 7-10, 2006. This is the seventh year the Conference will take place at The Sagamore, which is a historic four-diamond resort. Participants are expected from around New York State, Vermont, New Hampshire, Pennsylvania, Massachusetts, Connecticut and Ontario.



The 2 ½ day conference will feature presentations on landfill gas, rail haul, waste quantification and characterization, managing medicines, compliance assistance, organics management, recycling, landfill issues, alternative fuels and labor issues.

The conference will also host a roundtable discussion with NYS Department of Environmental Conservation regional representatives as well as representatives from the Environmental Protection Agency and other north-eastern states, metropolitan areas and organizations. This year's plenary session will focus on corporate stewardship. Dick Pastor, Environmental Director from Wal-Mart will discuss the strides the company is making.

Wal-Mart was winner of the 2005 Waste News business of the year award.

The Federation Conference is the largest meeting of recycling and solid waste professionals in the Northeast. The conference provides ample opportunity to network during any of the special events offered such as golfing, hiking, a boat tour of Lake George, lawn games, horse-back riding, culinary demonstration and a tour of the Fitch Paper Mill.

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Bestselling Environmental Authors to Speak at Federation Conference

The Federation Conference will host two best selling authors as they discuss the world of waste and answer questions from the audience.

Bill McKibben is a former staff writer for *The New Yorker*. His books include *Hundred Dollar Holiday*,

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President's Letter



SWANA – President's Message, January 2006

Dear Members,

In my first message, I told you about my visit to Wastecon 2005 in Austin, TX. It was a great convention and it would be well worth it for you to consider a trip to Wastecon 2006 in Charlotte, North Carolina. If that's a little too far afield for you to travel, then on a smaller scale and closer to home is our upcoming Federation Conference in May at The Sagamore on Lake George. If you've never attended this before, I urge you to be there this year! Although it's still cold right now, it's not too early to plan on attending. You should have recently received the program and registration package. If not, just go to the Federation's website at www.nyfederation.org.

The Federation Conference is a tremendously successful meeting of solid waste professionals from throughout New York and the Northeast that has resulted from the effective collaboration and cooperation of SWANA, NYSASWM, and NYSAR3. This year there will be about 30 technical sessions a variety of topics from recycling obstacles to managing pharmaceutical wastes to landfill gas to energy projects to C&D debris management to green highways and more! It's a great way to learn about some of the latest developments in the field and there are lots of opportunities to network and enjoy yourself.

On a more somber note, I want to take this opportunity to recognize the passing of one of our own. At the beginning of last year's Conference the Federation Board presented Suzanne LaLonde with a lifetime achievement award in solid waste management. Sadly, she passed away in December. She was a remarkable person and a tireless worker in our field, a leader of our Board and President of our Chapter. She will be sorely missed by everyone who knew her.

Scott Menrath

President

**Solid Waste Association of North America
New York Chapter**
50 W. Main Street, Ste. 7100
Rochester, NY 14614-1228

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REGISTRATION FORM **May 7 - 10, 2006**

1. SAVE MONEY...REGISTER BY APRIL 9, 2006 AND RECEIVE A FREE GARMENT BAG!

Mr. Mrs. Ms. [PLEASE PRINT LEGIBLY or TAPE A BUSINESS CARD HERE.]

Name _____ Badge Nickname _____

Title _____ Organization _____

Address _____

City _____ State _____ Zip Code _____

Tel (____) _____ Fax (____) _____ E-Mail _____

2. PLEASE ✓ IF YOU ARE A MEMBER

NYSASWM NYSAR3 SWANA Member ID: _____ [If unsure of membership, call Lisa Waldron at (518) 783-2828.]

3. REGISTRATION FEE

TOTAL _____

	On or Before April 9, 2006	After April 9, 2006
<input type="checkbox"/> Member	\$220	\$245
<input type="checkbox"/> Non-Member	\$270	\$295
<input type="checkbox"/> Spouse (Full Conference Meals)	\$170	\$185
<input type="checkbox"/> 1 Day Registration	\$170	\$185
<input type="checkbox"/> Speaker (Full Conference)	\$170	\$185
<input type="checkbox"/> Tuesday P.M. Golf Tournament	\$ 85	\$ 95
<input type="checkbox"/> Tuesday P.M. Adirondack Hike	\$ 25	\$ 30
<input type="checkbox"/> Tuesday P.M. Culinary Demo	\$ 25	\$ 30
<input type="checkbox"/> Tuesday P.M. Horseback Riding	\$ 25	\$ 30
<input type="checkbox"/> Tuesday P.M. Lawn Games	\$ 15	\$ 20

Name: _____



Registration Fees:

- * Includes all sessions, trade show/open house, continental breakfasts, refreshments, lunches, and cocktail reception.
- * Registration is "complete" upon payment.
- * There will be a \$25 charge for returned checks.

Hotel Accommodations:

- * Block reservations have been made at a substantially reduced rate. You must, however, make your reservations directly with The Sagamore by April 9th by utilizing The Sagamore's Reservation Form.

4. PLEASE HELP US PLAN BETTER FOR YOU! (✓APPROPRIATE BOX)

- | | |
|--|---|
| <input type="checkbox"/> ADA needs and attach an explanation of your needs | <input type="checkbox"/> Tuesday Lunch |
| <input type="checkbox"/> Vegetarian or other _____ lunch | <input type="checkbox"/> Tuesday P.M. Lake George boat tour |
| <input type="checkbox"/> Monday Lunch | <input type="checkbox"/> Tuesday Casino Night |
| <input type="checkbox"/> I can help with _____ | <input type="checkbox"/> Wednesday Lunch |

5. SELECT A METHOD OF PAYMENT

Refund & Cancellation Policy:

- * Refunds ONLY if WRITTEN cancellation received by April 21, 2006. No phone cancellations.
- * Substitutions may always be made.
- * We invoice for no-shows!
- CHECK: Make payable to SWANA, NYS (drawn on a U.S. bank, in U.S. dollars)
- CREDIT CARD: I authorize SWANA, NYS to charge my: VISA MasterCard AMEX

Name exactly as it appears on credit card _____ Card No. _____ Exp. Date _____

Signature Required _____

6. PAYMENT ACKNOWLEDGEMENT

7. SIGNATURE

By signing this registration form, I acknowledge that I have read and accepted the payment and refund policies listed in this brochure. Further, I understand that if I fail to appear that I or my organization will be responsible for the total charges due.

X _____

8. SEND COMPLETED CONFERENCE REGISTRATION FORM TO:

MAIL TO: Angela Schmidt
96 Bellevue Avenue
Center Moriches, NY 11934

OR FAX TO: (631) 288-2544

QUESTIONS?
Lisa Waldron
(518) 783-2828 waldronl@colonie.org

**2006 New York SWANA Chapter
Scholarship/Financial Assistance Grant Program**

Application

Name: _____

Address: _____

Telephone Number/E-mail: _____

SWANA Member Sponsor: _____

Sponsor's Relationship to Applicant: _____

Scholarship/Financial Assistance Grant Category: **IA** **IV**

Signature of Applicant: _____

Signature of Sponsor: _____

The application form should be transmitted with a cover letter that includes the information requested below for the category being applied for along with a brief discussion of why you believe you should receive an award. The referenced essay should be attached.

Category IA Applicants –

- Name of College and/or University
- Major
- Transcripts from Freshman year
- Essay: Your views on solid waste management; what it is; who participates; what are the current issues facing the profession; and your thoughts on the future direction.

Category IV Applicants –

- Name of Course, Training, Professional Development Activity
- Institution, Organization, College or University offering activity
- If matriculating to a degree: What degree, major of study, courses completed, and present GPA; and Credit hours being pursued in fall 2006/spring 2007
- If not matriculating to a degree: What is the purpose of the training or professional development; and number of professional development hours or certification that will be received.
- Employer contribution toward your continuing education and balance not covered by employer
- Essay (one page max): How will this course work, training, and or professional development assist you in advancing your career; and what is its applicability to the solid waste profession.

Landfill Operator Training Opportunity

The New York State Association for Solid Waste Management in cooperation with the New York State Department of Environmental Conservation will be holding a Landfill Operator training course and specialty training session. The session will take place on March 14-15, 2006 at the Syracuse/Liverpool Holiday Inn located in Liverpool, NY.

The first day of the session will cover Landfill Operator Certification. The training course is designed to provide operators, designers and regulators of landfills within New York State the opportunity to obtain “*Landfill Operator Training Certification*” as required per NYSDEC Part 360. The course will provide an “operator friendly” review of all the design, regulatory and operational procedures that will be included in the Landfill Operator Training Examination that will be given. Operators and other attendees passing the examination will be awarded their “*Landfill Operator Training Certification*” prior to the close of the seminar. Note: The next Landfill Operator Certification training course will not be held until March 2008.

On the second day there will be a specialty training session. The Seminar will also offer up to 12 contact hours for continuing education for New York State Professional Engineers.

For Further Information Contact: Mike Wolak at (315) 733-1224 or e-mail: mikew@ohsw.org.

New York and Pennsylvania Look Beyond Gasoline in 2006

Governor Pataki has high expectations of change in 2006. He wants to make ethanol and biodiesel available in the 27 services stations on the New York State Thruway and in 100 more stations throughout the state. Pataki is also proposing incentives to bring refineries that produce ethanol into the state.

The governor first disclosed his plans in the State of the State address, but will not provide full costs and details until he makes his budget proposal. If the plan is approved it will provide New York residents with one of the most diverse fuel choices.

Currently some 200,000 New York residents own vehicles that can run on ethanol instead of gasoline, but are not aware of the vehicle's ability to use the alternate fuel. Consumers can learn if they own one by looking at their vehicle identification number as described at www.e85fuel.com.

Also in early January, Pennsylvania Governor Edward Rendell and executives from AGRA Biofuels Inc announced over the next five years plans to build and operate 11 biodiesel plants.



In Remembrance of Suzanne LaLonde

In December 2005 many were saddened by the passing of Suzanne LaLonde.

Suzanne had a long history of involvement in the Solid Waste Industry.

She will be missed greatly.

Federation Program in Place for May 2006!

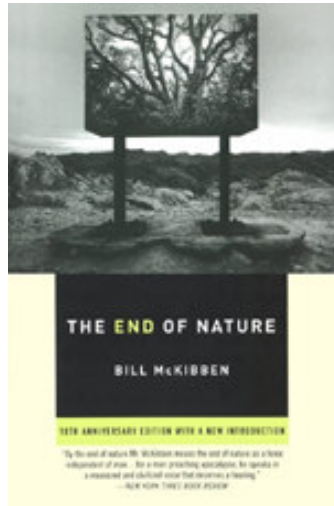
(continued from page 1)

Register today by completing the conference registration form in this newsletter or you may also register for the conference and the hotel through the website at www.nyfederation.org. Early registration by April 9 gets a reduced fee and a free gift. Past experience indicates that the Sagamore main hotel fills up early. Remember two registrations are required for the conference; one for the conference and the other for the hotel.

Best Selling Environmental Authors to Speak at Federation Conference

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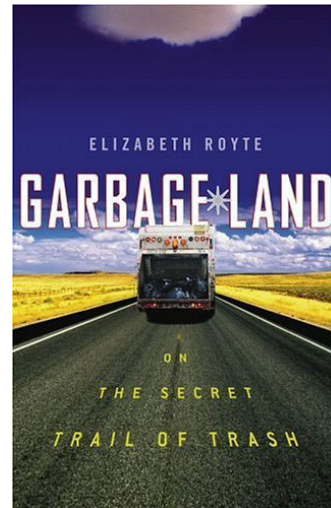
Maybe One, The End of Nature, The Age of Missing Information and Hope, Human and Wild.



The End of Nature, published in 1989, sounded one of the earliest alarms about global warming. In *Maybe One* published in 1999, he took on the most controversial of environmental problems- population.

Elizabeth Royte has written for *The New York Times Magazine*, *Harper's*, *National Geographic*, *The New York Times Book Review*, the *New Yorker*, *Outside*, *Smithsonian*, and other national magazines. A former Alicia Patterson Foundation fellow, Royte is the author of *The Tapir's Morning Bath: Solving the Mysteries of the Tropical Rain Forest*, which was named a *New York Times Notable Book of the Year for 2001*.

Have a copy of their books? Bring it along as there will be an opportunity to have them sign it!



Annual Business Meeting

The NYS Chapter of SWANA will convene its annual meeting on May 7 at 3pm at the Sagamore at Bolton Landing, Lake George. All members are encouraged to attend. Hope to see you there!

**Attention New York SWANA Chapter Members
Scholarships and Financial Assistance Grants**

Announcement - 2006 Awards

In an effort to promote education and professional development, the Solid Waste Association of North America (SWANA) has established the Grant H. Flint Scholarship Awards Program. Scholarships are available at both the local and national SWANA levels. In past years, Scholarships/Grants at the local level have exceeded \$5,000 and National SWANA has identified \$12,000 in potential awards for 2006.

Applications will be accepted until May 1, 2006 and award(s) will be announced by June 1, 2006. Candidates selected for awards will be contacted directly by the Scholarship Committee, and the award(s) will be announced in a future SWANA newsletter.

Awards are determined based on a review of the SWANA New York Chapter Scholarship Committee. Awards are based on the overall achievements of the individual candidate, and not solely on academic performance. Awards are offered in the following four categories:

- Category I – Category I is for students **entering their first year of college**. The major selected by the applicant does not need to be focused on the sciences, engineering, or related environmental field. Eligible candidates include relatives of SWANA members or residents of New York State; preference will be given to relatives of SWANA members.

- Category IA – Category IA is for entering college **sophomores**. Eligible candidates include relatives of New York SWANA Chapter members or residents of New York State; preference will be given to relatives of SWANA members, and to candidates matriculating in a major focused on sciences, engineering, public policy, or other related environmental field.

- Category II – Category II is for entering college **juniors or seniors** matriculating in a major focused on sciences, engineering, public policy, or other related environmental field. Eligible candidates include relatives of New York SWANA Chapter members or residents of New York State; preference will be given to relatives of SWANA members and candidates matriculating in a field associated with the management of solid waste.

- Category III – Category III is for students enrolled in a **graduate school program** focused on the sciences, engineering, public policy, or related environmental field. Eligible candidates include relatives of New York SWANA Chapter members or residents of New York State; preference will be given to relatives of New York SWANA Chapter members and candidates matriculating in a field associated with the management of solid waste.

- Category IV - Category IV is for New York SWANA Chapter members who are pursuing educational opportunities, training or professional development. Eligible candidates include members of the New York SWANA Chapter; preference will be given to those matriculating toward a degree, and to coursework, training or professional development in an environmental related field, including public policy.

Application Form

Candidates in **Category I, II, or III** should use the national SWANA application forms and instructions found at www.swana.org. Candidates in **Category IA or IV** will not be eligible for participation in the national SWANA program and therefore should use the attached simplified application form and submittal guidelines.

To be considered, please complete the appropriate application form, attach information required for the Category applied for, and send the package, with a cover letter, to:

Joseph C. Barbagallo, P.E., DEE
NY SWANA Scholarship Committee Chair
 c/o Woodard & Curran
 709 Westchester Avenue, Suite L2
 White Plains, NY 10604
 (914) 448-2266
jbarbagallo@woodardcurran.com

Litigation Affecting the Management of Municipal Solid Waste

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with Advanced Disposal Services and Republic Services of Georgia. These contracts called for the transportation of locally collected waste to transfer stations in southern Fulton County and Cobb County and eventual disposal in landfills in Forsyth County and Butts County, Georgia.

In November 2004, the Fulton County Board of Commissioners directed the county attorney to request that the city and the two haulers comply with a state law that prohibits the interstate and intrastate transportation of waste unless the county where the waste was collected and the county where the disposal site is located expressly authorize such activity. After receiving the county attorney's demand letter, the city and the haulers responded by notifying the county that the state law was unconstitutional. Thereupon, Fulton County filed suit in state court, asking for an injunction prohibiting the out-of-county transfer of the waste. The defendants responded by filing a motion stating that the undisputed facts entitled them to judgment as a matter of law.

On July 5, 2005, Judge Michael D. Johnson of the Superior Court of Fulton County ruled in favor of the defendants. [Civil Action File No. 2004-CV-93816]

The judge found the state law similar to, but even more onerous than, restrictions the U.S. Supreme Court struck down as discriminatory against interstate commerce. Two years before its landmark *Carbone* decision, the high court declared that a Michigan statute unconstitutionally burdened interstate commerce by restricting the importation for disposal of out-of-county waste without approval of the receiving county. *Fort Gratiot Sanitary Landfill, Inc. v. Michigan Department of Natural Resources*, 504 U.S. 353 (1992) In particular, the court was unimpressed with the argument that a statute addressed inter-county, not interstate, commerce is immune from Commerce Clause scrutiny.

"On its face," said Judge Johnson, "the [Georgia law] impairs access to both out-of-state and out-of-county

businesses to local waste disposal markets and impairs local citizens' and businesses' access to out-of-state and out-of-county markets." Slip Opinion, p. 9.

The case is now before the Georgia Supreme Court, which heard oral arguments from the parties on January 17. A decision is due within the next few months.

Fulton County v. City of Atlanta, et al., Supreme Court of Georgia, Docket No. S06A0049.

#

Barry S. Shanoff
SWANA General Counsel



Welcome New Members:

- ♦ Richard Hand, Broome County Solid Waste, Binghamton, NY
- ♦ Peter McKeon, NYC Department of Sanitation, New York, NY
- ♦ Timothy Dormady, Eastern Rensselaer County Solid Waste Management Authority, Housick Falls, NY



Legislative and Regulatory Issues Affecting the Management of Municipal Solid Waste

Edited for NY SWANA Newsletter

January 2006

SWANA HOT ISSUES

I. Federal Tax Credits for Energy Produced from Landfill Gas (LFG), MSW Combustion, and Recycling

The comprehensive energy legislation (H.R. 6) passed Congress and was signed into law by the President on August 8, 2005. This legislation included an extension of the renewable production tax credits for facilities that produce electricity from landfill gas (LFG) and waste-to-energy (WTE) from January 1, 2006 to December 31, 2007. Additionally, the payout was extended from 5 years to 10 years.

Last year a 15% tax credit for recycling equipment was added to the Senate energy bill's tax title. Known as the *Recycling Investment Saves Energy* (RISE) provision it was subsequently dropped from the final conference report.

II. Clean Air Act

EPA Proposes NSPS changes for WTE

The U.S. Environmental Protection Agency (EPA) has proposed changes to New Source Performance Standards (NSPS) and emission guidelines under Section 129 of the Clean Air Act for municipal waste combustion (MWC) units with a capacity of 250 tons per day or more.

The proposed amendments to the existing regulations will revise NSPS standards for lead and cadmium and emission limits on dioxin/furan and lead. Also, the revisions will seek to change the units of measurement of emission limits for cadmium, lead, and mercury from milligrams per dry standard cubic meter to micrograms per dry standard cubic meter.

Further revisions include operator stand in provisions to clarify how long a shift supervisor can be off site; would add to two additional classifications for MWC units to the emission guidelines for CO; establish an 8 hour block average for measuring activated carbon injection rate; and revise the annual mercury testing requirements. Other revisions pertain to the reduced testing requirements for well operated MWC units; annual compliance testing schedule; increase the data collection rates of the continuous emission monitoring system; the particulate matter compliance testing requirements.

States would be required to make the revision within a year of the rule changes and MWC units would be allowed up to two years to comply after state revisions.

III. Resource Conservation and Recovery Act

SWANA Signs onto Rail Preemption Petition

SWANA and other stake holders have formally petitioned the U.S. Surface Transportation Board (STB) to revoke previously granted exemptions to rail road facilities in New Jersey that have allowed unregulated solid waste disposal to operations. The STB's preemption authority was established by the Interstate Commerce Commission Termination Act (ICCTA). Under preemption authority, MSW facilities are exempt from state and local laws that would normally be required for operation. The original intention of the ICCTA is to give the STB broad preemption authority to remove obstructions to rail commerce that may be implemented by a state or local government.

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Legislative and Regulatory Issues Affecting the Management of Municipal Solid Waste

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The petition seeks to preserve state and local jurisdiction over MSW facilities. In addition, it also requests that the STB promulgates rules closing the loop hole that allows for unregulated solid waste facilities on rail property.

In addition, Senators Jon Corzine (D-NJ) and Frank Lautenberg (D-NJ) have introduced legislation, Solid Waste Environmental Regulation Clarification Affecting Railroads Act (S. 1607), which seeks a legislative solution to the preemption loop hole.

Senate Bill Seeks to Adjust LFG Section 29 Tax Credit

The Senate passed The Tax Relief Act, S. 2020 on November 18, 2005. Included in this legislation is a modification to the non-conventional fuels credit also known as Internal Revenue Code Section 29 tax credit. The section 29 tax credit applies to “direct use” landfill gas facilities (LFG) that use the methane to offset other fuel sources (i.e. natural gas, coal, oil etc.) and can be used in a variety of ways. The section 29 credit is tied to the price of conventional fuel. Should this legislation be enacted, the tax credit for 2005 would be calculated at 2004 prices. Current law uses fuel prices from the same year as the tax filing. This adjustment was done in response to the surge in fuel prices in 2005 that would have made the credit practically unusable.

Government Accountability Office Releases Report on Electronic Waste

The Federal Government Accountability Office (GAO) released its report on electronic waste on December 12, 2005. The GAO is an independent, nonpartisan agency that works for Congress by investigating how the federal government spends taxpayer dollars and gathers information for Congress.

The GAO report recommends that the federal government can strengthen its role to encourage electronics recycling and reuse by proposing options to Congress for overcoming factors negatively affecting the recycling and reuse of electronics; promoting wider federal agency

participation in EPA programs; and taking steps for the safe handling of electronics if exported.

The full report can be found on www.gao.gov and by searching the report number GAO-06-47.

IV. Clean Water Act/ Wetlands

Clean Water Bills Seeking Clarification on Wetlands Issues

The Federal Wetlands Jurisdiction Act of 2005 (H.R. 2658) is one of three bills introduced May 26 that would affect Clean Water Act programs. The second bill (H.R. 2684) would reauthorize the clean water state revolving fund (SRF) at \$25 billion over five years, while the third (H.R. 2719) would clarify the definition of fill material.

H.R. 2658 seeks to provide national consistency regarding which bodies of waters would be covered by the Clean Water Act and would protect the rights of states to regulate isolated wetlands and other waters.

The legislation to boost funding for the clean water SRF was introduced May 26. Money in the fund is allocated to states on a set formula and is used to make loans to communities for the construction of water and wastewater treatment plants.

Under the legislation, in fiscal year 2006, the fund would be authorized at \$3 billion and would go up another billion in each subsequent year through fiscal 2010, when the total would be \$7 billion.

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Litigation Affecting the Management of Municipal Solid Waste

January 2006

Edited for NY SWANA Newsletter

On the One Hand . . . Intrastate Flow Control Upheld
 Arkansas law created an intrastate waste management system that allows the formation of regional waste management districts covering multi-county areas. The Northwest Arkansas Regional Solid Waste Management District (“RSWMD”) which comprises Carroll, Boone, Marion, Baxter, Newton and Searcy counties, is among 17 of these regional districts. Adjacent to the RSWMD is the White River district.

The RSWMD enacted rules that allow its board to decide on the transfer of waste into or out of the district limits. These rules provide, among other things, that anyone desiring to transfer locally collected solid waste to a disposal site outside the district must apply to the RSWMD and receive permission to do so. The rules do not apply to waste destined for out-of-state disposal.

Within the RSWMD limits are one privately owned landfill and a transfer station. Both facilities hold valid state permits to accept solid waste. In 1995, Arkansas Waste Industries (“AWI”), which owned the transfer station, got approval from the RSWMD to haul waste it collected within the district from the transfer station to a landfill owned and operated by IESI located in the White River district. Five years later, IESI purchased the AWI transfer station, assuming it also acquired the rights to move all waste from the transfer station to its out-of-district landfill.

The RSWMD notified IESI that the company acquired the rights owned by AWI, that is, to haul only the waste collected from AWI routes. RSWMD contacted private waste haulers within the District, advising them that if they desired to transfer waste outside the district (by delivering trash to the transfer station from where it

would be transported to the IESI landfill) they needed to apply for a permit to do so. In effect, without such a permit, the haulers would have to deliver the trash to the in-district landfill. No hauler has applied for such authorization.

IESI filed suit against RSWMD in federal district court, alleging discrimination against interstate commerce, unlawful monopoly, and tortious interference with contracts. The district judge found no discrimination because the rule applied only to in-state disposal and did not block access to any out-of-state waste handling facility. Moreover, the local benefits from the state-wide system outweighed the negligible burden on commerce. The other claims were deemed to have no legal merit.

The U.S. Court of Appeals for the Eighth Circuit affirmed the lower court ruling for substantially the same reasons.

IESI AR Corporation v. Northwest Arkansas Regional Solid Waste Management District, No. 05-1299, 8th Cir., Jan. 5, 2006.

On the Other . . . Intrastate Flow Control Struck Down
 The city of Atlanta, Ga., which is located in both Fulton and DeKalb Counties, provides municipal solid waste collection and disposal services for about 87,000 single family homes and thousands of multi-family units. For about 10 years, waste collected from city residents was transported to the Live Oak Landfill in DeKalb County.

Anticipating the closure of Live Oak in 2004, the city solicited and received proposals for alternative waste disposal arrangements, and later authorized contracts

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