

1 MUNICIPAL SOLID WASTE ADVISORY COMMITTEE
2 DIVISION OF RADIOLOGICAL HEALTH
3 BULK SURVEY FOR RELEASE PROGRAM
4 PUBLIC HEARING
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10 TRANSCRIPT OF THE PROCEEDINGS
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12 July 17, 2007
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22 Cannon & Stacy
23 Court Reporters
24 117 Arrowhead Drive
Hendersonville, Tennessee 37075
(615) 822-9382

25 Reported by: Amanda F. Martin

1 COMMITTEE MEMBERS PRESENT:

2 Mr. Lewis Bumpus, Chairman

Ms. Geneil Dillehay

3 Mr. John Waddle

Ms. Diane Scher

4 Mr. Chuck Chipman

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STAFF MEMBER PRESENT:

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Mr. Alan Leiserson, Advisory Attorney

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1 MR. HIMES: I would like to say good
2 evening and welcome tonight. My name is Tommy Himes. I am
3 simply leading this meeting tonight on behalf of the Tennessee
4 Department of Environment and Conservation and the Tennessee
5 Municipal Solid Waste Advisory Committee.

6 Before I proceed, I would like to
7 acknowledge some of our elected officials and their
8 representatives that are here tonight, as well as the members
9 of the Solid Waste Advisory Committee. Also, the Rutherford
10 County Mayor, Mr. Ernest Burgess -- are you here?

11 (Applause)

12 MR. HIMES: We have State Representative
13 Kent Coleman.

14 Would you please be recognized?

15 (Applause)

16 MR. HIMES: State Senator Bill Ketron.

17 (Applause)

18 MR. HIMES: Mr. Clint Hall, from Senator
19 Tracy's office.

20 (Applause)

21 MR. HIMES: Mr. Todd Steidly, who is with
22 Representative John Hood's office.

23 (Applause)

24 MR. HIMES: Mr. Kent Syler, who is with
25 Congressman Bart Gordon's office.

1 (Applause)

2 MR. HIMES: That's all of the names of the
3 elected officials that I have been able to gather. Is there
4 anyone else here -- elected official -- that would like to be
5 recognized at this time?

6 MR. PEAY: Commissioner Bob Peay.

7 MR. HIMES: Commissioner Bob Peay.

8 (Applause)

9 MR. HIMES: Anyone else?

10 (Pause)

11 MR. HIMES: Commissioner Jack Black.

12 (Applause)

13 MR. DANIEL: Commissioner Jim Daniel.

14 MR. HIMES: Commissioner Jim Daniel.

15 Thank you.

16 Yes, sir?

17 MR. SHAFER: Commissioner Doug Shafer,
18 from La Vergne.

19 MR. HIMES: Commissioner Doug Shafer.

20 (Applause)

21 MR. HIMES: Thank you.

22 Yes, sir?

23 MR. KELLEY: Grant Kelley, with Regional
24 Solid Waste Board for our region.

25 MR. HIMES: Okay. Thank you, Mr. Kelley.

1 (Applause)

2 MR. HIMES: Anyone else?

3 (Pause)

4 MR. HIMES: Okay. Let me introduce,
5 quickly, the members of the Advisory Committee that are
6 here tonight: Mr. Lewis Bumpus, who is the Chair of that
7 committee; Ms. Geneil Dillehay; Mr. John Waddle; Ms. Diane
8 Scher; Mr. Chuck Chipman, also over on the right. Those are
9 the committee members present here tonight.

10 Now, I won't speak very long, but I'll
11 briefly describe tonight's meeting and the process that is
12 being followed by the Solid Waste Advisory Committee to
13 develop the recommendations regarding this subject tonight.

14 The purpose of the meeting tonight is to
15 provide an opportunity for the public to offer comments to the
16 Tennessee Municipal Solid Waste Advisory Committee regarding
17 the disposal of the Bulk Survey for Release waste material
18 Class I landfills in Tennessee. This meeting is limited to
19 that topic because that is the job the Legislature has given
20 to the Solid Waste Advisory Committee. Please do not use your
21 time -- if you are making comments, on other subjects, like
22 activities of the U.S. Department of Energy or the nuclear
23 power industry, because the Committee will not be addressing
24 those issues.

25 The Tennessee General Assembly passed

1 Public Chapter 584 last month. Tonight we are only concerned
2 about one aspect of the new law, namely, what it does in
3 regard to BSFR waste. It directs the Solid Waste Advisory
4 Committee to make recommendations regarding this waste by
5 September 3, and it imposes a moratorium on the disposal of
6 the BSFR waste at the Middle Point Landfill in Rutherford
7 County, pending those recommendations.

8 Let me tell you what the Solid Waste
9 Advisory Committee is. It was created by a law, in 1991, to
10 advise the Department on matters regarding the implementation
11 of the Solid Waste Management Act. It is comprised of people
12 representing a wide variety of interest, including counties,
13 municipalities, environmental groups, the tire industry, the
14 waste industry, the public at large, development districts,
15 the recycling industry, and agriculture.

16 At their meeting, on July the 5th -- a
17 couple of weeks ago -- the Advisory Committee began its
18 process of working toward those recommendations. It approved
19 a schedule of meetings over the next 60 days, and they heard a
20 presentation from the Department on what BSFR material is and
21 how this material is regulated. If any of you are interested,
22 we can provide you a video of those presentations and copies
23 of the documents presented on the Department's website.

24 I think on the cards -- if you signed
25 up -- it asked if you wanted a video. And you'll

1 automatically be sent one.

2 The meeting tonight is the next step of
3 the process the Advisory Committee is following. The
4 Department and the Committee recognize the importance of
5 hearing from any members of the public who have an interest in
6 this particular subject. As well as this meeting in
7 Murfreesboro, there are some other scheduled meetings. And if
8 you would like to write them down, let me just tell you what
9 they will be.

10 A meeting of the Advisory Committee will
11 be at the L&C Tower in Nashville -- it's the corner of Fourth
12 and Church -- at 10:30 a.m., on July the 24th, to hear from
13 the public. They will be taking those comments again at that
14 meeting. That is next Tuesday, I think.

15 The next event on the timetable is the
16 meeting of the Advisory Committee at 10:00 a.m., on August the
17 16th. At this meeting the Department will present to the
18 Committee a transcript of your comments, as well as a summary
19 of those comments. The Department will also present to the
20 Committee its position on the issues that have been raised on
21 this entire process. The Committee will begin its
22 deliberations at that time.

23 Now, the Committee is scheduled to meet at
24 10:00 a.m., on August 20th, to continue its deliberations.

25 All of these committee meetings are open

1 to the public.

2 Now, this is the process we will follow
3 tonight: As you came in, there were cards at the table for
4 everyone to use to sign in and a place to indicate whether or
5 not you wanted to make an oral comment. Is there anyone who
6 has not filled out a card that would like to make an oral
7 comment?

8 (Pause)

9 MR. HIMES: Okay. We have 50 or so people
10 who would like to speak tonight. It is now about 6:40, and
11 this meeting is scheduled to end at 9:00, which we may run a
12 little bit longer than that.

13 We want to allow everyone who wants to
14 speak tonight to be able to do so. Therefore, what we are
15 going to do is allow each speaker, in the beginning, five
16 minutes. I have a little timer. When you hear a little bell
17 go off, that means four minutes has lapsed and then take the
18 next minute, if you need it, to wrap up your comments.

19 Now, if there is time, after everyone has
20 spoken -- that wants to -- we will allow anyone who was not
21 able to finish his or her remarks to have some additional time
22 at that time. People cannot give some or all of their time to
23 another speaker.

24 So as we do it, I will call out the first
25 speaker and two additional speakers.

1 Yes, ma'am?

2 AUDIENCE MEMBER: I have a question. You
3 said there are 50 who have asked to speak, and you're going to
4 allow them five minutes. That's 250 minutes. That's four
5 hours. That's not going to work.

6 MR. HIMES: We don't think everyone will
7 take the full five minutes. A lot of people don't, they just
8 want to make a few comments.

9 AUDIENCE MEMBER: It could mean some
10 people can get two minutes and some get five.

11 MR. HIMES: No. We're going to limit it
12 to five. You have from one second to five minutes. And
13 that's in order to try and be fair to everybody. It means
14 some might talk longer than others.

15 Like I said, if we have time at the end,
16 and people don't use up the whole time, you will be allowed to
17 come back at that time and finish making your comments.

18 AUDIENCE MEMBER: If there are any
19 questions, are you going to answer them?

20 MR. HIMES: No, ma'am. We are only taking
21 comments tonight. I couldn't answer your questions.
22 Honestly. We're taking your comments to present them to the
23 Advisory Committee.

24 AUDIENCE MEMBER: Will they be written
25 questions that you will answer later?

1 MR. HIMES: Yes, ma'am. They will be
2 answered. We will present them to the Committee, and they
3 will be answered.

4 Okay. I will ask you also, if you don't
5 mind, not to applaud or boo any of the speakers, as that will
6 also cut into the time of the next speaker. We also want to
7 extend every courtesy and respect to the people who are
8 speaking and saying what they want to say.

9 Please remember to keep your comments to
10 the subject of the meeting, which is the Bulk Survey for
11 Release material going to Tennessee landfills.

12 We thank you and appreciate you following
13 these rules.

14 At this time we will begin. As I call
15 your name -- I will call three -- the first will come up and
16 the other two can sit in these chairs (indicating) so that you
17 will be right here and ready to go.

18 Ms. Betsy Allgood; Mr. Mark Quarles;
19 Ms. Pat Sanders.

20 And if you would, Ms. Allgood, come up
21 first. If you would, give your name first and then make your
22 comments.

23 Thank you.

24 MS. ALLGOOD: Hi. My name is
25 Betsy Allgood. And I am one of the cofounders of the group

1 ENDIT.

2 What I would like to say is that TDEC has
3 asked us to use common sense when addressing this issue. It
4 is not common sense to think that it's economical to haul
5 concrete; dirt -- et cetera -- from California, Washington
6 State, and Michigan, if there were any other viable options.

7 I'd like to know from TDEC what other
8 states accept decommission nuclear plant wastes -- two
9 municipal landfills that were never created for this.

10 I also would like to point out, it's not
11 common sense to put a landfill on a primary water source --
12 Stones River -- which supplies water to approximately a
13 quarter of a million persons.

14 It is also not common sense to put the
15 landfill at Middle Point where the ground is made up of caves,
16 sinkholes, and poor soil.

17 It's not common sense to think that the
18 landfill cannot leak, especially when we know that the liner
19 was breached.

20 And lastly, I would also like to say that
21 it is not common sense to hire an independent consultant,
22 Lisa Stetar -- and I believe that's how you say her name --
23 who was once employed by TDEC.

24 Thank you very much.

25 MR. HIMES: State your name before you

1 speak, please.

2 MR. QUARLES: My name is Mark Quarles. I
3 appreciate the opportunity to be here.

4 I have about 20 years of experience doing
5 landfill groundwater monitoring; waste management; landfill
6 design -- that sort of thing.

7 The problem with this Bulk Survey Program
8 has really been going on for 15 years, and it's been
9 self-regulating -- meaning they, alone, in some respects, are
10 making the sole discretion for individual waste load
11 suitability to go to the landfill. And that is happening with
12 no backup plan to really identify any abuses of the system.
13 We all know that abuses of the system and dishonesty,
14 unfortunately, occurs every day and every minute around the
15 country.

16 We talked about -- we heard in the news
17 about the mathematical RESRAD program and doing the modeling
18 to insure that the public is protected. Really, this is more
19 than a mathematical model; this is a landfill. It's a very
20 imperfect science of -- it's a perfect science of designing,
21 but it is an imperfect science of operating and constructing
22 these landfills.

23 As we realized, in August 2005, I believe
24 it was, the consultant for the landfill drilled an 8-inch
25 diameter hole through the bottom of the liner. So we know

1 that this is a very -- it's a program that is right for abuse,
2 and particularly -- given the location at Stones River --
3 presents a large problem.

4 And there are millions of tons of this
5 waste that have been disposed at five landfills across the
6 state. Four of the five are known to be leaking, per TDEC and
7 EPA rules. So that should concern everybody in this room,
8 because Bulk Survey waste is going to a landfill that is known
9 to be leaking.

10 Now, Middle Point is not one of those.
11 However, that's subject to interpretation based on the
12 adequacy of the monitoring system, which I will talk about.

13 Most importantly, I guess, of the five --
14 there is only five of 225 landfills in the state where they're
15 actually doing any cleanup of any contaminates in the
16 groundwater. So that affects everybody here, in the event of
17 a release.

18 There has never, ever been a single
19 groundwater monitoring sample collected from any well in the
20 state of Tennessee at a landfill for radionuclides. Why not?
21 It's senseless.

22 There has never, ever been any background
23 sampling prior to any placement of wastes for contaminants,
24 radionuclides, as required for every other contaminant that
25 goes into that landfill. Interesting enough, the processor is

1 the one who is really making that decision, at the end of the
2 day, on what is suitable to go to these landfills.

3 And most importantly, the generators are
4 not -- they're held confidential. So in a typical hazardous
5 waste disposal situation, which their response -- well, cradle
6 the grave is the rule of thumb, or expression -- the
7 generators remain anonymous in this situation.

8 So what really is concerning is, we have
9 approved the landfill for however many number of years. There
10 is an existing groundwater monitoring system that we know is
11 inadequate to monitor contaminants that go to the fork of the
12 Stones River. The wells are too deep. There's not enough of
13 them. They're sampling springs. Springs -- if they're
14 contaminated, it's already in the river. It's senseless.

15 Right now with the proposed rule, they're
16 going to require that they sample every 400 cubic yards to
17 determine whether or not the material is suitable to go in the
18 landfill. So is 400 cubic yards adequate enough to protect
19 your family? In my book it's not.

20 Keep in mind the liner is only required to
21 last 30 years. The life of the landfill -- plus 30 years. So
22 what happens after 30 years?

23 And we have all heard about and read about
24 in the paper the 8-inch diameter hole that was drilled through
25 the bottom of the liner. EPA says a one square centimeter

1 hole the size of a dime could release up 3300 gallons a day of
2 leachate into the groundwater. That's one dime -- the size
3 of a dime.

4 All right. So I guess we just ask for,
5 you know, everybody to consider the relevant factors in how
6 qualified independent experts -- not people who used to work
7 for TDEC who have invested business in the nuclear business.

8 So I hope everybody speaks up, and
9 everything, and the right thing is done.

10 Thank you.

11 MR. HIMES: I'll also ask Mr. Darrell
12 Powell to come on down. He will be following.

13 MS. SANDERS: I put the sign there
14 (indicating). In case you don't know what E-N-D-I-T stands
15 for, it stands for the citizens to end it -- end nuclear
16 dumping in Tennessee.

17 So the petitions -- if you take some, and
18 you have relatives or friends in other parts of the state, it
19 is perfectly fine to have any other person in Tennessee sign
20 it -- although I think at the age 18 and up.

21 My name is Pat Sanders, and I've lived
22 in Murfreesboro for almost 44 years. My late husband was
23 Dr. Bob Sanders. He was an employee of the Tennessee
24 Department of Public Health for 25 years. He was called a
25 street-level bureaucrat. My daughter decided to call him that

1 because she was a sociology major. He was a pediatrician and
2 director of the Rutherford County Health Department here in
3 Murfreesboro.

4 There were 150 burning dumps in Rutherford
5 County, and in 1970 he was given a court order to find a spot
6 with the Road Commissioner Bill Wilson where they could have a
7 place to put the garbage, rather than 150 burning dumps. And
8 as much as the people at Walter Hill were disappointed, they
9 had to have a solution. And the commissioners decided it
10 would be at Walter Hill because of the deep soil, but
11 unfortunately it was next to the Stones River.

12 He didn't like it. People at Walter Hill
13 didn't like it. One family decided they didn't like it, but
14 they were going to lease their property -- the Morgan/Green
15 family. They leased their own property for garbage, even
16 though they had given him a lot of grief over it.

17 It was intended for only household
18 garbage. And it was for the public. It was not for BFI to be
19 running. And the County Commission got head weak somehow,
20 somewhere along the way. And I hope that this committee --
21 which is SWAC -- has done their homework. Because many of us
22 with ENDIT, and other people, have done their homework.

23 Many of us attended a July 5th wedding --
24 excuse me. I am thinking wedding because the chairman of this
25 committee didn't come tonight -- or was he the co-chair. I

1 went to his parent's wedding in 1945, in Crossville,
2 Tennessee. He is the mayor of my hometown, Crossville,
3 Tennessee.

4 But they selected this consultant that is
5 being paid \$10,000. Her name is Lisa Stetar -- or something
6 like that. S-T-E-T-A-R. A former employee of TDEC.

7 And so we just wondered, did they pick the
8 fox to guard the henhouse? We don't know.

9 This is your meeting -- this committee --
10 but it is our time to speak tonight. We did not even get
11 acknowledged. And Bruce Wood had his hand up in the air the
12 whole time. So we were not allowed to give any feedback to
13 the Advisory Committee. But we have been wondering, what are
14 the qualifications of the people on the committee?

15 And there is an environmentalist over here
16 (indicating) -- and I was glad to hear that -- from Smith
17 County.

18 But where is the biologist? Where is the
19 molecular biologist on this committee? And where is the
20 physician on this committee?

21 My husband was a physician, as I just told
22 you.

23 Those departments, by the way -- health
24 and environment -- used to be together. Why were they
25 separated? If this committee and TDEC is looking after our

1 public health, why were those departments ever separated into
2 environment and conservation and health? That's been a thorn
3 in our side.

4 And it looks to me like their main
5 concern -- TDEC's main concern might be looking after the
6 nuclear industry more than the health of the Tennesseans.
7 We're beginning to wonder that.

8 Your guy Roger Finner gave a
9 demonstration, and it had this rat-a-tat-tat sound. But he
10 had his monitor right next to the window where the sunshine
11 was coming in right on him. And he had glow-in-the-dark toys
12 and a watch saying we have background radiations. Well, we
13 all know we have that from the sunshine and other stuff, but
14 you don't drink it. You don't ingest it. And we thought it
15 was a joke, the whole dog and pony show about that.

16 You-all fell for it -- the five of you --
17 or seven of you that are on this committee, and you believe
18 that the levels of radiation in all of the stuff being dumped
19 in Middle Point are safe. Well, wonder if you have visited
20 the landfill, or did you-all just -- well, somebody was going
21 to play golf today. That's beside the point.

22 But the whole thing about falling for the
23 demonstration, it kind of gripped us because it was just not
24 adequate. I felt it was a pretty lame thing about the levels
25 of radiation. It didn't talk about radionuclides or isotopes

1 or anything. It just was saying background radiation, like
2 glow-in-the-dark toys. No one mentioned that radiation
3 accumulates in your body.

4 Part of my homework was talking to a Ph.D.
5 in molecular biology. And you should do the same. You're
6 making a mistake to brush off the effect of radiation and what
7 happens to the human body when radiation alters your DNA,
8 causes mutations, then causes tumors, and then could cause
9 death. It happened to my husband -- leukemia, then lymphoma.

10 And the molecular biologists I talked to
11 said radiation causes cancer of the blood. That's what he
12 had. And he might have gotten it through the years. He was
13 in medicine in the hospital. They wear little white badges.
14 They don't want to get too much because you're not suppose to
15 accumulate a certain amount.

16 Ronald Price was in the newspaper. I've
17 got his column over here (indicating). He's not a medical
18 doctor. He is a Ph.D. in radiological stuff at the medical
19 center at Vanderbilt. That's fine. He said, "We really do
20 not have a choice of whether or not we will be exposed to
21 radiation."

22 We certainly should have a choice, I say,
23 of whether we should ingest radionuclides. This is a huge
24 concern, and these should be -- it could be in our future
25 drinking water downstream from the landfill.

1 The BEIR Report -- B-E-I-R -- VII Report
2 was distributed by a health physicists named Bob Applebaum.
3 He is a Georgia Tech masters. He got his masters there in
4 health physics. There again, physicists, not biologists. And
5 he had a very audacious statement to dispute the National
6 Academy of Sciences and the BEIR Report.

7 And BEIR means biological effects of
8 ionizing radiation. It's long been known that there is no
9 safe level of ionizing radiation.

10 How can you-all be so sure that
11 1 milligram of radiation does not hurt the human body?
12 That's one question for this committee. How can you be so
13 sure about that? Because Eddie Nanney tells you so?

14 Eddie Nanney gave a talk. He had the
15 microphone. We couldn't hear him. If his stuff was so true,
16 why didn't he project and get it out to us?

17 There are different levels acceptable for
18 different people of radiation exposure, especially different
19 ages of humans. Children's bodies and cells are constantly
20 changing and growing. And the high numbers of leukemia cases
21 near the high power lines, especially those big substations,
22 it's caused all the regulations to be changed about building
23 schools and houses near those high power lines.

24 I learned all this through the DOE. I
25 wasn't born yesterday. We fought the DOE on this, 20 years

1 ago, because of the Superconducting Super Collider that they
2 won't even put here.

3 And I think you should study what
4 Dan Hirsch says in Santa Cruz, California, all about the
5 testing that has been done here.

6 We understand it's a lot of money
7 involved. It's a cash cow. But we'd like to know, is anyone
8 here from BFI tonight?

9 (Pause)

10 MS. SANDERS: Okay. It won't level
11 radiation. Why is all this stuff coming from California,
12 Michigan, and Washington State? And why do they want to get
13 it out of their states?

14 South Carolina is stopping it in 2008. So
15 study the South Carolina site and find out what you can.

16 Deputy Paul Sloan said yesterday, "This
17 committee -- he said, "This committee is charged with
18 reporting recommendations back to the General Assembly by
19 September 3rd." We hope you will use every minute of your
20 time -- I am saying this -- to study your homework.

21 Thank you for listening. And if you want
22 to petition, we need to turn them in by September 3rd to the
23 Governor.

24 Thank you.

25 MR. HIMES: Thank you.

1 Would Wayne Scharber and Doug Smith, also,
2 please come up front? You will follow Mr. Powell.

3 MR. POWELL: My name is Darrell Powell. I
4 live out on Jefferson Pike. And after following that young
5 lady, I don't know what I can say.

6 The questions that I had -- the questions
7 I wanted to know is, when there is an accident with these
8 vehicles bringing this stuff in, what is the process for any
9 kind of cleanup? Because I know there has been accidents on
10 Jefferson Pike.

11 And I would also like to know what -- how
12 do you identify what trucks are bringing in this waste?

13 I think MBI -- which doesn't look like
14 they really take care of their trucks very well -- they have
15 ran off the road a number of times on Jefferson Pike. And
16 after the last accident on 840 where there was quite a fire --
17 I was out of town at the time -- all of a sudden they were
18 rerouted down 840 to -- I think it's 452 by the racetrack and
19 up Lebanon Road up over to the landfill. Every once and a
20 while I will see one of those trucks going down Jefferson
21 Pike, but almost all of them are not being routed there
22 anymore.

23 So, anyway, I just wanted to know what is
24 being done about any kind of cleanup when they have an
25 accident and how we can identify the types of trucks.

1 That's all I have to say.

2 MR. HIMES: Thank you.

3 MR. SCHARBER: I am Wayne Scharber, vice
4 president for Environmental Affairs, Tennessee Chamber of
5 Commerce and Industry, Nashville, Tennessee.

6 The Chamber is a trained organization
7 established in 1912 to represent manufacturers, industry, and
8 businesses in this state. My experience includes 36 years of
9 employment with the environmental regulatory departments of
10 Public Health, Health and Environment, and the Department of
11 Environment and Conservation.

12 When I retired in 1999 from Government, I
13 had, from the prior 12 years, been either the deputy
14 commissioner or the assistant commissioner for environment,
15 and over the divisions of Radiological Health and Solid Waste
16 Management, as well as others. The responsibility of these
17 divisions was to enforce and assure compliance with
18 scientifically sound and adopted standards to protect public
19 health and environment for Tennesseans and the millions of
20 visitors traveling to or through the state annually.

21 The State of Tennessee has shown its
22 ability to enforce the adopted safe standards for materials
23 that may be disposed in a permitted sanitary Class I landfill.
24 When state laws are at the first law -- while state laws are
25 the first level of state regulatory programs, these programs

1 are subject to review any level of oversight by federal
2 agencies to assure that federally established, scientifically
3 based standards are implemented and complied with to assure
4 the protection of the public's health and the environment.

5 As was presented in testimony by the
6 professional and technically experienced staff on July the
7 5th, 2007, before the Advisory Committee, the standards for
8 radioactivity level in the materials received at Middle Point
9 landfill are being enforced. That staff also reflected, with
10 proof, the level of safety in the standards, as compared to
11 radioactivity levels found in some everyday exposed
12 backgrounds.

13 The materials with this regulated level of
14 radioactivity can safely be accepted in these Class I
15 landfills, and it is not necessary to be disposed in a
16 low-level radioactive waste landfill or any hazardous waste
17 landfill.

18 Citizens should not be misdirected and
19 alarmed with factual errors and misrepresentations about
20 materials containing radioactivity. Citizens should be
21 fully informed with available information from responsible
22 regulatory and elected officials.

23 The state program regulators should
24 continue effective monitoring and enforcement of the
25 scientifically based standards to assure your protection, your

1 health and safety, business and industry, and those processing
2 and transporting and managing for disposal radioactive
3 materials. And the State should be held fully accountable to
4 meet the standards and responsibilities imposed by the
5 regulatory programs within the Tennessee Department of
6 Environment and Conservation.

7 Business, industries, and waste companies
8 can, and will, comply with the responsible standards and
9 understandable practices. The Tennessee Chamber of Commerce
10 and Industry -- on behalf of many of these industries --
11 supports the existing standards, practices, and policies of
12 the state regulators to protect our environment and the public
13 health and safety.

14 The Chamber appreciates this opportunity
15 to share these remarks with the Solid Waste Advisory Committee
16 as it makes recommendations to the Commissioner pursuant to
17 Section 2(c) of Public Chapter 584.

18 Thank you.

19 MR. HIMES: Mr. Smith. Also,
20 Mr. Harvey Farr and Mr. Jim Ridley, please come on down to the
21 front, please.

22 MR. SMITH: My name is Doug Smith. I am a
23 20-year veteran in the United States Navy. I retired in 2002
24 qualified for command with the nuclear powered submarine and a
25 certified engineer on the nuclear powered submarine. For 20

1 years of my life nuclear power and nuclear energy and
2 radiation was dealt with -- I dealt with on a daily basis.

3 I also live in Walter Hill and water my
4 tomatoes from water from my pump and my well.

5 In the late 1950s -- and I teach, by the
6 way, here -- now that I am retired -- high school math and
7 physics and chemistry.

8 In the late 1950s, early 1960s, there was
9 a lake in California, and they had a mosquito problem. And
10 the locals wanted to get rid of the mosquitoes, so they used a
11 chemical called "DDD" -- a companion chemical to DDT, which
12 most of us have heard about -- at least if you're over 40.
13 They were very conservative with their use of DDD. They used
14 one part in a million to spray the first time. And it killed
15 the mosquitoes.

16 After three years the mosquitoes came
17 back. So, also conservatively, they decided the next time
18 they would spray one part and 70 million. A very conservative
19 estimate to use, scientifically based.

20 After another couple of years, most of the
21 birds started to die. When they investigated, they found high
22 concentrations of DDD in the fish and wildlife around the lake
23 area.

24 My concern after working with nuclear
25 energy for so long is, we are generating materials that don't

1 go away after a few years like chemicals do. They concentrate
2 and stay around for many years.

3 If you see a report on the half-life of
4 the material, usually the order of some of them could be 1,000
5 years. Even if it is just 20 years, a conservative estimate
6 for a scientist will say that that material is still strong
7 for five half-lives. So if you've got a 20-year half-life,
8 it's not gone away significantly. It's not completely gone
9 until after 100 years -- five of those half-lives.

10 So we are talking about material that has
11 the potential to stay around for a long period of time to
12 concentrate in our water. And as it has been discussed
13 earlier, it could come up probably -- to be honest with you,
14 I'm not worried about the water I drink or the water that I
15 spray my tomatoes with. I'm not worried with the water that
16 my children play with. But I am concerned about what's going
17 to happen 100 years from now.

18 Because fundamentally speaking -- at the
19 fundamental level you might have a lot of facts and knowledge
20 about radiation and nuclear power and radioactivity, but
21 fundamentally we don't even really know why those little
22 particles behave the way they do. We've got a lot of ideas,
23 but no real facts. And we don't know what is going to happen
24 in Middle Point Landfill or Walter Hill over the next 100
25 years, and I am more concerned about my great grandkids

1 playing on our property.

2 Thank you for your time.

3 MR. FARR: Hi. My name is Harvey Farr,
4 and I am a biology major. I really appreciate the opportunity
5 to talk to you folks.

6 I got into nuclear power 26 years ago. I
7 was doing research on acid rain. I started thinking about
8 some of the benefits of using radioactive materials, where
9 that was going to fit in. I realized that it is important to
10 use radioactive materials in a lot of different aspects of our
11 lives: for radiation; for medicine; for some of the
12 instruments and gages we use for nuclear energy.

13 But it is also important that we manage
14 them responsibly. So I have made my career protecting the
15 public, the workers, and the environment.

16 I was a manager at Connecticut Yankee, one
17 of the facilities that uses the BSFR process. And I also
18 worked with Studsvik, which is one of the BSFR processors. So
19 that is exactly who I am. I just wanted to give you folks
20 some information to help you think about weighing that benefit
21 versus risk. Okay.

22 The Health Physics Society is a group of
23 engineers and physicists and biologists from all different
24 walks of science and profession that study and promulgate the
25 practice of health physics -- which is protection of the

1 workers. They have been around since the '50s, and they have
2 a couple of papers that talk about risks.

3 You are going to hear an awful lot about
4 there is no safe level; there's no safe level. That's a
5 linear threshold theory that we use to ensure that we are
6 constantly trying to improve and reduce the exposure. But
7 there comes a point where the risks get so small that it
8 really doesn't bear much and shouldn't affect our decisions
9 when we're talking about things that we can't benefit from.

10 So I have provided you with that position
11 paper. And basically what it says is below 5,000 millirem in
12 a year, for 10,000 millirem in a lifetime, there is no
13 demonstrated increase in your cancer risk for the deleterious
14 effects genetically from radiation exposure.

15 And this stuff has been studied for a long
16 time, and studied by a lot of people: International Committee
17 of Radiation Protection, ICRP; National Committee of Radiation
18 Protection, NCRP. All of those folks study this and make
19 recommendations. Okay.

20 The second thing I want to talk to you
21 about is, there is only three facilities where you can dispose
22 this waste right now -- Class A low-level waste -- in this
23 country. Only one of them is open to all folks. Some of them
24 are compacts.

25 What's been happening to the costs of

1 disposing of rad waste is going up and up and up and we have
2 limited capacity in those landfills.

3 So if you take that capacity and you use
4 it on that extremely low-level stuff, what happens is, it
5 drives up the costs of medical research; it drives up the
6 costs of scientific research; it drives up the costs of
7 disposing of and decommissioning the facilities that have been
8 used, like Oak Ridge for DOE or the nuclear power plants. And
9 we all bear the burden of that. And it also makes an
10 incentive for having that stuff hanging around, instead of
11 having it put into a landfill that is designed for wastes.

12 So there's the Health Physics Society
13 position paper on low-level waste that I would like for you to
14 also consider. I've left these up front. Take a look at
15 them. Google it -- the Health Physics Society. Get out.
16 Read about it. I think that all the points are very important
17 for people to think about, but also think about the benefits
18 we get from radioactive materials and the use of radiation
19 relative to your risks.

20 Thank you for the opportunity.

21 MR. HIMES: Thank you.

22 Along with Mr. Ridley, I would also like
23 to ask Mr. Aaron Segobiano and Ms. Aquilina Lewellen.

24 And I apologize if I butchered those too
25 bad.

1 If you-all will come on down, you will be
2 next.

3 MR. RIDLEY: I don't know that any of us
4 here are too concerned with the economics of the whole thing.
5 That's how we got in this in the first place.

6 Of any of these learning statistics that
7 we've been hearing all night -- I will tell you that I've
8 lived across from the landfill since its inception. My wife
9 and I -- along with about five other couples -- fought, bled,
10 and died trying to keep it away. We brought affidavits from
11 the State Department of Environment, experts that -- who are
12 now among the top experts in Tennessee -- are saying that it
13 was going to be harmful to put it where it was.

14 We could not convince the Health
15 Department. We could not convince the county commissioners.
16 Even those that we felt like were supporters and friends, we
17 felt like had betrayed us, honestly, in this fight, because it
18 was so economically important that Rutherford County should
19 have a place to put the garbage. Well, if we put it out with
20 the drinking water, well, so be it.

21 We do have a few other -- many of the
22 concerns that I have, have already been covered by some far
23 better speakers than I am.

24 I wonder about the future of the landfill.
25 What happens to it after BFI Waste leaves it? What happens to

1 it then? If it is starting to leak and contaminate
2 everything, then what? Are they responsible?

3 No, I don't imagine. I imagine they will
4 be long gone from St. Louis by that time. And so then we'll
5 be left with it -- Rutherford County. I doubt the State of
6 Tennessee will be a whole lot of help, although they have
7 given them permission to put it all here.

8 Then, I want to know a little bit about
9 the responsibility for monitoring whatever goes into it.

10 We had had some other bad experiences. We
11 were promised safety. That was one way that they managed to
12 put it here. We were promised that all the materials were
13 just going to be some garbage like you throw out the back
14 door. But, actually, the first thing we had found out that
15 was a little suspicious was when a truck fell -- a big sack
16 fell off a truck on the way to the landfill at Walter Hill,
17 and it was full of medical wastes from one of the big
18 hospitals in Nashville.

19 We hadn't been told there would be any
20 medical wastes in the landfill, and all of a sudden it was
21 quickly covered up. But it continued to come. And I can't
22 imagine how much is.

23 Then a truckload of dead dogs turned over
24 on 231. It was bound for the landfill. So, you know, there's
25 all kinds of wonderful things in -- besides the radioactivity,

1 you've got all kinds of wonderful good things out there,
2 buried.

3 Like the man that said the size of a dime
4 that would leak all over the -- was it 30,000 gallons that
5 would get into it? I imagine the holes in it are bigger than
6 the size of a dime.

7 I wonder about the committee that
8 decided to -- the radioactivity study -- how many of the
9 representatives are from the five counties where it's going to
10 be dumped? Are they all from these counties?

11 And what other counties are particularly
12 concerned? It's like the people that live across the
13 county that were perfectly willing for the landfill to be
14 in Walter Hill. It was not going to be on the other side
15 of the county. It was not going to be in Smyrna where the
16 County Judge was from.

17 And so the people in Walter Hill have
18 fought a long battle with the landfill.

19 (Pause)

20 MR. RIDLEY: That's from inhaling the odor
21 from the landfill.

22 MR. HIMES: Is Mr. Segobiano here? Will
23 Mr. Segobiano come down?

24 Also, Ms. Kathleen Ferris and
25 Dr. and Ms. Norman Ferris, please, also, come to the front.

1 You'll be next.

2 MS. LEWELLEN: I don't have any particular
3 expertise in radioactivity or nuclear waste, but I do think
4 when we talk about risks and economic benefits, we have to
5 consider -- and when you talk about a general proportion and
6 general safety -- there are many people that may not be able
7 to take the standard dose of radioactivity. Which is people
8 with compromised immune systems. There isn't much, as far as
9 research, on what effect it would have on those people, say
10 people that have already been treated with radioactivity or
11 nuclear medicine.

12 We also have to consider that when you add
13 the costs of treating these people into our state budget -- we
14 all know what happens when TennCare gets overloaded. So there
15 are other economic factors and risks that have to be assessed
16 when you're considering this overall picture.

17 From a personal point of view, I think any
18 radioactivity near a major water source, for a community like
19 ours, is just a danger that should not be tolerated.

20 My other concern is that, what I see with
21 many of these meetings is that they are held at times when
22 most people cannot get to them: people who really need to be
23 informed about this that don't generally think about these
24 topics in their day-to-day lives; people who have to work two
25 jobs; people that if there is some health risks and one of

1 their children becomes a victim, or they become a victim, they
2 will be wiped out either economically or physically by this.

3 I think it needs the utmost caution, and
4 we should err on the side of extremely conservative approaches
5 to this. And you need to know what are the other 130
6 chemicals -- and, you know, hazardous materials that are being
7 allowed to be dumped here. It just seems to be an untenable
8 situation at present.

9 MS. FERRIS: Hello. My name is
10 Kathleen Ferris. And I am one of the cofounders of Citizens
11 to End Nuclear Dumping in Tennessee.

12 One of our main concerns is the manner in
13 which the BSFR program has been enshrouded in secrecy from the
14 beginning. We want to know, precisely, what materials are
15 going into our landfill, and where did they originate. And we
16 want to know what was put into Middle Point Landfill before
17 the BSFR program was instituted.

18 Why should information from firms that
19 have long since been closed -- Quadrics and American Ecology
20 Recycle Center -- be considered proprietary?

21 Another of my questions is, what public
22 hearings were conducted in Rutherford County, or elsewhere in
23 Tennessee, before the BSFR program was instituted? And if so,
24 where and when were such hearings conducted?

25 And we want to know who -- by name and

1 office -- was responsible for approving this program which
2 allows the dumping of radioactive waste in municipal
3 landfills. Which were never intended for such use.

4 Exactly when did BSFR begin to put
5 radioactive waste in Middle Point?

6 After the BSFR program was adopted, what,
7 if any, notification was given, in writing, to our state
8 legislators, to our Rutherford County mayor, or to our county
9 commissioners to indicate that the State would be accepting
10 radioactive waste produced out of state and would be placing
11 that waste in our municipal landfills? Or was anyone informed
12 that radioactive waste would be taken from Oak Ridge and
13 transported to Middle Point Landfill?

14 Nobody in TDEC mentions money, but the
15 State of Tennessee is taking in large amounts of money from
16 the BSFR program, and so does Rutherford County. How much per
17 ton is the State paid? How much is the County paid? And how
18 much does that total per year for each one?

19 When the hearings were held in 2006 to
20 consider the expansion of Middle Point Landfill, citizens were
21 told that no toxic dumping would take place at Middle Point.
22 Was any mention made of the very low-level radioactive waste
23 that was being dumped -- or that had been dumped there for at
24 least ten years?

25 Furthermore, we are curious about the name

1 of this program, BSFR. When we first heard it, we thought it
2 stood for "BS for Rutherford." Why wasn't the word "nuclear"
3 or "radioactive" included to describe more accurately what
4 this program does?

5 Likewise, why is the term "special waste"
6 used to indicate radioactive waste? Why not just say
7 "radioactive waste"? Doesn't this sound like a further
8 attempt to keep the real nature of what's happening from
9 public attention?

10 In response to our questions about what
11 materials specifically are going into Middle Point Landfill,
12 Mr. Paul Sloan quoted to us T.C.A. 68-202-217. This law
13 states that information supplied to TDEC is defined as
14 proprietary and is confidential. So we can't know what's
15 going into the landfill.

16 Who is responsible for the Tennessee law
17 that protects the polluters instead of the people? Did BFI
18 write these laws? And why does this law supercede the
19 Tennessee Open Records Law? What is so secretive that it must
20 be protected?

21 When things are considered for official
22 use only, as the news of the spill of highly activated uranium
23 at Oak Ridge last year -- how many of you have heard about
24 that -- it makes us think that something bad is being hidden.
25 Even Congress wasn't told about that spill.

1 The first section of the Tennessee
2 Sunshine Law reads, "The General Assembly hereby declares it
3 to be the policy of this state that the formation of public
4 policy and decisions is public business and shall not be
5 conducted in secret." We think the spirit of this law should
6 be applied to information which affects the public health.

7 Furthermore, the Tennessee Constitution
8 opens with this section, "That all power is inherent in the
9 people, and all free governments are founded on their
10 authority, and instituted for their peace, safety, and
11 happiness."

12 We want TDEC and the Solid Waste Advisory
13 Committee to observe the constitution.

14 MR. HIMES: Is Dr. or Ms. Norman Ferris
15 not here?

16 (Pause)

17 MR. HIMES: Mr. John Dvincenzo,
18 Kathy Sobotka, and Robert Peay, if they will all three come
19 and make their comments, please.

20 While they are coming, I was informed that
21 I forgot to -- I apologize, it was an oversight on my part --
22 for a very important announcement for folks my age or older --
23 where the restrooms are. Out the back doors -- that door
24 (indicating) -- and down the hall, they're right there on the
25 left. They're also on the right out there. Sorry.

1 AUDIENCE MEMBER: What about the sign
2 being hooked on the front? Is the State or the Committee
3 endorsing it?

4 MR. HIMES: Do you want me to quit
5 speaking? No, I didn't put it there. I promise.

6 MS. SANDERS: I put it there.

7 MR. HIMES: Oh, okay. Ms. Sanders put it
8 there.

9 MS. SANDERS: I plead guilty.

10 MR. PEAY: My name is Robert Peay. I am
11 one of the county commissioners here in Rutherford County. I
12 live adjacent to the Stones River. I own property on the
13 Stones River. I'm also on the Public Works Committee that
14 oversees the County's landfill. And we get records of, you
15 know, all the dumps that -- the different waste sites in
16 Rutherford County.

17 I've been on several committees, and I
18 sympathize with you folks here. You're pretty much in the hot
19 seat. But I've got several questions that I would like to
20 ask. And some information that I've been given, I would like
21 to share with you.

22 And I think that, probably, you are in the
23 same situation we're in. We're not given a lot of
24 information. We're kept in the dark and that makes you think
25 something is wrong, something is going on, and things are

1 being hidden from us. If not, that's fine. I just want to
2 get this out in the open.

3 I've actually got a map here of the
4 landfill. It was taken by the County -- I think in 2004 --
5 during the flyover. I have a couple of points on this map I
6 want to point out to you and ask. I was actually wanting some
7 answers to this tonight, but I understand not being able to
8 answer all the questions here.

9 I am going to have a hard time with this
10 map, if somebody could help me.

11 I don't have a prepared speech. I don't
12 like to do that kind of stuff, and I'm not going to be very
13 long. But here are the questions that I've got.

14 First, is there a GPS trail? And I think
15 you folks know what I'm talking about. Basically, anything
16 that goes into that landfill, if it had to be recovered, could
17 you go in and locate its global position? If not, it should
18 be.

19 This section of the landfill
20 (indicating) -- right here is section 1. That is the
21 oldest part of this landfill. Okay. Now, I have been led
22 to believe, every time I've heard somebody talk about this,
23 that it is one of the safest landfills that there are, even
24 though BFI is known to have several landfills that are
25 leaking right now in this state and different areas.

1 The reason this one is so safe is because
2 it has this high-tech plastic liner. Well, I have been told
3 that this section 1 here (indicating) only has a plate liner.
4 It does not have a plastic liner. If you've been dumping in
5 there since 1994 with this type material, it has been dumped
6 in this area (indicating). Okay.

7 There are some other points on here that
8 you can't see from there. There are a couple of wells --
9 well, there are wells all the way around here (indicating)
10 that are used for monitoring. Okay.

11 One of them was found hot here a while
12 back with VOCs -- volatile organic chemicals. It had been
13 pumped and re-pumped and pumped some more. I don't know if
14 they ever cleaned that well out. And that is located right in
15 here (indicating). And that very -- that's one of the two
16 closest to the river.

17 The other one is right in this area
18 (indicating), I believe. I would have to look at the map
19 closer. I can't even see it from here.

20 But it was found to have -- be hot with
21 methane. And that's a monitored well. So they're not going
22 to be able to pump that out. But methane is not supposed to
23 be released either.

24 Another question that I have for you, this
25 little darker spot (indicating) -- and those of you that have

1 those little pages of the map, that's the same map that you've
2 got at your seat there. I don't know how well you can see on
3 them. But this (indicating) is retention pond 1. Okay.

4 Retention pond 1 is a -- supposed to be
5 monitored. And there should be data on that, what is being
6 released on that. But it has a spill weight. It actually
7 goes up through these trees (indicating) and back around into
8 this barrier area (indicating).

9 Now, I don't know if you are going to call
10 this barrier area over here (indicating) retention pond 2 or
11 if that's just the barrier area. But that barrier area that
12 is a retention pond -- number 1 -- it has to be monitored. It
13 should be lined. But that is bare stone right there, and it's
14 probably got cracks in it.

15 I haven't seen a rock here in Middle
16 Tennessee that doesn't have a crack in it. And if it does
17 have a crack in it, that's a direct conduit into our
18 ecosystem, regardless of whether it is nuclear or whatever it
19 is.

20 So I question how well BFI -- and I
21 question how well the State is monitoring this. I don't have
22 a lot of trust in the State of Tennessee right now. Probably
23 less than I do in BFI because it allows them what you folks
24 let them get away with. You didn't stop them with getting
25 away with this.

1 Yesterday, I heard that there was a
2 plumbing problem. There are actually three tanks now that
3 hold leachate. They have such a high rate of turnover out
4 there at BFI, they didn't have anybody that knew where to turn
5 the valve off to keep this thing from spilling. Which is
6 right here above that river (indicating).

7 Now, if you guys are monitoring them, I
8 think you need to take a very good look of what's going on out
9 there. These are just a few of the things -- you know, I have
10 some more questions I'd like to ask. I know I don't have but
11 a minute or two.

12 One point I want to make is, our original
13 Solid Waste Board, they never would have voted to expand it if
14 they would've known there was radioactive material being taken
15 in there. And I feel like you people ought to be ashamed of
16 yourselves for not telling them.

17 Now, special waste -- the definition of
18 special waste has changed over the years. Now it includes
19 nuclear waste, whether it's safe or not. I don't think so.
20 Why are all these other states outlawing it being dumped in
21 their state and we're getting dumped in it? I don't want
22 Tennessee to be a dumping site for the rest of this nation,
23 regardless of how safe it is.

24 Thank you.

25 MR. HIMES: John Dvincenzo. Does he want

1 to speak?

2 (Pause)

3 MR. HIMES: He's not here -- he is here.

4 Does he want to speak?

5 (Pause)

6 MR. HIMES: How about Kathy Sobotka?

7 MS. SOBOTKA: Pass.

8 MR. HIMES: Pass.

9 Michelle Smith? Michelle Smith?

10 (Pause)

11 MR. HIMES: Grant Kelley, if you would
12 come on down front, and Mr. Mike Mobley.

13 MS. SMITH: Hi. My name is
14 Michelle Smith. I've lived here since '98. I moved here to
15 raise my boys. It was a nice green place and had no idea
16 about the landfill. I thought it was a huge mountain that
17 people were building houses on it.

18 I didn't prepare anything, so bear with me
19 because I'm just going on a whim.

20 First of all, I would like to thank ENDIT
21 and all the citizens that came out tonight. I think it shows
22 a great part in our community. I really appreciate that.

23 In 2004 there was an expansion meeting,
24 and that went on quite some time. There was no advertising,
25 no mention in the paper, really, except for small ads about

1 that. I wish there would have been, then maybe more people
2 would've been out here.

3 There wasn't -- the figures from 2004 --
4 the ones that got passed, I guess, in 2005 -- increased
5 dramatically in 2006, as far as the dumping of the
6 radioactivity. The solid -- according to what I've heard,
7 there in the special wastes, there's 140 different kinds or so
8 of special wastes: mercury; asbestos; recalled food products.
9 I guess you-all are hearing a little bit more about that since
10 you're professionals. So it's a lot more than the
11 radioactivity that we have to worry about.

12 I guess that's really all I have to say.

13 I think that there should be more public
14 involvement. I think that when the public does ask questions,
15 our questions should be answered directly. I don't think that
16 it should be recorded and taken to a committee and then the
17 Committee is going to pull what they want to pull and discuss
18 it. It doesn't sound to me like you are taking into
19 consideration the different things between solid waste,
20 special waste, and hazard waste. I don't know.

21 If you're just going to pull this certain
22 area out, like solid waste is just a household product, and
23 you're not even going to pull out the radiations and just
24 consider it a special waste, I don't -- that doesn't make
25 sense to me. So I would really like our questions in the

1 future -- the public meetings -- to be addressed at that time.

2 That's all I've got to say.

3 MR. HIMES: Mr. Kelley?

4 MR. KELLEY: My name is Grant Kelley.

5 I've been a member of the Regional Solid Waste Advisory Board,
6 which involves three counties.

7 Of course BFI is the landfill of choice,
8 because there's only one in the area.

9 I have a lot of things I could say, but I
10 don't want any redundancy. But I have a few questions.

11 The main thing at this stage is that, we
12 have had numerous meetings over numerous years in all the
13 counties for each of the individual cities involved. We have
14 all asked many, many times -- including the expansion -- the
15 time of the expansion -- are there any special wastes; are
16 there any hazardous wastes. We asked so many different ways,
17 and they said nothing but regular household wastes and
18 municipal wastes. Now, somebody's lying. Somebody lied.

19 As you know most recently an aide to our
20 President was convicted of lying to Congress and was, I think,
21 given 22 years, which was committed or reduced or whatever.
22 We can't do that. But the bottom line is, somebody needs to
23 answer for these lies. And I think there should be an
24 investigation by the powers that be that these lies that have
25 been told on this -- they shouldn't just be gone away; there

1 should be some penalties. And one penalty would be close the
2 situation. And there needs to be enough penalties, not only
3 for here, but for other places.

4 So I think that would be my main interest
5 at this point. It has been on TV. It is been on audiotapes.
6 It's been on all types of recordings. And they obviously lied
7 to our questions. And as a result of this, they were able to
8 get permits that they should not have. I think they ought to
9 be revoked, not just suspended.

10 Thank you.

11 MR. HIMES: I would also like Jerri Hogan
12 and Judith Farris to please come down and make comments.

13 MR. MOBLEY: Thank you.

14 I'm Mike Mobley. And I am radioactive.
15 And so are you.

16 I have about 40 years of professional
17 experience as a health physicists. I've got a background as a
18 physicists training in radiation biology.

19 I understand people's concern and all
20 for this landfill. I don't think anyone wants a landfill
21 in their front yard, back yard, or next to their creek -- or
22 whatever. I live on a farm with a creek, and I would have
23 some difficulties with having a landfill next door. But I
24 do have some concern about the people's concern for the
25 radioactivity here. And I have some questions, too, for the

1 Committee that I think need to be looked at.

2 I hope people can get an understanding
3 that the level of radioactivity that we are talking about here
4 is not anything that any of us would have any concern with.
5 As a radiation health physicists -- or whatever -- I can tell
6 you I don't have any concern with it. And I don't have any
7 concern with it for my children or my grandchildren. And
8 there are things that I would hope that you can understand
9 that will help you understand this.

10 One of the things that I would like to see
11 done by the Committee is to look -- using the same scenario
12 the State has used for the assessment of this material going
13 into to the landfill -- look at the phosphate tailings that
14 are down in the Middle Tennessee area. Use that same scenario
15 and see what the dose will be or what the risk will be. Look
16 at the oil pipe residuals that lay foreign in nearby states.

17 And let my comment on the comment that --
18 state's don't allow radioactive material to go to landfills --
19 everything is radioactive. So radioactive material is going
20 to landfills. Radioactive materials go to cemeteries. You
21 just can't get away from it. It's there. It's going to go
22 there.

23 The other thing I would like them to look
24 at is the radium disposed at the EPA approved limits. And
25 this is happening everywhere. Material contaminated with

1 radium, it's disposed of in landfills, it's left on sites,
2 et cetera -- at certain concentrations. Those concentrations
3 represent a risk that are significantly higher. In my
4 opinion, I believe that it will be shown that those are
5 significantly higher than the material we're talking about
6 here.

7 In fact, I would like to see an assessment
8 of just plain dirt. I think you will find that there is dirt,
9 particularly in Tennessee, that's more radioactive than the
10 material going in the landfill under this BSFR program.

11 And BSFR -- that's interesting because I,
12 too, am not used to that terminology.

13 In particular, I would like to see an
14 assessment relative to Chattanooga shell. And many of you may
15 know we have outcrops of Chattanooga shell in Middle Tennessee
16 and East Tennessee. That material is significantly
17 radioactive.

18 Another way to get a feel for the risk
19 that you are looking at is to look at the risk from radon in
20 people's home at the level that EPA says is okay. Making
21 these different comparisons can give you some idea of what the
22 real situation is that we are dealing with, relative to the
23 BSFR material.

24 One of the things I also like everybody to
25 think about is, Tennessee has one of the best radiation

1 control programs in the country. They have been very active
2 in reducing medical and dental exposures, which is where --
3 and my apology to Wayne Sharber, because he's heard this many
4 times. Medical and dental radiation is where real people get
5 real radiation. It's not hypothetical. It's not going to
6 happen in the future. It happens every day. Some of that is
7 unnecessary.

8 The Division of Health has worked to
9 reduce the unnecessary radiation. And in the 1990s -- I think
10 early 1990s -- dental exposures in Tennessee were 50 percent
11 of the national average of dental exposure. A fantastic
12 difference was made by the same division that's being hassled,
13 or harangued, relative to this problem.

14 There is two radiation problems that we
15 really have to deal with in this country. One of them is the
16 explosion of the use of radiation in medicine -- or issues, I
17 should say -- and the fact that we now have a lot of high-dose
18 procedures that people are being exposed to unnecessarily.

19 And the other real radiation problem we
20 have is radon in home. Serious problem. It's not being
21 adequately addressed.

22 And finally, we have a problem with the
23 perception of radiation being the ultimate hazard. It's not.
24 It's just another hazard we have to deal with. It's a little
25 different than some of the others, but we can deal with it.

1 And we do deal with it.

2 And finally, I would close on another
3 comment. I have to apologize to those that have heard this
4 before. But I note that if you believe something is
5 radioactive, you're right. The real question is, is it a
6 problem? And many times things are radioactive, but they're
7 not -- well, not many times -- all the time things are
8 radioactive, but many times they're not a real problem.

9 Thank you.

10 And I would be happy -- I will just
11 volunteer to work with ENDIT, or any other groups, to answer
12 questions relative to radiation issues. If they would like to
13 have somebody that will sit down with them and answer their
14 questions, I will be happy to do that. I am known for being
15 very straightforward. I'll tell you the way it is, as I see
16 it. And I hope that's the way it is.

17 Thank you.

18 MR. HIMES: Is Jerri Hogan here?

19 (Pause)

20 MR. HIMES: Anita Tittsworth, please come
21 on up.

22 Alvin Breedlove? Are you here,
23 Mr. Breedlove?

24 MR. BREEDLOVE: Right here.

25 MR. HIMES: Do you wish to speak?

1 MS. TITTSWORTH: I'll be brief.

2 I admire the people that have come out
3 tonight. I have lived in Murfreesboro all my life. My
4 children are here. I am a grandmother of -- I have four
5 grandchildren.

6 I have listened to the teachers and the
7 scientific people, and I admire them. I have respect for the
8 engineers and for our state officials.

9 But I also have concern because of the
10 economic element that we're dealing with -- the concentrated
11 locale that we're dealing with.

12 And I think it has been brought out that
13 there has been deceit.

14 And it's been brought out that we're
15 dependant on state regulation. We're dependant on federal
16 regulation. And we're dependant on the integrity of a company
17 BFI. And, quite frankly, I am skeptical of all of that.

18 I love Tennessee. I live in Tennessee. I
19 respect the officials. But I know that they're understaffed,
20 and that many times, in regulation, things have gone on just
21 where they didn't have the people, the resources -- the human
22 resources to control or investigate. And I think that's truly
23 what's probably happening here.

24 I also know that because of economics that
25 there can be deceit and that we're one of the fastest growing

1 counties in Tennessee, if not the top ten, perhaps, in the
2 nation. And at that rate -- the Tennessee teacher over here
3 (indicating), I respect him. He was talking about he was
4 concerned about his great grandchildren. With our growth
5 rate -- and we're talking about medical waste coming in from
6 Davidson County. Think about it, people. That medical field
7 is growing. You've got Vanderbilt, Saint Thomas -- they're
8 not getting smaller. Okay?

9 So all of this coming in here, I think
10 concentrated -- he talks about being concerned in 100 years.
11 We're doubling the growth. Huh-huh. I'm concerned in
12 50 years. And that does affect my grandchildren. It affects
13 my children.

14 So, people, it is integrity and honesty.
15 And I think BFI has deceived us. I think they're bringing in
16 twice as much. I think we have seen that they're not
17 monitored. And, quite frankly, the state and federal -- I
18 think a good example of federal regulation is Walter Reed
19 Hospital and our own VA out here. They can't regulate that.
20 Do you really think they're going to be out here regulating a
21 little spot called Walter Hill at our water source?

22 And why in the name of the U.S.A. of
23 America did they put that at our water source?

24 I understand -- and I respect Ms. Sanders.
25 I got my immunization shot at the Department of Health. I've

1 lived here just all my life, but I am concerned.

2 Folks, I think there's been deceit here.

3 I want to ask the Advisory Counsel
4 Committee to take that into consideration -- that it is at our
5 water source. That we're a university here. And that if
6 other cites need to be developed, then let's start looking at
7 that and have a more aggressive restriction, regulations, or
8 whatever. Perhaps not at the nuclear realm or level, but so
9 much more so than just a Class I landfill. It was built for
10 just household wastes for garbage, not for the nuclear -- not
11 for the radioactive.

12 Folks, I am concerned. And I hope that
13 this Advisory Counsel considers the location, Rutherford
14 County, the university, the adjacent Davidson County with the
15 medical facilities that are growing. I hope they consider
16 that, and I hope this moratorium stays, please.

17 Thank you.

18 MR. BREEDLOVE: I am Albert Breedlove, and
19 I'm from Walter Hill. I'm concerned about my grandchildren
20 and their children. The runoff of the landfill -- the buffer
21 is right there by the river. They're digging in it every day.
22 The rocks. Everything. From the medical waste to the nuclear
23 radioactive waste. Everything. From the trucks that drive so
24 fast up and down Jefferson Pike.

25 And we were lied to. There is no doubt at

1 the Walter Hill meeting we were lied to. None of this come
2 out. Nothing was circulated. They got their permit. They've
3 got what they want. It's time for us to get what we want.

4 And that's all I have to say.

5 MR. HIMES: Thank you.

6 Mr. William Webb; Gwen Hallquest;

7 Mr. John D. Wiseman.

8 MR. WEBB: I am going to tell everyone to
9 be careful of the maps. They have a tendency to -- it's
10 chemical waste.

11 My name is Bill Webb. I have lived in
12 Murfreesboro with my wife and four children for -- since 1958.
13 I have seen the city grow -- we all have -- into a wonderful
14 place, except for one thing; and that is, we have a source of
15 water that I am very much concerned about. And it's going to
16 damage our citizens, and to me that's the most important
17 thing. The economic aspect of it, as far as I am concerned,
18 should not be considered when you're talking about human
19 lives.

20 What I am going to say -- there is a lot
21 of people here that know a lot more about nuclear waste than I
22 do and have brought out a lot of good points.

23 I think Mr. Peay over here (indicating)
24 has brought out the fact that we do have problems here with
25 the landfill that we have. The State can say that they

1 monitor it. But the fact is, there are still instances where
2 things go on that should not go be going on and where it's not
3 being monitored to the extent that they have no problems
4 there.

5 I think that what I would like to kind of
6 use for my talk here is common sense. And I want to tell you
7 that each one of you out there has common sense. And don't
8 ever let someone else direct your thoughts just because they
9 seem to know all the answers to all the questions. You have
10 common sense. Common sense tells you that you do not put a
11 landfill right by a water supply where it is brought out of.

12 The radioactivity that we are talking
13 about out here now has a tendency, over a period of years, of
14 one-time sampling. You may get a low reading on it, but the
15 concentration that we are going to have at the landfill out
16 here is going to concentrate where you are going to have a
17 much higher reading than what we have right now.

18 I think that we have got to look into the
19 future for 20 years, 30 years, or 50 years. Because it is
20 going to be here. You are not going to do away with it just
21 as soon as they decide that they don't have anymore use for
22 it. It's going to be here. So we are going to have to take
23 that into consideration.

24 The other thing that I would like to talk
25 about is, you know, we do not know what is going into the

1 landfill. You know, everything probably is going in from
2 everywhere.

3 What we've got to consider is not only the
4 liner that's in it, but we have to consider what's known as
5 gravity and has been around for a long time. And when they
6 come in and dump all this stuff in -- porta-potties and
7 whatever in it -- and it's pouring downhill, it's going to run
8 down the hill and it's going to get in the river. That's
9 common sense. You don't have to have a bunch of figures and
10 everything to come up with that.

11 So the final thing that I want to say is,
12 can we do anything about it? And the answer is yes. But it
13 has to be done about the right way in order to do it.

14 I have been convinced tonight in talking
15 to some of the TDEC people that they are limited as to what
16 they can do by statute. And the people that can change it are
17 our representatives, of which we have quite a few here
18 tonight. And we need the support of the County. We need the
19 support of the City. And we need the support of our House of
20 Representatives and the Senate.

21 But they can do something about it. And
22 you can let them know that we are interested in having this
23 situation remedied. And if we will do that, we can make a
24 difference.

25 I had a gentleman out here, in closing,

1 that has told me, at a previous meeting, that a friend of his
2 is a truck driver that goes around to different states and
3 collects materials to bring it to our landfill -- our dump
4 here. And he says that he tells him that the biggest --
5 practically all of what he brings in is body parts.

6 Now, I know this has been mentioned
7 before, but there is all kinds of stuff that's being brought
8 in here. And to think that we've got all these body parts,
9 hospital wastes -- we've got all the nuclear wastes going in
10 this dump and that we are drawing our drinking water right out
11 of the river right by the dump -- so I would like to invite
12 all of you people to go outside right up here, I believe there
13 is a drinking fountain around the corner -- and particularly
14 the gentleman from Nashville -- and have a nice big drink.

15 MS. HALLQUEST: I am not going to take a
16 drink.

17 Let me introduce myself. My name is
18 Gwen Hallquest. I'm obviously with ENDIT. I am also an
19 environmental chemist. I have been in the field for 14 years.

20 AUDIENCE MEMBER: Can't hear you.

21 AUDIENCE MEMBER: Louder.

22 MS. HALLQUEST: I said I'm an
23 environmental chemist. I've been in the field for 14 years.

24 My first thing is, I would like to thank
25 Mr. Freeman -- I believe that his name is Freeman -- with TDEC

1 because he admitted to me that the news program showing him
2 scanning the radioactive waste at the landfill was a complete
3 incorrect representation of how you scan for radioactive
4 wastes. You must be within inches of the contaminated
5 material, not feet. And if you remember seeing it, he was
6 holding it at waist height.

7 Secondly, I would like to talk about the
8 radioactivity. Radioactivity has been detected in the
9 leachate from the landfill. The leachate is being dumped into
10 our treatment facility -- our wastewater treatment facility.
11 Therefore, the leachate is not being treated as wastewater --
12 is being treated as wastewater, not radioactive wastewater.
13 Our wastewater facility does not even have the capability to
14 test the wastewater for radioactivity. It must be sent out to
15 a different laboratory.

16 Next, the radioactivity is not being
17 monitored at the landfill. They are not going around with
18 scanners monitoring at the landfill. The processor's word is
19 being taken as true. How can we accept the processor's word
20 when money is involved?

21 Finally, the Safe Water Drinking Act
22 states the maximum contaminate levels are 4 milligrams per
23 year. Granted, TDEC is allowing only 1 milligram per year.
24 However, the MCL's goals, as stated in the Safe Water Drinking
25 Act, are zero. Why are we moving away from the federal goals

1 instead of towards them?

2 On a final note, in 20 years, what are we
3 going to look back and say? Are we going to regret the
4 dumping of radioactivity in our backyard? It wasn't too long
5 ago that, well, x-rays were cool. They were in every shoe
6 store. Radon contaminated water, quote/unquote, cured
7 arthritis. And the dial painters lick their paintbrush tips
8 to be able to paint a finer tip on those watches. I'm sure
9 that these people regret what they did.

10 The point is, we don't truly know how much
11 is too much, so why are we so willing to take a great risk and
12 possibly destroy our environment, our children's environment,
13 and our livelihood in the name of money?

14 If we cannot say with 100-percent
15 certainty that this will not cause harm to our family and our
16 neighbors, then we have no right to take this chance with a
17 quarter of a million people, and the millions more to come in
18 Rutherford County.

19 Personally, I would be more than willing
20 to pay to have my garbage disposed of if -- if it meant I
21 would not have to deal with radioactive waste.

22 MR. HIMES: I would like to call
23 Mr. Gene Osekowsky, Mr. John Dixon, and Mr. Paul Diamond. If
24 they will come on down and speak, please.

25 MR. WISEMAN: My name is John D. Wiseman,

1 as announced.

2 First off, I want to reiterate one thing
3 that's been said here tonight. It's significant that this
4 program dumping radioactive waste in Tennessee has gone on for
5 years, and I don't think any of us were aware of that fact.
6 One of the hallmarks of democracy is an informed citizen. So
7 that represents a massive failure on the part of the DOE at
8 the federal level, on the state level, and even at the local
9 level.

10 I would like to just do one thing,
11 briefly. I appreciate it very much, the three gentlemen I
12 talked to out at the tables in the hall, I am much better
13 informed right now about the problem. And so I think that the
14 next question is, can I give my consent? I don't think I am
15 ready to do that. I would like to use just one simple
16 illustration.

17 Some of you recognize this booklet
18 (indicating). On page 57, there is a quotation from an
19 expert, Dr. G. Fred Lee, who is an environmental engineer.
20 And he has a Ph.D., no less, from Harvard University.

21 Dr. Lee says, "There is no reliable way to
22 properly predict when high density polyethylene liners are
23 going to fail. They are going to fail. There is no question
24 about they will fail. The issue about that is when. And that
25 is unknown."

1 I personally think that there are too
2 many unknowns in this complex issue right now to get my
3 consent. So when the liner at Middle Point Landfill does
4 begin to leak -- and it's not known when it will -- we will
5 begin to have massive problems in dealing with radioactive
6 wastes in our drinking water. And maybe even too big for us
7 to handle.

8 So right now, I say end it.

9 MR. OSEKOWSKY: Hello. My name is
10 Michael Moore, and I am doing business as Gene Osekowsky.

11 Oh, I didn't know it was going to happen.
12 Nobody told me. Where did it come from? I didn't know that
13 was there.

14 Who am I talking about? The Nancy Allens
15 and our representatives that are supposed to protect the life
16 and the welfare of the citizens.

17 The problem isn't today. The problem was
18 20 years ago when the citizens were sold on the river for
19 \$1.80 a ton of hazardous wastes. Why? So we could get
20 Rutherford County to -- or the City of Murfreesboro to have a
21 free garbage dump. And for that, we give up the lives of the
22 citizens. They can put the citizens in the dump.

23 They pay more attention to plumbing in a
24 restaurant to make sure that there's not hazardous gas coming
25 up in the kitchen than they do to the drinking water that's in

1 the same spot -- the same sink. And as a small business
2 person, you know, what do you do?

3 We talk about Rutherford County being the
4 top county -- one of the top ten counties. Hey, sell your
5 property. For sale by owner. For sale by agent. Guess
6 what's going to be on it? On your table in the living room or
7 in the kitchen, you have to have a disclosure agreement. And
8 guess what it has to have in it? Your water that you're
9 buying in this house could be contaminated. And if you don't
10 disclose that, and they found out about it later on, you get
11 your house back and you -- they get their money. So there's a
12 lot of ramifications to this.

13 What I would like to know is, who in the
14 heck signed off on this contract in the first place? It says
15 for a contract to be legal and forcible it says that all
16 parties involved have to be over 18 -- I think they are
17 talking about physical age, not necessarily mental age and
18 capable of making informed decisions.

19 Now, if BFI mafia -- oh, I didn't mean
20 that. But in some other states if you want to find out what
21 BFI is all about, that's another acronym that they go by.

22 If you're going to make decisions about
23 the dump and where you're going to put the material, you have
24 to know what did the contract call for, what did they put in
25 it. And if they did something other than what's in the

1 contract, the contract is null and void. And, my god, all our
2 representatives have -- they have Ph.D.s and they have valid
3 CIOs and all kinds of legal. They ought to dig through that.

4 Our problem is not only today, it's a
5 problem that generated back about 20 years ago, as I
6 understand it. And it has to do with what BFI -- mafia -- has
7 told the people; the Commission; the Nancy Allens. She said,
8 "I didn't know that happened. If I would've known that was
9 going to happen, I wouldn't have signed it."

10 I always tell my people, if you can't read
11 the ingredient on it, don't eat it. If you don't understand
12 the words of the contract, you don't sign it. You know, it's
13 just common sense. So it's incumbent upon us to -- with
14 elections coming -- turn the heat up and get some decisions
15 done by our legislatures.

16 I talked to Jim Tracy, and he says a bill
17 is going in. Well, we all know what happens to bills. They
18 always attach, you know, you shall not have Mamu the Whale in
19 the Stones River, so it doesn't get through.

20 Well, you need to get with your
21 legislators and let them know that you want to enforce and
22 that you want to put some pressure on our government at the
23 city, the county, and the state level to keep our water clean
24 and our air clean. Otherwise, we'll end up with another
25 Brockovich. And I know that sounds like, oh, hoo-hoo, but

1 it's not that far away. It's not that far away.

2 MR. HIMES: Is Paul Diamond here, please?

3 (Pause)

4 MR. HIMES: Okay. Ms. Lelia Morton and
5 Natasha Jones. If you-all are here, will you please come down
6 and get ready? Thank you.

7 MR. DIXON: Good evening. I am
8 John Dixon. My family moved to Murfreesboro in 1940 when I
9 was three weeks old. I practiced pediatrics here for about
10 30 years, so, as you might imagine, my concerns are health
11 related.

12 I've got children that I know and care
13 about that are starting preschool that are drinking from the
14 water fountains in the elementary schools and the middle
15 schools and the high schools. And I've got people that I know
16 and care about that are finishing college and starting a new
17 family in Murfreesboro. There is the health -- I am 67 year
18 olds; you can only do so much damage to me, but the future
19 generations of Rutherford County and their health is extremely
20 important to all of us.

21 As a physician, I am surprised that the
22 State of Tennessee would allow a landfill to be built by a
23 natural water supply. I think if you ask the average fifth
24 graders in Rutherford County -- we've got a lot of sharp fifth
25 graders. Do you put your landfill by your water supply?

1 Every one of them would say no. I am amazed that the great
2 state of Tennessee doesn't have higher standards than that.

3 The decision that was made 20 years ago
4 was seriously misjudged -- the decision that put the landfill
5 by the water supply. To extend that landfill and expand it
6 and extend that mistake for another 50 years is unconscionable
7 to me. We should stop it now.

8 MS. JONES: Hello. My name is
9 Natasha Jones. I am here representing myself and my family.
10 I appreciate you-all taking out the time to listen to what I
11 have to say.

12 Yes, I agree with everybody, the decision
13 20 years ago was a very bad one, a big lapse in judgment. But
14 that was 20 years ago. The one several years ago to expand
15 was several years ago. We can't, unfortunately, do anything
16 about that now.

17 We can do something -- and I'm hoping that
18 the people that are in charge of this -- the Committee --
19 realize that the power is in their hands. And it's in our
20 hands to do something about it from here on out. We are,
21 unfortunately, left to clean up -- as it were -- the problem
22 of this landfill and what it's done to the citizens of Walter
23 Hill and the surrounding area thus far.

24 You know, I may not be an expert. I have
25 heard many experts up here saying different things. I can

1 appreciate and respect both sides of the story. But, frankly,
2 I don't care what an expert you are, how much you studied
3 something -- guys, nobody has all the answers, and nobody can
4 tell exactly what is going to happen in any given situation.

5 I don't care how long you have researched
6 it, what all you've done, you -- like the one gentleman
7 said -- you cannot predict, you know, all the different
8 variances and things that are going to happen. And I just
9 think it's too risky, personally, to try to put our trust in,
10 well, we've studied it this long, we know these facts --
11 quote/unquote -- we don't think that there is any -- there is
12 a risk, but it's so small -- so minute that it's not going to
13 affect anybody.

14 Back in the 1960s the Government
15 administered a drug known as DES to woman. It was supposed to
16 promote healthier babies, help woman that were -- had a
17 previous history of miscarriage. Everything was perfectly
18 healthy, you know, supposed to help them continue on with the
19 pregnancy, and they wouldn't lose their babies.

20 Well, as a personal -- I have a personal
21 invested interest in that. My grandmother was administered
22 DES. What it did -- and they didn't know it at the time, and
23 they couldn't tell it at the time. They only could
24 hypothesize about it -- that it was going to do this. It
25 actually changed the genetic structure, the DNA, second and

1 third generations, particularly -- even though it did affect
2 the first generation after that -- the reproductive organs.
3 And I actually had a son who died from a rare fetal anomaly
4 according to that.

5 Now, we can say, you know, well, we've got
6 all these statistics and this isn't likely to happen. You've
7 got that one in 12,000 risks of becoming -- you know, guess
8 what? Those risks are out there, because it does happen.
9 That's how these new chapters to the medical books and all
10 these things are made, is because these things do happen,
11 however unlikely that they are. And then when they happen,
12 what are you going to do? Well, it's not researched enough.
13 Oh, and now we have this big mess.

14 You know, like the one lady said, well,
15 you know, if we had only known. Or we just didn't think it
16 was going to happen so, you know, we regret -- now we regret
17 our decision.

18 I would like to read a couple of little
19 things. You know, all the people that have come here to
20 answer the questions -- and I do believe that they are
21 answering them to the best of their ability -- but there
22 again, they're only told so much. They are just doing their
23 job. There are many questions that I have that, frankly,
24 people could not answer for me. You know, the one man said,
25 "I'll answer as many questions as I can." You know, you can't

1 always answer all of the questions.

2 Low-level radioactive waste is poorly
3 defined under federal law. Just because it's low-level does
4 not mean that it is low risk. They have the high level that
5 comes from the plants and stuff like that, and everything else
6 is classified into the low-level radioactive wastes.

7 You know, it seems like people are
8 uneducated on the proper safety procedures to deal with this.
9 They're shoddy or old workmanship of instruction on this.
10 Eventually it's going to give out. Nothing is permanent.
11 People are ill-equipped -- or the facility is ill-equipped to
12 handle and contain the materials, and it is being poorly
13 monitored.

14 So, you know, I have two children here. I
15 moved to Rutherford County two years ago. Had no idea about
16 all of this. I moved from East Tennessee. We have a facility
17 at Irwin that is nuclear full services. We have Eastman Kodak
18 in Kingsport. We have a paper plant and chemical plant. You
19 know, I thought I was doing myself a favor, and my family a
20 favor, by moving down here. I am asking the Committee, please
21 don't prove me wrong.

22 MR. HIMES: Thank you.

23 Mr. Trey Parsley; Mr. Daniel Walun;
24 Mr. Art Palmer; Mr. Harold Bell.

25 MR. PALMER: Good evening. My name is

1 Art Palmer. I am with Certified Health Physicists, which is
2 radiation protection professional. I live here in Tennessee,
3 over near Knoxville. And I have been safely managing
4 radioactive materials for over 30 years.

5 I have personally decommissioned dozens of
6 research for commercial and industrial facilities throughout
7 the United States. I have also been involved in the
8 operations of radioactive waste disposal facilities, including
9 environmental monitoring programs in Nevada, Washington,
10 Illinois, and Utah.

11 As a health physicist my number 1 concern
12 is always health and safety of the workers, the public, and
13 the environment, and I am here this evening to speak on behalf
14 of myself as an interested and concerned citizen.

15 I am very familiar with the BSFR process,
16 and I support the manner in which it has been implemented in
17 Tennessee. The TDEC has been diligent in review, vigilant in
18 inspection and oversight of this process. It is important to
19 understand that essentially that all materials are
20 radioactive, including the human body. It simply is.
21 Radioactivity is universal in the environment.

22 The BSF process is one in which materials
23 are screened to ensure that any radioactivity that is present
24 is at a level that's of no health and safety consequence. The
25 point is to separate that which presents problem from that

1 which isn't a problem. It's universal. You have to sort the
2 two out.

3 This capability is essential when you're
4 trying to decommission a facility. It's absolutely necessary
5 that waste which poses a threat to human health and safety be
6 disposed of in a low-level waste radioactive landfill. That's
7 where it ought to go.

8 This space should be reserved. That
9 space -- low-level waste disposal space in the United States
10 is limited. There is a finite amount of it. There's only
11 three disposal sites. This space should be reserved for
12 material which requires isolation. Material which has passed
13 the BSFR process doesn't belong in a low-level waste disposal
14 facility. It's a waste of that space.

15 Furthermore, due to unattended
16 consequences of the 1980's federal legislation, one company in
17 the United States, Energy Solutions, controls virtually all of
18 this disposal space. That's the low-level waste disposal
19 space. They have monopoly power, and they charge much, much
20 more than a reasonable rate for waste disposal.

21 Now, this price gouging goes directly to
22 the cost of consumer products, including -- among other --
23 your pharmaceuticals. Okay. All that pharmaceutical research
24 that's done with radioactive material -- okay -- that waste
25 that requires going to a low-level waste facility is very

1 expensive to dispose of.

2 The BSFR process is a technically correct
3 and proper method of monitoring waste materials to ensure they
4 don't contain unsafe levels of radioactivity. Remember,
5 everything's radioactive.

6 When I knock down a building, I have to
7 sort the building pieces in to two piles. Those piles that
8 have dangerous levels of radioactivity and those piles that
9 don't. And what I do with the pile that doesn't is, I send it
10 for BSFR, where it is again checked before it's released to
11 the landfill for disposal. The material is no different than
12 the rest of the construction debris in the disposal cell.

13 Anyway, this capability is a clear and
14 substantial benefit to the citizens of Tennessee. I have
15 personally arranged for shipments of waste for out-of-state
16 licensed facilities under the BSFR program for two reasons.

17 First, the BSFR program provides the
18 customer with documentation that assures the material poses
19 no risk and it's properly disposed of. There is a paper trail
20 for each piece of material that goes through this process.

21 Secondly, even though other states might
22 approve landfill disposal of this material at significantly
23 higher levels than the BSFR process, the expense and delay of
24 project-specific approval process makes the pre-approved BSFR
25 program attractive. Okay.

1 Basically, what's been set up is a system,
2 or a process, to perform this action that needs to be done to
3 facilitate a segregation of radioactive and -- essentially --
4 non-radioactive materials.

5 Anyway, I appreciate the time. Thank you
6 very much.

7 MR. HIMES: Is Trey Parsley or
8 Daniel Walun not here?

9 (Pause)

10 MR. HIMES: They have already left.

11 How about Mark McHugh and Sammy Jones? If
12 you are here, please come on down and have a seat. You will
13 be up next.

14 Thank you.

15 MR. BELL: Good evening. My name is
16 Harold Bell, and I am from Dickson County. I'm the president
17 of the Dickson County branch of the NAACP.

18 Of all the presenters that I've heard here
19 this evening, I thought I was in Dickson County, because the
20 same metamorphosis that you are going through now, we have
21 been going through for the last few years.

22 The official there told us the same thing.
23 They said that we have booted that landfill, and we have it
24 contained. But we found out later, with research, that they
25 put the boot in the landfill, but they did not have it

1 contained. Since then it has permeated from three miles of
2 the surrounding area of that landfill.

3 And we have autopsies that show that it is
4 detrimental to your health. The acronym ENDIT is a good
5 acronym. You need to end it as quick as you can and as fast
6 as you can because it is detrimental.

7 There in Dickson County the official -- we
8 come -- we have a revenue with us tonight to come just in
9 support of what you are going through because we have been
10 going through it for years. We still haven't gotten no
11 application of the situation in our county. So I am telling
12 you to hold on and fight on and keep on that one day that --
13 we don't want this in Dickson County. We don't want it in
14 Rutherford County. We don't want it in Tennessee.

15 MR. MCHUGH: Howdy. I am Mark McHugh, and
16 I performed the analyses and prepared all the licensing
17 documentation for all the material that's gone into the Middle
18 Point Landfill for the last ten years. So I am personally
19 responsible.

20 I thought a lot about what to say here
21 tonight and a few minutes isn't much time.

22 Before the first story aired on this
23 process, I spent an hour and a half talking to Ms. Kalodimos
24 giving her the complete history, regulatory basis, and
25 technical details of this process. I answered all the

1 questions that you-all are saying weren't answered.
2 Unfortunately, of that she used about a six-second sound bite
3 that Tennessee was making profit off of it. I am not going to
4 blame her for that. She's an excellent television journalist,
5 but sometimes the facts are a little too boring for television
6 news.

7 I came here tonight to answer any and all
8 questions that each of you might have regarding this process.
9 If you come to me after this meeting, I will stay here until
10 the last of your questions are answered. There is no
11 proprietary. I will answer every one your questions that I
12 haven't answered.

13 Now, you might think that I am here to
14 feed you the information that fits my own agenda, but maybe
15 that's all you have been getting from all the other people
16 involved in this process so far. If you really care about
17 this, then you owe it to yourself to hear all the facts on
18 both sides of the story. Before I go I will go ahead and
19 throw out a few facts for you to think about.

20 Some would have you believe that Tennessee
21 is backward and out of control regarding this process, but
22 that's not the case. Just last year representatives of the
23 Japanese government, who are about to implement a similar
24 program for standards established by the International Atomic
25 Agency, came to observe our process so that they could go over

1 the process details before implementing it in Japan. They saw
2 value in it.

3 Some would have you believe that we tried
4 to hide this from you, but the assessment and the associated
5 license materials for this process were not submitted in a way
6 to hide it from public information.

7 Now, normally we would call this stuff
8 business sensitive. The way that the rad waste processing
9 business works, we would submit that as business sensitive and
10 try to hide it from our competitors, not necessarily from you,
11 but from our competitors. Because they could look at it and
12 say, hey, we could do that too.

13 But we felt so strongly about this
14 particular process that we submitted it open for public
15 review. And each and every one of you can go to Nashville
16 right now and make a copy of it for a nickel a page and bring
17 it back and show it to your friends.

18 Have any of you actually read it? Do you
19 care? I mean, about the technical details regarding it?
20 Maybe not. But it's there.

21 And be honest, if you don't want the big
22 thick report from RESRAD, if you just want the overview, I'll
23 e-mail that to you after this meeting is over, if you want to
24 come up and give me your e-mail address -- if you want to read
25 about it and see exactly what this process involves. I

1 understand you-all don't like your landfill, but that doesn't
2 necessarily have to be expanded -- this process being bad.

3 Now some facts. Any of you-all farm or
4 garden? Anybody? Well, the last number in 10-10-10, or Urea
5 46 Fertilizer, is the percent of potassium that's in that.
6 All right. K20 potash. Now, that's naturally radioactive; so
7 much so, that a truckload of 10-10-10 fertilizer would not
8 pass our process.

9 Now, think about that. A truckload of
10 10-10-10 fertilizer would fail our BSFR process. That's how
11 little radioactivity we allow in our material. And an Urea 46
12 truck of fertilizer, that's potash, would fail by a factor of
13 six. It couldn't make it out our gate because it would have
14 too much radioactivity in it.

15 Now, how many of you-all have put 10-10-10
16 fertilizer on your yard or your crops or your garden?

17 Maybe you think there is a difference
18 between that and -- between natural occurring radioactivity
19 and manmade. Well, it isn't. Physics is the same.

20 For some of you, smoke detectors in your
21 house use americium-241. There's about two microcures of
22 americium-241 in that smoke detector. Now, that's the same
23 amount -- you don't necessarily know what that means -- but
24 that's the same amount of activity that would flunk a truck, a
25 full 18-wheeler semi-truck of our material. Right? So that's

1 how much radioactivity that's allowed to be in a semi-load of
2 our materials. The same amount that's in a smoke detector in
3 your house.

4 Now, don't worry, NRC did a study that
5 said you-all can throw away your smoke detectors without
6 having to send them to a rad waste landfill. But it's the
7 same kind of study we did for this. They just said that's not
8 going to give anybody an appreciable dose. So when you-all
9 have to throw out your smoke detectors, just be glad they
10 don't have to go through the BSFR process, because they'd
11 fail.

12 Once again, I will be here after the
13 meeting to answer any questions that you-all might have.
14 Please take advantage of this opportunity, if you want your
15 questions answered.

16 And, once again, thanks for your time.

17 MR. HIMES: I would also like to ask
18 Mary Wright, Sharon Force, and John Vanderharst to please come
19 down and get prepared to speak.

20 Thank you.

21 MR. JONES: Good evening. I am
22 Sammy Jones. I worked for a company called Impact Services,
23 in Oak Ridge, Tennessee.

24 I am one of the companies that impacts one
25 of the licensees which processes this BSFR material for

1 disposal in the state. We're governed by the Tennessee --
2 TDEC regulations. I think most of you are pretty familiar
3 with it. And many of you have talked to TDEC tonight and on
4 other occasions.

5 We are one of several firms in the state
6 that performs this function. Our business includes a lot of
7 radioactive material processing. Most of our business is
8 material much different than BSFR. It actually constitutes a
9 very small portion of our business.

10 Impact takes a lot of pride in what we do.
11 We've operated within all the confines of all the state and
12 federal regulations. We file a lot of reports. There is a
13 lot of oversight in what we do every day. The State audits us
14 regularly. We are audited by federal/commercial clients and
15 other entities throughout the government.

16 Our company is not very old. We've been
17 doing this about three or four years. But our management team
18 has more than 40 years of experience in waste management.

19 Our quality programs meet strict
20 requirements according to national and international
21 standards. And, again, these are part of these audit
22 processes that we undergo on a regular basis. We take a lot
23 of pride in doing what we do safely and responsibly. Our
24 safety includes our employees, our clients, and the materials
25 and the landfills where these materials are eventually

1 disposed.

2 This BSFR program has been brought up --
3 and some of the other guys have talked about it -- is a model
4 for other states -- even for other countries, which have
5 studied it in their own jurisdictions, provides extremely
6 conservative, protective, highly regulated method for
7 disposing material for licensed facilities that poses
8 virtually no risk and should not be taking up the space in the
9 landfills free for radioactive waste.

10 One point that I didn't have written here
11 that I think needs to be made, the State of Tennessee, in
12 developing these regulations, developed a regulation that was
13 five times more conservative than the federal regulation for
14 this material. Had the State of Tennessee not developed this
15 regulation, any licensed facility can petition the NRC to
16 dispose of material at five times this level.

17 That's done on a regular basis and does
18 occur all over the country.

19 The State of Tennessee took a step that
20 said we're going to be more conservative, and we're going to
21 regulate it at the state level to protect the citizens of our
22 state.

23 So what they did -- if the State gets rid
24 of the BSFR regulations, BSFR will not go away. The licensees
25 will then petition NRC and dispose of it in these similar

1 landfills. So what you -- one of the things you need to be --
2 to stop that, you're going to have to change the federal
3 regulations. So the State of Tennessee, bottom line, is five
4 times more conservative than the federal regulations.

5 The last thing I would like to say is that
6 we, and the other processors, are Tennesseans. I've grown up
7 here. I've lived here all my life. I care about this state.
8 And I care about the environment. I raise my kids here. I
9 live close to one of these landfills in East Tennessee. I
10 drink the water from the lakes. I drink the water from the
11 Clinch River. It runs right by Oak Ridge National Laboratory.
12 And I think most of you know what's been done there over the
13 last few years.

14 We have continued to take the
15 responsibilities to ensure what we're doing is environmentally
16 sound. And the best interest of ours is the future
17 generations.

18 Thank you.

19 MS. WRIGHT: Good evening, everyone. My
20 name is Mary Wright. I am a retired nurse, and I live in
21 Dickson, Tennessee.

22 I, like one of the other women that were
23 here, have traveled with my husband in the military all over.
24 And I came back to where I was born, to live, and didn't
25 realize that the places I left might have been safer than

1 across from the landfill where I live. I live within 500
2 miles. I am here to support you and to elicit your help, and
3 you can elicit our help.

4 We formed an organization called
5 Tennessee Coalition for Environmental Justice. And we have
6 been fighting for a long time concerning the landfill in
7 Dickson County. We have problems, and it is the same thing.
8 We have been before TDEC, and everyone, numerous times, and
9 the commissioners in our community.

10 We do not get true facts. They say it's
11 true facts, but we do not get true facts. And when we fight
12 it, they will use excuses. In fact, we want information now,
13 and it said, "We cannot give you information because we're in
14 litigation." I don't have a lawsuit.

15 So the questions I'm asking, and when I do
16 ask, is, what is the problem and what can we do about it? I
17 know the problem, but what can we do about it? And they said
18 they can't answer it. If these questions are not under
19 litigation, you should be able to answer them.

20 You stick to your ground. Do not be
21 fooled and gloomed with -- because you will be. There is a
22 lot at risk for a lot of people that have invested in some of
23 these situations.

24 I live where trucks pass my house with
25 liquid and stinky odorous things. And the woman talked about

1 animals. There are animals. They are there. They -- we
2 smell it. And it stinks so bad. We have -- I have taken
3 pictures of trucks coming in from Illinois, from North
4 Carolina, from New York, from everywhere, with wastes that
5 they are bringing into these areas. These landfills are
6 dangerous.

7 And they are talking about radiation. I
8 have had radiation. Let me tell you about radioactive
9 material. When I was going under treatment, they had a too
10 high a level that was used on me, and I was burned more than I
11 should have been. Okay? And they had to reduce that level in
12 order to be effective. Don't tell me it won't hurt you. Yes,
13 it will. And they don't know how much and when.

14 As I nurse, I worked in a lot of areas.
15 And we had to cover up for a lot of areas. We had -- and a
16 lot of nurses died because of overexposure. So we don't know
17 how much of anything -- how much of this material -- how much
18 does it take to affect you?

19 So what I would like to say to TDEC
20 and BFI, to the best of your knowledge -- concerning the
21 dumping -- has any radioactive material been exposed at the
22 troubled and contaminated landfill in Dickson County on
23 Eno Road? How can a citizen get information? How truthful
24 will the report be? Can we rely on this accuracy?

25 And you do the same. Please send any

1 information to wright2151 -- W-R-I-G-H-T -- at bellsouth.net.
2 And I will send any information that you can get from me and
3 maybe we can all help each other.

4 Thank you very much.

5 MR. HIMES: Is David Hall, Edward Pitts,
6 and John Rucker here? If you all want to come down to declare
7 your comments.

8 MR. VANDERHARST: I have no idea how these
9 microphones are going to be able to pick me up here.

10 There is going to be a theme to my talk.
11 I have a little prop here, and by the time I get done with it
12 you'll understand why I am using it.

13 My plea to the Solid Waste Advisory
14 Committee is to -- do not be afraid to be broad in your
15 recommendations and to make recommendations that you think are
16 right for the people of Tennessee, whether or not you think
17 that the legislative people -- regressive as they tend to be
18 so many times -- will implement them.

19 You know, regardless of how you feel about
20 the war in Iraq -- I personally was against it from the very
21 beginning. And I lost that battle with the political leaders
22 of this country. They went to war. It was stupid. And we've
23 wasted now 600 billion plus. It's ongoing and no end in
24 sight.

25 Yes, I lost. But I feel good that I

1 tried. Because I still believe that I was right, and I would
2 rather have said what I thought was true, and lost, than
3 stayed home because I thought that nobody would listen. And
4 so to the members of the Municipal Solid Waste Advisory
5 Committee, I would ask them to say what is right for the
6 people of Tennessee on this issue.

7 A lot of this waste -- the nuclear waste
8 comes from facilities related to nuclear power. We should be
9 getting rid of that. And let me give you an example why.

10 Generating capacity from wind power
11 currently is 20 times what it was in 1999. It's nearing
12 1 percent of our national generating capacity in just eight
13 years. If it were to multiply by 20 times again, over the
14 next eight years, that would be 20 percent of our national
15 generating capacity. That's what nuclear power produces. So
16 the possibility exists of getting rid of all of the -- of that
17 type of low-level nuclear waste that results from construction
18 related to that.

19 The costs for doing that is currently
20 estimated to \$500 billion to get to 20 percent of our energy
21 from wind. \$500 billion is less than we've spent -- what
22 we've spent in Iraq, so far. So we could afford to do that.

23 So I am just trying to give a picture of
24 the possibilities out there.

25 You know, life spans have doubled over the

1 last century and a half. And they've done that because
2 business as usual a century and a half ago was not deemed good
3 enough. We have made changes on a lot of different fronts.
4 And I think that those of us who generally will live a longer
5 life are probably glad for all of the changes that were made
6 through all of the years by all the different parties that
7 brought that about.

8 I am with Recycling Advocates of Middle
9 Tennessee. I have been plugging away for years on this issue.

10 Construction and demolition debris -- I've
11 seen 94-percent recovery from recycling. We should be
12 recycling this material, not "landfilling" it. Gradually
13 states are enacting bans on different materials from the
14 landfill. Anything that's recyclable, be it food wastes, be
15 it all metals, plastics, glass, paper, and everything, should
16 be recycled. It should be banned from landfills, frankly.

17 If the Advisory Committee would make that
18 recommendation -- yes, the politicians -- lagging as they
19 typically do -- probably won't go about doing that right away,
20 but I sure would appreciate the Solid Waste Advisory Committee
21 at least making the attempt to say that's what we need to do.

22 I live in Nashville. I am embarrassed at
23 the amount of waste that we put out. And we send it to at
24 least ten different landfills in at least three different
25 states. The annual waste that Nashville puts out -- Davidson

1 County -- is about a million tons of wastes.

2 A million tons -- let me give you an idea.

3 That is the weight of the entire U.S. Navy's fleet of ten
4 aircraft carriers that house an entire crew -- all ten of
5 them. About one-tenth of Nashville's population -- a huge
6 amount of waste. Just these things are huge. A hundred
7 thousand ton ships that hold a crew of 5,000.

8 It's unbelievable that we're -- and most
9 of this material is recyclable. We've got methods; we've
10 studied methods; done methods; demonstrated methods that work.
11 And we can't get political leaders to get out from under their
12 political contributions, like companies like BFI. And so it's
13 not happening.

14 But I would appreciate the Solid Waste
15 Advisory Committee helping us out and keeping that push going
16 because eventually those political leaders sometimes they, you
17 know, come around. It takes a while, you know, but we can get
18 there. And so I appreciate the support of the Municipal Waste
19 Advisory Committee being broad in this and doing the right
20 thing.

21 Thank you.

22 MS. FORCE: Good evening. My name is
23 Sharon Force. I will be brief because most of the points that
24 I wanted to make tonight have already been made by previous
25 speakers.

1 I did attend the earlier session when
2 Diane D'Arrigo -- is that how you say her name -- spoke. And
3 one of the things that I was most affected by was the fact
4 that they said there are 16 states that have already passed
5 legislation that prohibit the dumping of radioactive wastes in
6 the states. And an additional three states were by governors
7 who prohibited this. And two of these states -- Michigan and
8 California -- have sent their -- these are two of the states
9 that have legislation prohibiting the dumping of radioactive
10 waste within their states. They've sent it to Tennessee.

11 I would suggest this Advisory Committee
12 that -- it would be suggested that if the state generates it,
13 the state ought to deal with it. And Tennessee should not be
14 the dumping ground for the rest of this country. And whatever
15 radioactive waste Tennessee generates, then we should deal
16 with it. And then we should make the very best effort we can
17 to decrease the amount of radioactive waste that we do
18 generate.

19 I would like to see the end to the myth
20 that nuclear energy is clean and safe. It is not. And we
21 need to go in another direction.

22 Thank you for this opportunity to speak.

23 MR. HALL: My name is David Hall. I don't
24 live at Walter Hill. I live on Clark Boulevard. And I do
25 drink the water that comes from the stream.

1 What got me interested in this whole
2 situation to begin with was seeing the number of huge trailer
3 trucks coming up Church Street from the south each time I went
4 to the post office. And it didn't matter what time of day, in
5 the five minutes that I spent on that street, I would meet one
6 of these trucks.

7 Well, they are bringing a lot of trash
8 in. And this from all, apparently, of Southern and Middle
9 Tennessee. There is more trucks than that coming from
10 Nashville. We have become -- as you can see from this flier
11 (indicating) that was handed out, we're a dumping ground for
12 about 17 percent of the state's trash.

13 Now, this started out small. The camel
14 got his nose under the tent flap, and gradually he's gotten
15 the whole camel in. And the whole smelly beast is inside now.
16 We've got one of the biggest dumps anywhere around.

17 This is not good next to our water supply.
18 And it's not going to go on forever. Because at the rate
19 they're going, they are going to soon have it filled up. Then
20 our trash is going to have to go somewhere else. And that is
21 going to cost us a good bit of money. Where is it going to
22 go? Nobody wants the thing.

23 So I think we need to start planning now
24 for what are we going to do with our garbage ten years from
25 now when that dump is full. And, of course, the concern, too,

1 is, what affect does this have on our water supply?

2 The question that I have not heard the
3 answer to yet -- which was one of my original questions -- if
4 this stuff is really harmless, why are they spending large
5 sums of money trucking it clear across the country? Because
6 Tennessee will take it, and the states that are sending it
7 don't want it. And they are willing to pay for sending it
8 here. This just doesn't add up.

9 I am a bean counter. I am used to working
10 with figures. But I would like to see the cost that is being
11 incurred to do this. And we are the recipients on the short
12 end of it, I think.

13 So I think we need to keep the pressure up
14 with our legislative delegation. We need to continue to be
15 concerned about this -- not just the nuclear stuff, but
16 everything that is going into that that potentially pollutes
17 our water supply -- and we really do need to bring an orderly
18 end to this huge amount of dumping that's going on in our
19 community.

20 It's a buildup area, and these folks at
21 Walter Hill -- just the number of trucks I see just going
22 through town -- they're living with this 24/7 -- with the
23 noise, the trash that's along the roadways. And it's just not
24 fair to them either. We just need to do something different.

25 MR. HIMES: Is Mr. Rucker here?

1 I would also like to call Mr. Stan Hayes
2 and Mr. -- well, I'll work on that one next.

3 MR. PITTS: My name is Edward Pitts. I
4 live on a family farm that has been in the family for 150
5 years. We are on the river across from the landfill.

6 My concern is the radioactive material
7 being hauled in there. What affect is this going to have on
8 my son, my granddaughter, my great grandson, and all the
9 generations that's going to come with that? Are they going to
10 be able to live on this farm? Or is the radiation going to be
11 so great that they are going to have to move to somewhere
12 else?

13 My only source of water is the well. If
14 that landfill leaks and gets in my well, how am I going to
15 know it? I have no way. It's a great concern to me and also
16 to my neighbors. I appeal for them.

17 Since the TV station in Nashville brought
18 this to the attention of the public, BFI has covered their
19 garbage each day. You do not have an odor. You do not have
20 the sight of that garbage of being there. Before that, I
21 can't stay in my yard when the wind was out of the north from
22 the stench from that landfill. Now, since this has been
23 brought before the public, I can enjoy my yard.

24 Thank you.

25 MR. RUCKER: My name is John Rucker. I

1 live in the Regency Park Subdivision, which, as the crow
2 flies, is about a mile and a half from the landfill.

3 Members of the committee, I address you
4 tonight, as my understanding is, part of your charge is to
5 hear comments from the public, and then to make a
6 recommendation back to the Legislature based on comments that
7 you hear from the public. And I ask you to please listen
8 carefully to these comments and don't be afraid to ask
9 questions. Don't be afraid to do investigations. Don't
10 hesitate to question statistics that are brought to you, and
11 standards that are brought to you and where they come from and
12 do they apply to this particular locale.

13 One question that I would ask the
14 Committee to ask is why the dumping of nuclear radioactive
15 waste in the BFI landfill was not brought to the public's
16 attention at the time that the expansion was being requested.
17 If this is safe, and if this is so carefully monitored and
18 guaranteed, why did someone from the state -- why did
19 someone -- not from TDEC -- why did not someone from BFI or
20 Allied or anyone else bring to the public's attention this at
21 the time that they were at -- that BFI was asking for the
22 expansion?

23 I really don't think there is an adequate
24 answer to that question. I don't think you can say because it
25 was safe or anything else. It was not brought to the public's

1 attention. And I think that question needs to be asked. Why?

2 Is it no surprise that the public has lost
3 a level of confidence and trust in its state and in TDEC and
4 in BFI when something that is, by common sense, as important
5 to the public as this is, was not brought to the attention of
6 the public at the time BFI was wanting to expand the landfill
7 that is going to be dumping their -- dumping garbage near our
8 water supply for the next 15 to 20 years. I really question
9 why that was not brought to our attention.

10 I very much appreciate all the gentlemen
11 that have come here and talked about standards and audits and
12 information. I find it amazing that they happen to show up
13 here in Murfreesboro, Tennessee, from all over the state, to
14 speak on their own. But if that is how they feel, then that
15 is fine.

16 But the analogy I would like to point out
17 is this: There are national standards for architects and
18 engineers for building buildings. A condominium that's built
19 in Nashville, Tennessee, is built in accordance with certain
20 standards -- architectural engineering standards. But that
21 same condominium that's built in Fort Lauderdale, Florida, is
22 totally different, because they have a different environment
23 down there.

24 Now, it's the same national standards.
25 It's the same engineering and architectural standards that

1 apply, but because of it's locale in Florida, it must be built
2 in a different way.

3 Now, these standards that have been cited
4 to us tonight, I assume are national standards. But we have a
5 different situation in this county. We have a situation where
6 the dumping is taking place in our water supply. Now, are
7 these statistics and standards, that are applied all over the
8 country, applicable to a situation where you are dumping
9 within feet of the water supply? Ask that question.

10 And don't be satisfied with a yes. Don't
11 be satisfied with a simple, yes, those standards apply. We
12 have taken them into consideration everywhere. Look at our
13 particular situation the same as an architect and engineer
14 must look at the situation of building a condominium complex
15 in Florida.

16 The landfill is operated by a company that
17 has either the inability or the unwillingness to control the
18 odor that is coming from the landfill. I have written to
19 Mr. Mike Apple for years asking him to do something about it.
20 And at the expansion hearing, he told me that all he can do is
21 apply what state law and state standards are.

22 So I would encourage this committee to
23 point out to the Legislature that you need to equip the State
24 of Tennessee to address such issues as the odor, to address
25 such issues as radioactive material. And give the

1 State authority -- to give TDEC and others authority to
2 regulate and to monitor and to cut off an organization, such
3 as BFI, from continuing to take this type of information in
4 there. And that is what, among other things, I think this
5 committee needs to do.

6 Sit down with Mike Apple. Sit down with
7 the state people and find out what they need in order to
8 enforce something as simple as the odor.

9 It's very unfortunate that I can't, on
10 many nights, enjoy sitting on my back porch outside because of
11 the odor that comes from that. And I realize we're dealing
12 with odor, we're dealing with nuclear waste -- but if they
13 can't control odor, what are they doing about nuclear waste?

14 MR. HIMES: Is Stan Hayes here?
15 Stan Hayes?

16 (Pause)

17 MR. HIMES: Dennis Walsh. Dennis Walsh?

18 (Pause)

19 MR. HIMES: Edward -- is that Pitts? That
20 lives on Drake Road. Is he here?

21 Sir?

22 AUDIENCE MEMBER: I'm going to pass.

23 MR. HIMES: Oh, okay.

24 Debra Fisher. Is Debra here? Please come
25 on down.

1 Amanda Eaton. Amanda Eaton? Is Amanda
2 here?

3 (Pause)

4 MR. HIMES: Mr. Brad Hupper?

5 (Pause)

6 MR. HIMES: Ruth Alford? Is Ruth here --
7 Ms. Alford?

8 (Pause)

9 MR. HIMES: Ms. Alford is not here?
10 And Norman Weatherby. Mr. Norman
11 Weatherby, please come on down.

12 Go ahead and give us your comments. Thank
13 you.

14 MS. FISHER: Hello. My name is
15 Debra Fisher. I'm a retired engineer. I worked for a
16 few years for TVA. And for 11 years, I lived within the
17 three-mile radius of Sequoyah Nuclear Plant, in East
18 Tennessee.

19 Recently -- well, a year and a half ago I
20 moved here from East Tennessee because I lived 12 miles from
21 Oak Ridge. And I thought Oak Ridge was just too hazardous to
22 deal with. Because of living there, I know too many people
23 impacted by what came out of Oak Ridge and what's happening to
24 citizens around that community.

25 I brought my four grandchildren I'm now

1 raising to Rutherford County thinking Rutherford County would
2 be a nice place to live. Maybe a little safer than where I
3 lived before. But as the young lady said earlier, I think I
4 was sadly wrong.

5 When people talk about BSFR and low-level
6 radioactive waste, I can assure you as an engineer one thing,
7 despite all your experts, everything that's been said,
8 radioactivity doesn't go away. It doesn't dissipate, except
9 over a course of 500 to 1,000 years when the half-life expires
10 for the first time around.

11 And those of you that believe what they're
12 saying, I think they're wrong. I've been in there. I've
13 studied it. I've worked with it. I know what it does. And
14 that's one thing I want to say about that.

15 In this country, back about the time
16 Tennessee made its decision to open these landfills and accept
17 this waste, there was six other landfills that accepted this
18 type of waste. Three of them were closed because they were
19 leaking and harming the public; three of them were shortly
20 closed. Tennessee soon rose to the occasion and said we'll
21 take the waste.

22 So you have to ask yourself, all these
23 years you've been sitting here and this has been going on, why
24 didn't it come to light? Well, far away in California they're
25 trying to close what's called the "Tennessee loophole." They

1 don't even understand in California why we are continuing to
2 accept this waste and why our citizens don't know what's going
3 on.

4 Now, I have to ask how a state all the way
5 across the country from us is concerned and we haven't been.
6 I thought maybe it's money. I try to follow the fees. I
7 tried to follow where it's coming from. I researched on the
8 Internet and finally found the Environmental Handbook with the
9 source of fees listed. The fees range anywhere from 600 to
10 transport it in a truck to 375,000 to dump it in the landfill.
11 The State is making money.

12 Besides this fact that this landfill has
13 been here for 20 years, the questions are, what do you do now?

14 I called the water company and I said,
15 "How is my water filtered?" The water is filtered with
16 coagulation filtration.

17 I don't know if any of you-all are
18 familiar with that process, but let me tell you, it doesn't
19 take the radionuclides out of your water. It can take out
20 uranium, but it won't take out radium-226 or radium-228. It
21 won't take out this radium. The only way to do that, if you
22 are concerned -- because now it looks the answer is, what do
23 we do to protect ourselves?

24 Drinking water is a big concern. Drinking
25 water for this whole county is going to be impacted by what

1 comes out of that landfill. Your water company needs to have
2 a reverse osmosis system. That's the only thing that can
3 help. But so far, I haven't found a water treatment plant
4 that's using it.

5 It is used in other states. It is used in
6 other parts of the country and other parts of the world. I
7 don't know why it's not being used here knowing the time bomb
8 that's sitting over at Walter Hill. But it's not.

9 So my recommendation to the Committee is,
10 perhaps, we need to stop taking waste like this in the state
11 of Tennessee. It is the great state of Tennessee, and I would
12 like it to stay that way.

13 The other thing I think they need to
14 consider is, if you're going to take this kind of waste -- and
15 there might be a potential for that liner -- that other people
16 have mentioned -- doesn't have a longer life span than about
17 30 years to break down -- and when that leachate goes into the
18 water supply, what are you going to do? That's not the time
19 to think about it, then. You need to get the steps in place
20 to prevent all of us, all your children, all your
21 grandchildren from being impacted by that water that they're
22 drinking. Because you can wash in it, and it might not hurt
23 you so bad; but when you drink it, that's when the damage
24 starts. So I am just asking the Committee to take that into
25 consideration.

1 And for the gentleman -- Mr. McHugh --
2 that says the Japanese come here to learn from us, I am a
3 retired engineer; I'm retired because of occupational lead
4 exposure from working for a Japanese company that the State of
5 Tennessee allowed to do the things they did. And OSHA did
6 too. So don't talk to me about, oh, it's safe. Don't talk to
7 me about, oh, you're protected. Because I live it every day.

8 I don't live in Walter Hill, but I'd like
9 to see all the children in this county to be able drink the
10 water.

11 And that's all I have to say about that.

12 MR. BURKE: Good evening. My name is
13 Bristol (phonetically) Burke. I have lived in Tennessee now
14 for a little over 30 years. I married a girl from
15 Shelbyville, Tennessee, and we have three sons, the youngest
16 of which got married yesterday. So they're going to be
17 raising a family. And that's one of the reasons why these
18 things don't go away because -- see, I'll be dead in a few
19 years. I am 71, almost 72 now. I don't have all that much
20 longer to live. But I have three sons that, hopefully, have
21 quite a few years to live and their children have even more
22 years to live.

23 After hearing the lady just before me, I
24 am awfully glad that my youngest son decided to install a
25 reverse osmosis filtration system in our kitchen so that we

1 have our own water.

2 Now, what I really want to talk about was
3 the standards -- the strict federal standards that govern the
4 storage and waste and so on. What I would like to point out
5 to you is this: Now, when I was a kid, I just assumed that if
6 our Government said it, we could trust it. And I really hate
7 it that it turns out now that I may have been right then, but
8 I certainly am not right now.

9 The present administration has quite a
10 history of telling scientists what their results should be.
11 And if you don't give me the results I -- don't give them the
12 results they want to hear, you don't have a job anymore. And
13 so there are tame scientists, unfortunately, that will tell
14 this administration what it wants to hear, which is generally
15 whatever companies like BFI -- and I don't want to pick on
16 them because there's other waste management, there's a number
17 of other such companies. But what the federal administration
18 wants to hear is what those companies want to hear.

19 And so I wouldn't dare trust the
20 standards -- the gentleman that spoke about -- that implements
21 them, they may sincerely believe that they're protecting the
22 public the way it should be protected. But can we depend on
23 it? I don't think so. And I really hate to have to say that.

24 I, too, live not too far from that
25 landfill at Walter Hill. We live in the Ridge Crest

1 Subdivision off of Compton Road, about halfway between the
2 Veteran's Hospital and Lascassas Road. So we smell it every
3 so often, when the wind is the right way. And we're probably
4 too close to it.

5 Thank goodness my youngest son that just
6 got married is going off to Ontario to get his master's degree
7 in another month and a half, so he and his wife will be -- his
8 new wife will be a little father away from it.

9 But, you know, I just warn you, these
10 gentlemen that talked about that may be completely honest and
11 believe what they're saying, but it still may be wrong. So be
12 careful and study it.

13 Thank you.

14 MR. WEATHERBY: Good evening. My name is
15 Norman Weatherby. I have a Ph.D. in population studies and
16 applied statistics, and my specialty is causes of deaths. I
17 want to talk first about risks -- the concept of risks, and
18 second I want to make some recommendations to the Committee.

19 Now, in the 1980s, the concept of risks
20 was discussed and defined, primarily, at Columbia University
21 and the population counsel in New York City. I was there. I
22 was part of the discussions.

23 What they decided was the following:
24 Individual people -- that is each of you -- is either at risk
25 or not at risk. There is no such thing as low risk. No such

1 thing. You're either at risk or not at risk. The bottom line
2 is that each of us is at risk of radiation exposure from the
3 landfill.

4 Now, the reason why is, that the liner has
5 failed. And it will fail, and it's already too late. So my
6 personal recommendations to the Committee, for their
7 consideration, first, stop radioactive waste dumping at Middle
8 Point and other landfills in Tennessee and continue the
9 moratorium that is in existence right now.

10 Second, contain the radioactive waste
11 that's there.

12 Third, clean up the radioactive waste.
13 And I realize that's a very expensive thing to do.

14 Fourth, since I have worked with TDEC I
15 know about this, you've got to provide adequate funding to
16 TDEC to make sure that they have the money to contain -- to
17 monitor and to contain and to remove. TDEC does not have
18 enough funding.

19 And fifth, if the radioactive waste is so
20 safe that we can take it for a while, stop taking it here and
21 take it to another state.

22 Thank you very much.

23 MR. HIMES: Okay. Thank you.

24 That was all the cards that have been
25 submitted tonight from people who wanted to make comments for

1 the Advisory Committee.

2 All right. Is there anyone else that
3 would like to say anything?

4 Yes?

5 MR. PEAY: I have one last comment that I
6 didn't have time to get on the front end. About two weeks
7 ago, for those of you live out at the Walter Hill area -- I
8 didn't confirm this with the guys that are here -- but they
9 started dumping on the side of the road next to 231. Probably
10 haven't seen that in a long time. That's that Section 1 I
11 talked about earlier.

12 Well, Section 1, it started having the cap
13 put on it. And for them to go back in there -- basically,
14 what they did -- there's some spots that were in this section
15 that had sunk down lower than expected, and the contour was
16 low. Well, that's space and that's money. So they went back
17 in there, and they put more garbage on top of this.

18 That's a direct violation of their permit.
19 They were told by employees there that that was a direct
20 violation of their permit. They went ahead and did it anyway.
21 And then I was told that they went to TDEC and asked for
22 forgiveness, and got it.

23 Now, I want that question answered. Is
24 that a fact? If it is, we need to stop this. You know, we
25 can't trust these people.

1 That gentleman back there in the back
2 (indicating), I know you said this was all your fault. I
3 don't think this is your fault. Now, you were talking about
4 the nuclear waste in particular. I'm talking about managing
5 this landfill and how it's done, and it needs to be done
6 correctly.

7 These people -- and I've been told BFI, in
8 particular, was some of the best people in the world as far as
9 handling waste. But this facility is not being handled
10 correctly. And my question is, how many other violations have
11 they done that we don't know about? And maybe you don't know
12 about. And I'd like the answer to that.

13 The gentleman back there (indicating) said
14 specifically -- I've got my e-mail copied down right here
15 (indicating), and I'm going to hand it to you on my way out.
16 But I want the answer to that question. How many violations
17 has TDEC come back and okayed after the fact? And why do you
18 do this at all?

19 Thank you.

20 MR. HIMES: Yes, ma'am?

21 AUDIENCE MEMBER: At the beginning of this
22 meeting we were notified of all the public commissioners who
23 were here. We were not notified of how many of the Solid
24 Waste Advisory Committee people are here. I'd like to know
25 that number, please. And I'd like to know who they are.

1 MR. HIMES: I introduced them.

2 AUDIENCE MEMBER: How many were there?

3 Out of 17, how many were here?

4 I see two hands.

5 MR. HIMES: I think five or six.

6 AUDIENCE MEMBER: That's a pretty poor
7 representation, I believe.

8 MR. HIMES: Yes?

9 MS. ALLEN: May I ask one question?

10 MR. HIMES: Yes, ma'am.

11 MS. ALLEN: My name is Susan Allen. And
12 the only question I have -- in reading the article in the
13 Daily News Journal about TDEC's testing of samples from our
14 landfill, it sounded to me -- as I was reading the article --
15 as though Allied Waste supplied the sample to TDEC for
16 testing. My question is, is this accurate? And if so, why
17 doesn't TDEC take the samples to be tested itself?

18 Thank you.

19 MR. HIMES: Thank you.

20 Yes, ma'am?

21 MS. ALLGOOD: Hi. My name is
22 Betsy Allgood. And my question is that, if the Solid Waste
23 Advisory Committee is here to hear what Murfreesboro citizens
24 and Rutherford County citizens have to say, and there is only
25 five out of 17 members here, how is the Solid Waste Advisory

1 Committee going to receive our comments? It just doesn't seem
2 right that there's only five of them here. There's 17 on the
3 Board. That's it.

4 Thank you.

5 MR. HIMES: Maybe I will answer part of
6 your questions. All the responses and comments and questions
7 that you have will be submitted to all of the board members.

8 MS. ALLGOOD: Are they going to watch the
9 video?

10 MR. HIMES: Yeah. They will grab that
11 presentation. I don't know how many were there, but they will
12 hear everything that was stated here tonight.

13 MS. ALLGOOD: It doesn't seem like we're
14 very important if only five of them come here.

15 MR. HIMES: Well, I'm sure it does. Or I
16 certainly hope that it does. And all of them will get
17 everything that was said here tonight.

18 Yes, sir?

19 MR. DANIEL: Just one brief comment. I am
20 Jim Daniel. And my question -- all through the years of
21 practicing law I have seen and heard all kinds of edge plays.
22 And what I am interested in is this, when I objected -- it was
23 because the equivalent of this -- how many of you would like
24 to go in to a trial and see the DA go up and stick a guilty
25 sign on the Judge's bench. Now, how would you feel? That's

1 all I'm asking.

2 MR. HIMES: Anyone else?

3 Yes, sir?

4 MR. PHILLIPS: I would just like to say
5 something.

6 MR. HIMES: Come on down here, if you
7 would like.

8 AUDIENCE MEMBER: I would just like to say
9 one thing. And I think my voice is loud enough.

10 Please stay united. Because you will have
11 officials and different ones that will come in and divide you.
12 That's what they did to us in Dickson County and said this is
13 not right and that's not right and this is wrong and that's
14 wrong. And divided you will fall; united you will stand.
15 Please stay you united on your decision.

16 MR. PHILLIPS: My name is John Phillips.
17 I have lived in Rutherford County all my life. I was born in
18 the Walter Hill community. I'm down the road a little piece
19 on Jefferson Pike, which is a very dangerous road. I lost my
20 son in a wreck on that road, and I've tried for years to get
21 this road worked -- just to widen it a little bit and make it
22 a little safer.

23 But these big trucks -- I witnessed -- I
24 have a rental house on the road. I happened to be down there
25 one morning on my tractor on my farm. And I have actually

1 witnessed a -- two trucks collide. The farmer across the road
2 was turning. One truck come off of 840 too fast -- loaded.
3 He slowed up for the truck in front of him, Mr. Hayes --
4 Stan Hayes' father -- and the other truck right behind him was
5 going just as fast -- loaded -- run smack-dab right in the
6 back of the other one.

7 I stood there and watched those people go
8 crazy -- those drivers -- not knowing what's on these trucks.
9 They're not marked. And there I was within feet -- just a few
10 feet of those truckers. My concern was to help those truck
11 drivers. But you know what I had on my tractor that day? And
12 it's very unusual. I had a camera. I made lots of pictures
13 of these trucks. I made lots of pictures of these drivers,
14 how they reacted.

15 One driver, after the truck had caught
16 on -- started smoking, he went back in his truck, believe it
17 or not, to get a briefcase or something. I stood there not
18 believing my eyes what I was seeing. Some guy would get out
19 of his truck of fire and then go back into it.

20 I seen this truck -- the other truck
21 pulled up away from this truck. It was damaged, but he pulled
22 up so it wouldn't catch on fire -- the one in front. The one
23 in the back, it busted it open in flames and then it exploded.
24 This truck exploded loaded with garbage. I have pictures of
25 it. If anybody in here wants to see it at anytime, I will be

1 glad to let you see these pictures.

2 I have great concern of the transportation
3 of this trash into Middle Tennessee, Rutherford County,
4 Murfreesboro. And I tell you, I love this county more than I
5 can say. I love the people here. I know our county has grown
6 a lot. But I am the one -- I have been here all of my life.
7 My grandfather, great grandfather -- I have some kinfolk right
8 here in this -- right here, right now. And he is concerned
9 too. He wouldn't be here.

10 But I seen -- I went to the Walter Hill
11 School for 12 years. It used to be one through twelfth grade.
12 I went to Walter Hill School for 12 years. Walter Hill is a
13 great community with great people. And I seen this community
14 little by little by little be degraded by this landfill. The
15 smell of it, the truck traffic, the mud on the road when it
16 rains -- it didn't do much good to wash your vehicle -- or
17 spend half a day cleaning your vehicle up because if you went
18 down that road, on Jefferson Pike, looks like you've been
19 through the landfill when you come out the other side of it.

20 And the idea of bringing something in our
21 county out of state from California, Michigan, Washington
22 State -- men and women, this is a long ways from Rutherford
23 County. I mean, if this stuff is no harm as this guy right
24 back here said (indicating) -- I seen him on TV the other
25 day -- and this one (indicating) -- why would they haul that

1 garbage that far to Rutherford County, of all places? Why? I
2 mean, it don't make sense. You don't have to be a rocket
3 scientist to figure this out.

4 I mean, I've listened to you-all. You
5 people are supposed to be experts. They come in here from
6 everywhere and they say, "I know all the answers." Well, they
7 don't know all the answers. Only the one above knows all the
8 answers. I'll tell you that right now.

9 And I'll tell you another thing. I'm
10 highly, highly disappointed in BFI, Allied, and state
11 representatives -- some of them -- and some of these
12 committees that some of you-all people belong to. You ought
13 to be ashamed of yourself. You ought to be ashamed of
14 yourself to allow this to happen right here right under our
15 nose.

16 You know, when I knew they was dumping
17 this highly toxic mess they're putting in this landfill --
18 goodbye, sir. Well, anyway, I tell you I heard it on TV. And
19 I've lived here all my life. There's not been one thing in
20 the newspaper. Nothing. There's not been anything announced
21 on the TV. Nothing. And I talked to our representatives here
22 in this county, they didn't even know it. Now, something is
23 wrong, you-all.

24 The ones on these committees, you better
25 wake up. It may be already too late. Wake up. Protect the

1 citizens of Tennessee. I mean, it's a disgrace for you-all
2 people to do what you're doing to us. And you can nod your
3 head, you can do what you want to, but it's a disgrace to us
4 as people in Tennessee, Rutherford County, Murfreesboro.

5 I shouldn't even be here right now. I
6 shouldn't even be worried about what might happen. I mean, my
7 life -- I've had a good life. It may be over soon. But I'm
8 talking about the future generation here in Rutherford County.

9 Our life -- for these young people -- if
10 you continue to dump this stuff -- if you dump this -- I don't
11 know what else you've already dumped in there that we don't
12 know about. I may turn to Channel 4 or Channel 5 or Channel 2
13 News one evening, and it could be something else.

14 So the people that are on these
15 committees, our representatives, please do what's right. And
16 don't do it for the money or the big corporations, do it for
17 the people of Tennessee, Rutherford County.

18 Thank you-all.

19 MR. HIMES: Thank you.

20 Anybody else? If you would, come down.
21 We will try to limit your comments to about three and then we
22 will wrap up.

23 MR. VANDERHARST: John Vanderharst. A
24 practical suggestion for the Committee to consider that we did
25 a variation of in Davidson County is the mono-filling of this

1 material in question -- a separate cell for it. We did that
2 with potash. In retrospect, that was a smart move. And that
3 might offer an interesting solution in the future when we do
4 more landfill mining to recover stuff that we formally thought
5 we should just dump in holes in the ground.

6 You know, there's going to be some closed
7 nuclear power plants that are hot for the next, you know,
8 thousands of years. It might actually increase our safety to
9 them having mono-filled this material. If it's so safe,
10 supposedly, dig it back up, and we can cart it off to one of
11 these nuclear power plants that's been shut down and just has
12 to be isolated for thousands of years. And we can just bury
13 the plant in this safe material to protect us from the really
14 hot stuff. And then we'll really be glad we separated this
15 material and kept it separate so we could use it to make it
16 safer.

17 MR. HIMES: Thank you, John.

18 Any other comments?

19 MR. QUARLES: I am Mark Quarles. I spoke
20 earlier.

21 I just want to kind of let everybody know
22 to just put things in perspective. The State is making some
23 broad glorious claims about everything is clean when you
24 compare the leachate and the sludge to other municipalities,
25 like Clarksville. That's an example. Keep in mind that's

1 really an apples and oranges comparison.

2 As the gentleman from the Department of
3 Rad Health said to me earlier, you know, every landfill is
4 going to be different based on the wastes that are going
5 there, the soil type, and a few other conditions -- that sort
6 of thing.

7 So to really understand the relevance of
8 the samples that they presented -- and the media is claiming
9 there is nothing wrong -- you need some continuous monitoring
10 over time, just as they do the groundwater monitoring
11 semiannually -- quarterly.

12 As a matter of fact, to really understand
13 the relevance of the data, you're supposed to collect that
14 kind of information to know whether or not you have a problem
15 before you place the waste to establish, you know, kind of the
16 background conditions.

17 And also keep in mind, leachate is really
18 rainwater that's infiltrated into the waste. And we're in the
19 middle of a ten-year drought right now, so not a lot rainwater
20 going on to percolate through that waste. So, again,
21 long-term continuous monitoring is really necessary for that.

22 And while we are all on the subject of
23 water intake and common sense, just for your information, if
24 you look at the aerial paragraph that was in most of these
25 seats, the Rutherford County landfill is immediately across

1 the river from the water intake. That landfill has no liner.
2 And they only require the intake -- Rutherford County to
3 sample for volatile organic compound one time per year.

4 I'm getting flashbacks, Ms. Wright, of
5 Dickson County.

6 So keep in mind that Rutherford County
7 could be a sleeping giant, although there's no indications
8 BSFR wastes were put there -- equally serious issues going on
9 with that landfill as well.

10 So, again, keep the leachate comparisons
11 in perspective. Just because they're lower than Clarksville
12 means nothing, in the big scheme of things. You need
13 long-term evaluations of that landfill's leachate.

14 Thank you.

15 MR. HIMES: Thank you.

16 Anyone else?

17 (Pause)

18 MR. HIMES: You-all have been extremely
19 patient. We appreciate all the comments and the questions
20 that you've made. Hope you have a safe trip home. Good
21 night. Thank you.

22 (End of the proceedings.)

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REPORTER'S CERTIFICATE

STATE OF TENNESSEE)
COUNTY OF SMITH)

I, Amanda F. Martin, court reporter and
notary public in and for the State of Tennessee,

DO HEREBY CERTIFY that the foregoing
transcript of the proceedings were taken on the date and place
set forth in the caption thereof; that the proceedings were
stenographically reported by me in shorthand; and the
foregoing proceedings constitute a true and correct transcript
of said proceedings to the best of my ability.

I FURTHER CERTIFY that I am not related to
any of the parties named herein, nor their counsel, and have
no interest, financial or otherwise, in the outcome or events
of this action.

IN WITNESS WHEREOF, I have hereunto
affixed my official signature and seal of office, this 3rd day
of August, 2007.

Amanda F. Martin
Notary Public, State of Tennessee

My Commission Expires: March 15, 2010.