

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

11 July 24, 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

3 Ms. Penny Brooks

Mr. J. H. Graham, III

4 Mr. Don Hyman

Mr. Bob M. Whestel

5 Ms. Diane Scher

Mr. Ken Purser

6 Ms. Geneil Dillehay

Mr. John S. Waddle, Jr.

7 Mr. Robert W. Cheney

Mr. Chuck Head

8 Dr. Jack Barkenbus

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10 STAFF MEMBERS PRESENT:

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Mr. Alan Leiserson, Advisory Attorney

12 Mr. Mike Apple, Solid Waste Management Director

Mr. Chuck Adams

13 Ms. Joyce Dunlap

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1 CHAIRMAN GRAHAM: Ladies and gentlemen, I
2 am J. H. Graham. I am the mayor of Crossville. And I'd like
3 to take this opportunity to welcome you to this public hearing
4 at the L&C Building, here on the 17th floor, at 10:30 a.m., on
5 July the 24th, 2007.

6 I am the acting Chair of the Municipal
7 Solid Waste Advisory Committee. And I'd like to take this
8 opportunity to have all of the members of this Advisory Board
9 introduce themselves and who they represent.

10 Ken, would you start?

11 MR. PURSER: My name is Ken Purser. I
12 work for the Tennessee Farm Bureau serving 16 counties in
13 Southeast Tennessee. I live in Dayton.

14 MS. BROOKS: Penny Brooks. I live in
15 Ashland City. And I represent a variety of statewide
16 environmental boards.

17 MR. BARKENBUS: I'm Jack Barkenbus. I'm
18 with the Vanderbilt Environmental Management Center.

19 MS. DUNLAP: Joyce Dunlap. Division of
20 Solid Waste Management.

21 MR. APPLE: Mike Apple. Director of Solid
22 Waste Management.

23 MR. ADAMS: Chuck Adams. I'm with the
24 Department of Environment and Conservation.

25 MR. LIESERSON: I'm Alan Lieserson. I'm

1 the attorney with the Department of Environment and
2 Conservation.

3 MR. BUMPUS: Lewis Bumpus. I'm
4 representing the Tennessee Environmental Council.

5 MR. HYMAN: Don Hyman. Tire industry.

6 MR. WADDLE: I'm John Waddle. I'm from
7 Greenville, Tennessee. And I represent our local county
8 commission.

9 MR. WHETSEL: I'm Bob Whetsel, with the
10 City of Knoxville.

11 MS. SCHER: Diane Scher. I'm with
12 Firestone. I live here in Nashville. And I represent
13 business interest.

14 CHAIRMAN GRAHAM: Well, thank you-all for
15 attending today.

16 As a point of interest for you-all in the
17 audience, we have microphones throughout this room. And all
18 of the conversations in this room, if you do not want them to
19 be taped and recorded for posterity, you may pay attention to
20 this meeting.

21 Secondly, we'd like to ask you to turn
22 your cell phones off, or put them on vibrate, so you would not
23 interrupt those that wish to speak.

24 Let me take this opportunity to
25 acknowledge some of the elected officials -- or their

1 representatives -- that are here today.

2 We have Representative Donna Rowland.

3 Thank you for coming.

4 (Applause)

5 CHAIRMAN GRAHAM: And we have Tom Steidley
6 with Representative John Hood's office.

7 (Applause)

8 CHAIRMAN GRAHAM: Let me briefly describe
9 the context of this meeting and the process that we'll be
10 following -- this Solid Waste Advisory Committee -- in regard
11 to developing recommendations regarding the subject that we're
12 here to discuss today. The purpose of this meeting is to
13 provide an opportunity for the public to make comments to this
14 committee regarding the disposal of Bulk Survey for Release --
15 BSFR -- waste material at Class I landfills in Tennessee,
16 specifically in Rutherford County.

17 This meeting is limited just to that
18 topic, because that's the job that the Legislature has given
19 this committee. Please do not use your time on other subjects
20 that you may feel that are just as important. Because we are
21 limited in time and scope on what we may be doing today.

22 The Tennessee General Assembly passed
23 Public Chapter 584 last month. Today we are only concerned
24 about one aspect of that new law, namely, what it does in
25 regard to BSFR Waste. It directs the Solid Waste Advisory

1 Committee to make recommendations concerning this BSFR waste,
2 by September the 3rd, and it imposes a moratorium on the
3 disposal of BSFR waste at the Middle Point Landfill in
4 Rutherford County, pending our recommendations.

5 At our meeting, on July the 5th, the
6 Advisory Committee began the process of working toward those
7 recommendations. We approved the schedule of meetings over
8 the next 60 days and heard a presentation from the Department
9 on what BSFR material is and how this material is regulated.
10 If any of you are interested, there is a video of those
11 presentations, and copies of the documents presented, on the
12 Department's website.

13 On July the 17th, a public meeting was
14 held in Murfreesboro to inform people about the program and to
15 take comments from the public. The meeting today is the next
16 step of the process this Advisory Committee is following. We
17 will hear from anyone who wishes to address the Committee
18 today.

19 We are also receiving written comments
20 until the close of business on August the 1st.

21 The next event on the schedule is a
22 meeting of the Advisory Committee -- this committee -- on
23 August the 16th. At that meeting the Department will present
24 to us a transcript of the comments, as well as a summary of
25 the comments. The Department will also present to the

1 Committee its position on the issues that have been raised
2 during this process.

3 The Committee will begin its deliberations
4 at that time, and they have scheduled a meeting on August the
5 20th to continue those deliberations. All of the meetings of
6 the Committee are open to the public.

7 Now let me explain the process that we
8 will follow today. As you-all came in, there were cards at
9 the table for everyone to use to sign in and indicate whether
10 you wanted to make an oral comment.

11 Is there anyone else who has not filled
12 out a card, who wishes to make a comment?

13 (Pause)

14 CHAIRMAN GRAHAM: Ms. Joyce, how many
15 cards do I have right now?

16 MS. DUNLAP: Ten.

17 CHAIRMAN GRAHAM: We have ten cards from
18 the people who wish to speak at this time. It's now 10:40.
19 And we want everyone who has come today to be able to speak.

20 At this time we will allow each speaker
21 six minutes to speak. Each speaker -- we have ten -- each one
22 will get six minutes. If there's time available, after
23 everyone has spoken, we will allow anyone who was not able to
24 finish their remarks in six minutes to have some additional
25 time. We're not going to allow people to seat other people

1 their time to someone else.

2 As you come to the microphone to speak, be
3 sure you state your name clearly for the record, as we are
4 having the minutes of this meeting publicly recorded.

5 Remember to keep your comments to the
6 subject of this meeting, which is the Bulk Survey for Release
7 material going into the landfill. And we really do appreciate
8 you following these rules.

9 And, Ms. Joyce Dunlap, would you present
10 the first speaker?

11 MS. DUNLAP: Kathleen Ferris;
12 John McAdden; Sammy Jones.

13 CHAIRMAN GRAHAM: If you-all will take a
14 seat in those three chairs there (indicating).

15 The first speaker, if you will, please
16 step forward and state your name.

17 MS. FERRIS: Hello. My name is
18 Kathleen Ferris, and I am one of the cofounders of Citizens to
19 End Nuclear Dumping in Tennessee. I live a few miles from the
20 Middle Point Landfill.

21 I would like to address my remarks today
22 to the issue of measurement and how they relate to the BSFR
23 program. We have all heard assurances from TDEC, and their
24 scientists, that people living in Rutherford County -- even if
25 they become farmers on the future deserted Middle Point

1 Landfill -- will never receive more than 1 millirem of
2 radiation per year over their lifetime and that they have only
3 a minuscule chance of being affected by it.

4 I want to point out, a millirem is a
5 hypothetical number. It's not a real one. This is a
6 calculated risk. It's not something that can be measured.
7 There's no way you can measure my body and say, "You've got no
8 more than 1 millirem." This is a calculated risk that is
9 being imposed on us statistically. It's not a certain one or
10 a certain measure.

11 The amount of radiation required to damage
12 one person's health is different from another depending on
13 many known factors, such as age; heredity; the state of a
14 person's immune system. There are other unknown factors that
15 enter in as well. But we do know that a pregnant woman's
16 unborn child is especially vulnerable to even the smallest
17 amount of radiation.

18 Furthermore, if radiation gets into the
19 groundwater and into the Stones River and then ingested, the
20 damage that will be done to our bodies is far greater than the
21 exterior radiation from the landfill. TDEC has not told us
22 about these measurements.

23 We have been assured by TDEC that all
24 radioactivity going into the Middle Point Landfill is
25 carefully monitored. I would like to ask, who does the

1 monitoring? Does TDEC have anybody present watching the
2 processors -- who are really from private corporations bent on
3 making money -- as these people separate out what is safe for
4 us and what is not? Who monitors the processors and how?

5 The second step that we were assured that
6 guarantees our safety from radiation is the monitor at the
7 gate of the landfill. I would ask whether it is a TDEC
8 employee that mans that device, or is it somebody employed by
9 BFI. Who calibrates that monitor and how often? Is all this
10 done by BFR? A corporation with the reputation of being one
11 of the worst polluters in the country.

12 There are many ways to fool that
13 monitoring device. We've been able to think of some.

14 The load of radioactive material is hauled
15 in a truck with a metal body. That metal would block some of
16 the radiation from accurate measurement, especially if it
17 happened to be lined with lead.

18 How the material is placed in the truck --
19 nearer or farther from the monitor -- would affect how
20 accurate the reading is.

21 The speed of the truck, as it goes through
22 the monitoring area, would affect the reading.

23 Other measurements we are curious about
24 are the leachate test and the sludge test. Who is taking the
25 samples? Are independent laboratories ever used to evaluate

1 those samples? How often have these tests been performed over
2 the years?

3 Pardon my distrust, but the people of
4 Rutherford County have been lied to, and deceived, repeatedly.
5 So my trust in TDEC is not especially high right now.

6 One of the tests for Murfreesboro's
7 drinking water has shown a high level -- or an elevated level
8 of Tritium -- H-3 -- which is a chemical known to increase the
9 risk of cancer, birth defects, miscarriages, and genetic
10 abnormalities.

11 According to the EPA website, it's --
12 Tritium -- most significant use is the component in the
13 triggering mechanism in thermonuclear or fusion weapons. Very
14 large quantities of Tritium are required for the maintenance
15 of our nation -- and this is all a quotation from EPA. Very
16 large quantities of Tritium are required for the maintenance
17 of our nation's nuclear weapons capabilities, end quote.

18 The letter from TDEC's laboratory, to the
19 Murfreesboro water company, states that these levels of
20 elevated Tritium in our drinking water are probably
21 attributable to exit signs. The kinds that light up over the
22 doors -- or at least some of them. I don't know if all of
23 them are.

24 And the manufacturer stated these signs
25 have to be specially disposed of. They can't just be thrown

1 in a landfill.

2 And furthermore, the Nuclear Regulatory
3 Commission's rules say they should not go into a landfill.
4 That's a violation of their rules.

5 We want to know how many exit signs are
6 disposed of in Middle Point Landfill. And if that is the
7 source of the Tritium in our drinking water, why are these
8 signs disposed of illegally? If that is not the source, are
9 we getting debris from the nation -- the nuclear army
10 production?

11 I have reports that I got in very recently
12 from two environmentalists, who are experts in the field. One
13 of them is Dan Hirsch who has -- he is the president of the
14 Committee to Bridge the Gap, a Los Angeles based public policy
15 organization focused on nuclear questions.

16 He is the director of the Stevenson
17 Program of Nuclear Policy, at the University of California,
18 Santa Cruz, where he will be elected in the fall teaching
19 introduction to nuclear policy. The views he presents here he
20 states are his own and don't necessarily represent his
21 institution.

22 He has studied the results of the leachate
23 tests, and we have asked him to comment on those. He says
24 the data is interesting. Leachate from the Middle Point
25 Landfill -- one of those participating in the BSFR disposal

1 program -- measured 3,395 picocurie -- I hope I am pronouncing
2 that correct -- of gross beta radioactivity per liter of
3 leachate with an aero margin of -- very large -- 286, plus or
4 minus 286. The standard maximum concentration limit -- MCL --
5 in drinking water is 50 picocurie per liter.

6 By contrast, with 50 landfills sampled in
7 California, several, several years ago, none had gross beta
8 levels in leachate anywhere approaching those levels. 42 of
9 the 50 landfills tested in California had gross beta levels
10 below the MCL. The highest value found for any of the 50
11 landfills, in California, was 450 -- now, remember, ours is
12 3,395 -- 450 picocurie per liter.

13 That's seven and a half times lower than
14 the Middle Point Landfill leachate. That's one measurement we
15 are very interested in.

16 Another comes from Diane D'Arrigo, whose
17 report on this -- if it weren't for her report on the presence
18 of radioactivity being dumped into our landfill, nobody would
19 have known. You-all still would not have told us. She has
20 e-mailed -- which I have given each of you a copy of -- a
21 rebuttal and addenda to her initial report. And she has some
22 interesting figures, too, about radioactivity.

23 This is something else. We have had the
24 cute little demonstration measuring all the naturally
25 occurring radioactivity in the atmosphere. Now I know -- I

1 have read the summary of the National Academy of Sciences, the
2 BEIR Report Number VII -- their latest one -- on low-level
3 radiation. And they support what she says here.

4 Naturally occurring radioactive materials
5 can pose health risks, thus releasing manmade radioactivity at
6 equal or portions of those levels -- I'm sorry. Naturally
7 occurring radioactive materials can pose health risks, thus
8 releasing manmade radioactive materials at equal or portions
9 of those levels are not justified, it only compounds the truly
10 unavoidable risk from natural occurring radioactivity.

11 According to the risk numbers of the
12 National Academy of Sciences, and the U.S. EPA, 1 in 50 of us
13 will get cancer due to the existing background radiation over
14 our lifetime. That's without anything being added to our
15 drinking water. Just what we get from all these naturally
16 occurring places are dangerous, and the more we get, the
17 greater the risk. That's what the National Academy of
18 Sciences says.

19 So why add to the 100 or 300 or 360
20 millirem the Government agencies calculate we receive
21 annually? If the addition is as TDEC reported to you at a
22 previous meeting, lost in the fluctuation or natural
23 background levels, how can they be so sure it is really as low
24 as they are claiming?

25 CHAIRMAN GRAHAM: You have one minute.

1 MS. FERRIS: All right. I have one other
2 point to make from Daniel Hirsch, from California. He says
3 there are reasons why radioactive waste ought not to be dumped
4 in municipal landfills.

5 One, the safety disposal of radioactive
6 materials is strongly influenced by the capacity of soil to
7 retard migration of specific radionuclides. Municipal garbage
8 contains large amounts of organic complexing compounds that
9 can dramatically increase the migration rate for
10 radionuclides.

11 Licensed radioactive disposal sites are
12 required to conduct fairly extensive monitoring for
13 radioactivity. Municipal landfills are not required to do
14 that monitoring.

15 And so for these reasons, we do believe
16 that you are putting the risk of a quarter of a million
17 people's health at risk -- a quarter of a million people in
18 Rutherford County.

19 We get our water from the Stones River.
20 We get it from wells -- some people only have wells -- and it
21 goes into the groundwater. Our land is -- that land around
22 the landfill is honeycombed with streams and caves leading to
23 the river.

24 CHAIRMAN GRAHAM: Thank you very much,
25 ma'am. We really appreciate you coming today.

1 MS. FERRIS: Thank you.

2 MR. McADDEN: My name is John McAdden. I
3 am the executive director for the Tennessee Environmental
4 Council. And I appreciate the opportunity to address the
5 Advisory Board today.

6 And I want to start off, just real
7 quickly, by saying that TEC is trying to get itself grounded
8 in science. That includes the natural resources of sciences;
9 the social sciences; economic sciences. Whatever sciences we
10 need to help us promote and develop a sustainable community, a
11 sustainable Tennessee.

12 And so with that said, what I would like
13 to is, I'd like to lead you through my process of conclusion
14 relative to the recommendation that we think that you should
15 make to the Legislature. And it starts off with the concept
16 of sustainability and what is sustainability.

17 I believe it was 1987, the World
18 Commission on Environment and Development came up and defined
19 sustainability for us. It simply says that it allows us to
20 meet our needs -- primarily our biological needs, things like
21 food, water, shelter, and space -- things that the farmers
22 have been providing for us for a long time -- and allows
23 future generations to meet those same needs.

24 So we meet our needs, and future
25 generations are able to meet their needs as well. That's the

1 McAdden definition, if you will, of sustainability.

2 It includes three components: an
3 environmental component, a social component, and an economic
4 component. And I want to touch on each one of those relative
5 to these two industries that are really at stake here. One is
6 the nuclear power industry and waste streams that they're
7 generating, as well as the landfill industries.

8 With regards to the nuclear power industry
9 and economics, the TVA is carrying about a \$25 billion debt.
10 That -- by the way, I'm happy to report -- is down -- based on
11 some of the comments that they made at their strategic
12 planning meetings -- by about 4 billion, since 1990, when I
13 more or less got in this conservation business. They're
14 carrying a \$25 billion debt associated primarily with their
15 nuclear power program.

16 The Government is heavily involved in
17 subsidizing that industry. And if you don't believe me, just
18 look at what we're doing out at Yucca Mountain -- that is the
19 Government's doing -- to try to deal with the waste stream
20 that the nuclear power industry creates. Which, really, the
21 nuclear waste -- I think -- has a high level of waste with a
22 half-life of about 100,000 years.

23 I don't think there's anybody in the room
24 that would want to have a facility in their community to deal
25 with that waste -- long-term disposal, in essence, of that

1 waste. That's why the Government is involved in dealing with
2 it and trying to find a long-term storage facility -- or
3 disposal facility for it.

4 So the economics of that industry are off.
5 They don't, in my opinion, meet the criteria of sustained
6 economics within the concept or framework of sustainability.

7 The social component -- whether or not the
8 low-level radioactive waste that's being disposed of in the
9 BFI Middle Point Landfill, down in Murfreesboro, has human
10 health consequences, or is going to get out of the facility,
11 or -- I think actually as the special waste streams go,
12 there's about another 150 waste streams that may actually have
13 a much greater risk associated with them as compared to the
14 low-level waste.

15 But what we see when we look at that
16 framework on sustainability, we see that there is this social
17 response. People are not at all comfortable with radioactive
18 waste, whether it's high-level waste or whether it's low-level
19 waste. People just aren't comfortable with it. And, you
20 know, there's lots of different theories as to why that is.

21 One of them that I heard somebody from the
22 nuclear industry talk about -- one time when I was doing a
23 HAZMAT training course -- was that the industry itself was
24 conceived in secrecy and revealed in horror. And that's the
25 Manhattan Project and Hiroshima and Nagasaki. And that was

1 one of the industry folks that told us that as a reason for
2 that social response.

3 But based on those things, in our opinion,
4 it doesn't meet that category, or the characteristics, of the
5 social peace within that framework of sustainability.

6 And third, there's the waste stream that's
7 generated as related to the environment. Even if the
8 high-level or low-level radioactive waste enters into the
9 environment, which I think over time -- because we're talking
10 about -- I don't really like to predict what's going to happen
11 in the future -- but over time, because we're talking about
12 sustainability, and we really are talking about the future
13 generations -- our children's children and grandchildren's
14 ability to maintain their own life support system -- because
15 we're talking about that -- it's prudent, I think, for us to
16 talk about the future. But if these waste enter the
17 environment -- can I have one minute?

18 MS. DUNLAP: One minute.

19 MR. McADDEN: One minute. Okay.

20 If they enter the environment, then there
21 is a potential for there to be some serious human health
22 consequences associated with that.

23 Landfills, if we just look -- landfills
24 are engineered systems. We know that. Just like the road
25 system, just like the sidewalks -- our buildings. And what we

1 know about engineering systems is primarily because of some of
2 the stuff that came out of thermodynamics -- the second law in
3 particular. And that law says that organization tends towards
4 chaos, unless you are constantly putting energy into it.

5 So if there is no plan for a landfill --
6 long-term plan -- forever plan for a landfill to have
7 energy put into it, in the maintenance of those engineering
8 systems -- the liner, the leachate collection system -- over
9 time we can expect it to leak. Which would expose those
10 materials to the environment and then to impact future
11 generation's abilities to support themselves.

12 So for those reasons, we encourage and
13 recommend that this Advisory Board recommend to the
14 Legislature to keep the moratorium in place.

15 Thank you very much.

16 CHAIRMAN GRAHAM: Thank you, Mr. John.

17 Speaker number 3.

18 MS. DUNLAP: Could we have Mr. David Hall,
19 Patricia Sanders, and John Safer come to the chairs please?

20 CHAIRMAN GRAHAM: You may begin.

21 MR. JONES: Good morning. My name is
22 Sammy Jones. I work for Impact Services, one of the
23 processors that is responsible for processing Bulk Survey for
24 Release material for the Middle Point Landfill. It goes in
25 there along with other landfills across the state.

1 We're located in Oak Ridge, Tennessee.
2 Our businesses include several processes for working with
3 radioactive material, not just the BSFR process. We do
4 packaging; waste production; waste mineralization activities
5 on other material. We take a lot of pride in the fact that
6 we've operated within the confines of the regulations and the
7 laws governing the BSFR processing.

8 I spoke at the meeting the other day, and
9 I think our comments are on the record for that. So I am not
10 going to reiterate the same comments.

11 We had several questions as we listened to
12 some 30 to 40 speakers that evening. They came up over and
13 over. And we wanted to address those -- because it was not a
14 question-and-answer quorum.

15 One of the first issues -- and it makes
16 very reasonable sense as to why we requested this -- why are
17 people transporting BSFR type material a long distance to come
18 to these landfills?

19 Generators who have this candidate
20 material, basically, find it attractive because it's faster
21 than a federal petition, which is the other option they have.
22 They can petition the Federal Government under 10 CFR 20,
23 Standards for Protection Against Radiation, and dispose of
24 this material in a sanitary and industrial landfill. That
25 petition process is very bureaucratic. It takes up to about a

1 year and several thousand man hours to complete.

2 The other interesting thing about that
3 petition process, in that 10 CFR 20 regulation that governs
4 it, is that the regulation states that the dose basis for that
5 disposal is a few millirem. And that's verbatim out of the
6 regulation.

7 If you go to the NRC guidance documents,
8 they define a few as five. So we come to Tennessee's
9 program -- and Tennessee adopted a program that is basically
10 more streamline. But the tradeoff for that more streamline
11 program is, they're allowed to dispose at only 1 millirem
12 expected exposure. So it's five times restricted, but just
13 due to the bureaucratic nature.

14 And I think most of us here have dealt
15 with the Government. We understand what that involves.
16 Especially the Federal Government. So that's why people
17 transport this material.

18 Many times the amount of material from a
19 specific generator -- and it's such a small volume that it
20 doesn't make any economic sense to go through the long
21 process. Even though we are much more restricted here in
22 Tennessee.

23 Is this dangerous radioactive waste -- was
24 another question. We don't think so. All waste going to the
25 landfill is radioactive to some degree. In fact, the levels

1 of this material are less than the naturally occurring
2 radioactivity in Middle Tennessee. So if you took this
3 material -- the dirt out of that landfill -- and replace it
4 with this material, the population of the people that are
5 exposed are actually going to get more radioactivity from that
6 dirt.

7 Why are these standards appropriate for
8 Middle Point? That's one of the questions we heard. Every
9 landfill is different -- the geological conditions there. We
10 understand that. The modeling that takes place for this
11 material for the landfill is landfill specific.

12 As I mentioned before, we dispose in
13 landfills other than Middle Point. Every one of the landfills
14 that are used across the state are independently analyzed and
15 modeled for this material. It's not a cut-and-dry approach.
16 This amount gives you 1 millirem. It takes into account the
17 geology; the construction; the operation of that plant.

18 Along the same lines is -- we hear the
19 liner, the liner -- we must have heard "the liner" 50 times
20 the other night. And I understand why they bring it up.
21 Because I, too, don't know that a polyethylene liner is not
22 going to last 1,000 years.

23 The modeling takes no credit for the
24 liner. It assumes that the liner is not there. It assumes
25 the radioactivity will become mobile and will go into your

1 drinking water and it will go into the river. And that's the
2 dose basis. So it takes that into account, and it ensures the
3 1 millirem maximum exposure.

4 The last thing I will talk about is the
5 sensitive populations. The dose calculations are based on a
6 resident farmer. And basically that means that, after the
7 landfill has closed, or if somebody moves there and he farms
8 that land, he is going to be the maximum exposed individual.
9 So the people off that area, or the general members of the
10 public, are not going to receive that.

11 The other thing that you have to account
12 for in 1 millirem for Middle Point, that is based on 5 percent
13 of the material that went into that landfill. Every day of
14 its operation was BSFR material. To date, the number is much,
15 much less than one-tenth of 1 percent. The material that's
16 gone into that landfill is that material.

17 I thank you for your time.

18 These questions, along with some
19 additional information -- and we update it regularly -- are
20 on our website, which is factsaboutBSFR.com --
21 www.factsaboutBSFR.com. And we're also going to have a
22 comment section. So if you have questions, we will be glad
23 to address other things on that website.

24 Thank you.

25 CHAIRMAN GRAHAM: Thank you, Mr. Jones. I

1 appreciate it.

2 Will the next speaker step forward please
3 and state your name into the microphone?

4 MR. HALL: Good morning. My name is
5 David Hall. I'm a certified public accountant and a resident
6 of Murfreesboro.

7 I would just like to know -- like to see a
8 show of hands how many of you folks have ever actually visited
9 the Middle Point Landfill.

10 (Pause)

11 MR. HALL: Well, I would like to pass
12 around some pictures of it so that you can see, in color, just
13 what is there and how close it is to the Stones River. Which
14 is our water supply.

15 (Documents tendered to the Committee.)

16 MR. HALL: TDEC has allowed BFI to locate
17 this landfill in a very bad place to start with, as far as a
18 geological situation. And it's right by our water supply.

19 Rutherford County gets 17 percent of
20 Tennessee's trash, and we only have 4 percent of the people.
21 So I think we're being dumped on a little excessively.

22 According to press reports, TDEC has
23 collected upwards of a million dollars in fees for allowing
24 this stuff to be put in our landfill. I'd like to know just
25 exactly how much has been collected, and I'd like to point out

1 that this looks like a conflict of interest. If you're
2 getting fees -- collecting money for putting trash in our
3 landfill now, you have a vested interest in it. I think
4 there's a conflict.

5 And we could argue a lot about whether
6 1 millirem, or whatever, is harmful. But, you know, there's
7 an easy solution to this: Let's just stop putting it in
8 there. Then we don't have anything to argue about.

9 Why should Murfreesboro get the world's
10 trash? Why should Murfreesboro get nuclear plant waste that
11 comes from way out of state -- California; Washington;
12 Michigan? Why pick on us?

13 The reason is, somebody is making money
14 off of hauling it here. If it's worth paying -- or getting
15 rid of to other people, maybe we don't want it.

16 That landfill is going to leak, and it's
17 right by our water supply. What is happening is that we are
18 being stuck with a problem down the road that we're not going
19 to get any help with. When that landfill is full, where is
20 our trash going to go? What's it going to cost? What's going
21 to happen to our water supply? Who's going to pay for that?

22 We in Rutherford County are going to get
23 stuck with a problem that shouldn't be ours. So quit hauling
24 stuff in from other places and leave us in peace.

25 We need these answers now. We need to be

1 planning ahead. And we need to know where -- how and where
2 we're going to dispose of trash when that thing is full.

3 You can see from the pictures where this
4 is a huge operation. You can see from the pictures that it's
5 right close to our water plant. So let's just quit bringing
6 stuff in from out of state, regardless of what it is. There's
7 plenty of hazardous waste in there that's going to be a
8 problem for us already, without adding anymore to it.

9 Thank you.

10 CHAIRMAN GRAHAM: Thank you, Mr. Hall.

11 MS. SANDERS: My name is Pat -- for
12 Patricia -- Pelot -- spelled P-E-L-O-T -- Sanders. I grew up
13 in Crossville. And I went to the wedding of J. H. Graham's --
14 the third -- parents.

15 I wanted to say that only five of your
16 committee members -- I'm from Murfreesboro, by the way. I've
17 lived there almost 44 years.

18 I wanted to say only five of your
19 committee members came. I remember seeing the lady from
20 Carthage and this gentleman here (indicating). And I know she
21 came (indicating), because she really didn't like our signs,
22 which I was told.

23 And that (indicating) stands for End
24 Nuclear Dumping in Tennessee. And that's our group. When I
25 say "we," this is who we is. We is ENDIT.

1 I was disappointed that you didn't come,
2 so today is a repeat performance. How many came last Tuesday
3 to Murfreesboro, to the Fleming Center?

4 (Pause)

5 MS. SANDERS: You and you (indicating).
6 One, two, three -- no. You're not a SWAC member, though.
7 You're TDEC, I thought.

8 And you (indicating) came, didn't you?

9 We appreciate those that did come. It was
10 a difficult place to park. We had hoped for other locations.

11 But I am interested to see who is on your
12 committee. There is no biologist -- that I know of. They're
13 environmentalists. There's no molecular biologists -- that
14 I've heard from -- except from ENDIT.

15 My husband was a pediatrician. And I want
16 to say right off, he went with Public Health in 1966. He had
17 25 years with the State Department of Public Health.

18 And I'm regretting the fact that the
19 Department of Public Health was made into two departments.
20 And Mike Apple knows when that happened. He was here because
21 he's been here 38 years. And he has certainly earned his
22 dues.

23 But my husband was with just Public
24 Health. And I think this is a health matter. It's a
25 biological matter when you start talking about biology and the

1 body. And these wonderful health physicists -- one of them
2 was rather vicious in his column, if you read the paper last
3 week -- Bob Applebaum, the masters from Georgia Tech. And all
4 that's fine, but I want some physicians on your committee. I
5 want some biologists on your committee.

6 And that little demonstration that was
7 given over here (indicating) by Mr. Finner -- all the sunshine
8 coming in on his little counter. We don't drink those little
9 things on the watches. We don't drink the glow-in-the-dark
10 toys. We're talking about what the future -- could be in the
11 future happening to our water supply in Murfreesboro and
12 Rutherford County.

13 I want to say, too, the only threat that
14 my husband ever had on his life was over garbage -- over that
15 landfill. He was given a court order to find a location. He
16 went to see a sanitary landfill with the road commissioner --
17 Bill Wilson -- this is just for posterity to know -- in
18 Northern Alabama and came back with photographs. All of these
19 wonderful liners and all that.

20 Sure, my husband was given the orders
21 to do it. He lost friends over it. One of those friends that
22 objected even started leasing his land. Mr. Morgan Green --
23 whose wife is Ann Green -- gave my husband a lot of grief
24 over this. They started leasing their land out there at
25 Walter Hill.

1 But the letter that came to my husband
2 that was a threat on his life, we gave it to the FBI. It
3 said, "If you want to live and do good -- Dr. Sanders, if you
4 want to live and do good, stay out of the Matthews Landfill
5 thing." This is where it got started.

6 And the commissioners -- county
7 commissioners thought it was going to be closed down in ten
8 year's time. It was just household garbage. We didn't know
9 it was anything but household garbage, until May of this year
10 when they announced the D'Arrigo's -- Diane D'Arrigo's
11 watchdog group announced it.

12 But we realized that BFI had a handle on
13 this. And they owned it. And people sold land to them. And
14 we've been getting -- when Bordeaux closed down, here in
15 Metro, we started getting everybody's garbage. So every
16 Kleenex you're throwing out is coming to us.

17 We were concerned about your independent
18 consultant being paid 5,000 or 10,000. I don't know. But the
19 fact that that consultant used to work for TDEC was a little
20 bit -- it's concerning.

21 When we asked Mike Apple, on July 5th, why
22 is it coming here -- why is it cheaper to come here, he said,
23 "It's cheaper to take this stuff from California to Tennessee,
24 Michigan to Tennessee, than to process it there."

25 And this gentleman (indicating) that

1 objected to the use of the liner -- by the way, I hear
2 millirem used a lot more than the word liner.

3 But I want to say, California is fining
4 the company that's bringing it -- or companies. I don't know
5 if any of them are in this room or not. I don't know if BFI
6 is in this room. But they're breaking a California law by
7 taking it out of state.

8 The molecular biologist will tell you,
9 unlike the health physicist, that radiation accumulates. Just
10 because it's out there in these exit signs, that doesn't mean
11 it's safe. And in molecular biology, you're going to have
12 radiation that accumulates in your body, and it goes after
13 your chromosomes -- your DNA. It alters the DNA. Then you
14 get mutations. Then you get tumors. And then you get death,
15 maybe. Some do; some don't.

16 My husband got a lymphoma. I don't know
17 how much he accumulated in his medical years training.

18 But anyway, it accumulates. And we're not
19 all like Winston Churchill. He drank gin every day, he smoked
20 cigars, and he lived to be in his 90s. It's different for
21 different people and different sizes of people -- and
22 especially the children.

23 And I really did resent the simple
24 demonstration. Not the word alpha or gamma or beta -- the
25 word accumulation was not mentioned by Mr. Finner.

1 CHAIRMAN GRAHAM: You have one minute.

2 MS. SANDERS: Okay. Thank you.

3 We just feel like your main concern is
4 looking after the nuclear industry. The DOE is behind this.
5 I worked on the Super Collider, fighting that.

6 And a guy named Phil Bredesen came down,
7 and he realized -- this is 1988 -- that it might have an
8 affect on our groundwater to have that Super Collider in
9 Tennessee and the Tritium going into the water. And we
10 thanked him very much for coming.

11 My husband was told to hush because he
12 worked for the Department of Health, because he was talking
13 about the environmental concerns.

14 So, anyway, think about talking to some
15 molecular biologists and read the BEIR Report. Because there
16 is no safe level of radiation, despite what Mr. Applebaum
17 tells you.

18 The BEIR Report stands for Biological
19 Effects of Ionizing Radiation and what it does to the body.

20 So if you're going to just believe
21 Eddie Nannie, who didn't speak up loud enough for me to
22 hear him over here on July 5th, in spite of him having the
23 microphones -- and I appreciate Paul Sloan being with this.
24 I know he has said that you're supposed to -- you're
25 charged with reporting the recommendations back to the

1 General Assembly by September 3rd. I hope you will look at
2 the video from last week's meeting that you didn't attend. I
3 hope you will read the comments.

4 I hope you will find out about Barnwell,
5 South Carolina. They're stopping it next year, except for
6 Connecticut and Pennsylvania. They're not going to bring
7 radioactive waste into South Carolina after next year.

8 And also read what Dan Hirsch's comments
9 are about his testing. That's the guy from Santa Cruz --
10 University of California, Santa Cruz. You might find that
11 very interesting.

12 Thank you for listening.

13 CHAIRMAN GRAHAM: Thank you, Ms. Sanders.

14 MS. DUNLAP: Mr. Safer, let me call the
15 next three speakers, please.

16 MR. SAFER: Sure.

17 MS. DUNLAP: Mr. Scharber, would you like
18 to speak today?

19 Mary Wright and Michelle Smith.

20 MR. SAFER: Hi. My name is Don Safer.
21 I'm the Chairman of the Board of Tennessee Environmental
22 Counsel. And I appreciate the opportunity to speak to you-all
23 today on this topic.

24 Nuclear power is not the answer to global
25 warming. Let me repeat that. Nuclear power is not the answer

1 to global warming. Now, I understand that we're supposed to
2 stay on topic, and to me this is extremely on topic.

3 If we expand the nuclear industry -- as
4 those are trying to want to -- we're going to have more of
5 these types of problems all over the state and the country.
6 And these types of issues are not going to go away. The magic
7 bullet will come back to bite us and bite us in a bad way.

8 And the simple reality is that, the
9 relationship between life and radiation has been worked out
10 over eons. And disrupting that balance by creating more
11 radiation in the environment is going to change life.
12 Radiation causes mutations, and it will make things different.

13 When you talk about 1 millirem, that
14 doesn't sound like a lot. The question really becomes, where
15 are the controls that make sure it's just 1 millirem per
16 person?

17 The nuclear industry has consistently had
18 problems with disclosure, secrecy, and hiding its problems.

19 In Erwin, Tennessee, a year ago, there was
20 an accident in a nuclear processing plant that was this far
21 (indicating) from going critical and killing at least one
22 worker, they acknowledge. That was in 2006. When did we find
23 out about this? It was a year later, in 2007, before we even
24 found out about it, under the secrecy that the nuclear
25 industry operates.

1 That's the kind of thing that has
2 caused -- plus what's happened in Murfreesboro to the people
3 there, of not knowing that this was happening until the report
4 from out of state -- that's why people distrust the nuclear
5 industry and distrust the state government in its charge to
6 protect the public and the public interest.

7 Tennessee -- why is Tennessee one of only,
8 roughly, ten states to accept this type of waste in this type
9 of landfill? I would ask, what do the other 40 states know
10 that we're not factoring in? That's a preponderance of
11 evidence that it's not right to let this type of radiation
12 into landfills.

13 EPA has a strict assurance -- I mean,
14 there is no technology that doesn't fail. There is no
15 technology that guidelines aren't met and things have to slide
16 through in the heat of the moment, whether it's fraud in the
17 sense of masking the radiation coming in or just carelessness.
18 But, you know, we read about accidents every day in every
19 industry of every type. And there is just no control over --
20 you know, things that can go wrong will go wrong.

21 There is no margin for error when it comes
22 to radiation, and the risks are quite high. That's why people
23 are suspicious and overly alarmed at any indication of
24 radiation in their communities. They know instinctively that
25 this stuff is, basically, incompatible with life. And it's a

1 deal that we shouldn't make for future generations.

2 This low-level waste -- so called
3 low-level waste is the tip of the iceberg, and it needs to be
4 monitored. And that waste that exists needs to be sequestered
5 from the other waste that we have to landfill. So I urge the
6 Committee to recommend that the moratorium also continue.

7 Thank you.

8 CHAIRMAN GRAHAM: Please step forward and
9 state your name, sir.

10 Thank you.

11 MR. SCHARBER: Thank you, Mr. Chairman,
12 Mayor Graham. I appreciate the number of you-all attending
13 today.

14 I am Wayne Scharber, vice president for
15 Environmental Affairs, Tennessee Chamber of Commerce and
16 Industry, here in Nashville.

17 I also want to say this before I start my
18 remarks, I appreciate the efforts taken by the Department to
19 educate and address questions and concerns prior to the
20 meeting last Tuesday night in Murfreesboro. I think they put
21 forth an effort there to help people better understand the
22 issue and the magnitude for rightful concern.

23 The Chamber is a traded organization;
24 established in 1912; representing manufacturers, industries,
25 and businesses in this state. My experience includes 36 years

1 of employment with the environmental regulatory departments of
2 public health, health and environment, and the Department of
3 Environment and Conservation.

4 When I retired, in 1999, from Government,
5 I had, for the prior 12 years, been either the deputy or the
6 assistant commissioner for Environment and over the divisions
7 of Solid Waste Management and the Division of Radiological
8 Health, as well as others. The responsibility of these
9 divisions was to enforce and assure compliance with
10 scientifically sound and adopted standards to protect public
11 health and the environment for Tennesseans, as well as the
12 millions of visitors traveling through or to the state
13 annually.

14 The Chamber renews its statements and
15 position presented at that public hearing in Murfreesboro, on
16 July 17th, 2007.

17 You have a number of comments offered by
18 several persons regarding the location and operation of the
19 landfill. We understand the Advisory Committee to be focused
20 on the issue of the moratorium of disposal at the Middle Point
21 Landfill, the Bulk Survey for Release program materials.
22 That's what was in the law that was passed -- the bill that
23 was passed and signed into law by the Government.

24 The State of Tennessee -- for -- those of
25 you here today need to understand -- and, I think, properly

1 appreciate -- the State of Tennessee has shown its ability to
2 enforce adopted safe standards for materials as may be
3 disposed in a permitted sanitary Class I landfill. This is
4 the kind of landfill that's being addressed here.

5 While state laws are the first levels of
6 state regulatory programs, these programs are subject to the
7 review and the level of oversight by federal agencies to
8 assure that the federally established, scientifically based
9 standards are implemented and complied with, to assure the
10 protection of the public's health and the environment.

11 And it's been noted by some other
12 speakers, the level of material going into this landfill is
13 even at a more conservative level than that proposed by those
14 federal official agencies. The materials with this regulated
15 level of activity can safely be accepted in Class I landfills,
16 and it is not necessary to be disposed of in low-level
17 radioactive waste landfills or hazardous landfills.

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

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

1 public's health and safety.

2 Business and industry, processing,
3 transporting, or managing for the disposal of radioactive
4 materials in the state should be held fully accountable to
5 meet the standards and the responsibilities imposed by the
6 regulatory programs of this department.

7 Businesses, industry, and waste management
8 companies can, and will, comply with the responsible standards
9 and understandable practices. 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
13 public's health and safety.

14 We appreciate this opportunity, once
15 again, to present some of these remarks and add to this body
16 as you make your recommendations to the Commissioner, pursuant
17 to Section 2(c) of Public Chapter 584.

18 Thank you.

19 CHAIRMAN GRAHAM: Thank you, Mr. Scharber.

20 May we have our next speaker, please?

21 Make sure you state your name clearly for
22 the record.

23 MS. SMITH: Good morning. My name is
24 Michelle Smith. I reside on the Compton side of the landfill.

25 First, thank you to everyone who's taken

1 off work and traveled this far to see that this landfill does
2 not accept anymore radioactive waste. Thank you for coming.

3 I understand that radiation is in
4 everything. I hear those of you who say that the level is so
5 low that it cannot possibly affect our community. But why
6 should we, as residents of Rutherford County, have to have
7 more than the typical area? It almost feels like we, the
8 people of Rutherford County, are, in a sense, guinea pigs as
9 to the amount of radiation a person can be subjected to.

10 I am certain that with all the professors
11 and scholars, everyone already knows that radiation cannot be
12 removed from water. The liner and all the other precautions
13 taken to ensure that this landfill will not leak have failed.
14 It has. We, as a continually growing community, will not
15 stand for this.

16 The landfill came to be by someone who was
17 told the trash would be used -- the landfill would be used for
18 regular trash. Our community was nowhere near as large as it
19 is now when this come into place.

20 I regret with my whole heart that I did
21 not investigate this area before purchasing a home. I'm not
22 from Tennessee. But at the time I was very young, I had
23 never had an experience with a landfill, so it didn't cross
24 my mind.

25 I don't know how many mothers that live

1 near this landfill, or in this county, that would not be
2 opposed to an amplified amount of radiation in our water. But
3 I'm thinking it would be zero.

4 I cringe when my children drink a glass of
5 water. I purchase it by the gallons every week. I make my
6 coffee in the morning with it. And I ask my boys to use it as
7 well, but unfortunately, as kids, they don't understand. They
8 use the tap anyway. I am scared for them and their future and
9 my own home. With my four-digit mortgage payment that I make
10 every month, I'm scared of our water.

11 I think about it when we sit outside: How
12 much are we breathing in? What about the animals that have
13 their feet in the landfill that come and land in my backyard?
14 We swim in it. We shower in it. We're in it every single
15 day.

16 We have fought the embarrassment of the
17 cringing smell of the sludge -- otherwise known as the human
18 waste -- from various places dumped in our area. And it helps
19 some, but not always. How many other fights are we going to
20 have about this landfill -- this eyesore mountain of crap?

21 When will someone with power get a heart
22 and help us stop this before people get sick; have health
23 issues; have abnormal babies. This is not a money issue, this
24 is an ethical one -- a moral one.

25 As mentioned previously, this landfill was

1 originally implemented for household trash in Rutherford
2 County, only, back when Rutherford had just a handful of
3 people compared to the number that resides there now.

4 I plead with you to please end this
5 landfill. Make the contract null and void based on the
6 Committee and the public being misinformed and end these
7 battles and any request to accept any waste in this community,
8 especially from outside our county. We, as the people, are
9 smart enough to figure out another way to dispose of our
10 waste.

11 Come on. You guys are smart enough. We
12 can figure out something else, without putting the people at
13 risk. And we can probably wind up making energy doing it and
14 saving people money.

15 Thank you.

16 MS. DUNLAP: Ms. Wright, before you start,
17 let me call the next people, please.

18 Bruce Woods; Sharon Force; Harold Bell.

19 MS. WRIGHT: My name is Mary Wright. I am
20 here in support of ENDIT. I received an e-mail from a couple
21 other members that wanted me to continue to support them. And
22 I am in strong support of them.

23 As I said, my name is Mary Wright. I am
24 the cofounder -- one of the cofounders of the Tennessee
25 Coalition of Environmental Justice.

1 I can understand everything ENDIT is going
2 through. Because, as everyone knows, Dickson County is going
3 through a lot of problems too. But I am here to support them.

4 And I'd like to know -- and helped them
5 with this. Will you really listen and hear their interest and
6 not protect what you know is very wrong?

7 There is a solution, as one of the
8 residents of that area said: close it. Find a proper and
9 safer place for dangerous chemicals and nuclear waste. By
10 solving this issue, maybe we can protect this earth and its
11 people. We are appealing to you.

12 And I think you have a hard job. I know.
13 But something is wrong when you can't meet with the people.
14 Something is wrong. And we know you have feelings, and we
15 know you care. But bureaucracy should not stop you from doing
16 your job. They need help, and this country -- this country
17 needs help with the landfills. We need to find safer places
18 to put these landfills and let the people know what is going
19 on when you do.

20 So for the sake of this earth and the
21 people on this earth, do your job.

22 Thank you so much.

23 CHAIRMAN GRAHAM: Thank you, Ms. Wright.

24 (Documents tendered to the Board.)

25 MR. WOOD: Thanks very much.

1 My name is Bruce Wood, and I -- I messed
2 up the mic.

3 I'm here as the elected president of
4 BURNT, a 20-year-old environmental group, here in Nashville, a
5 volunteer citizens effort. And we specialize in solid waste.
6 And the -- actually, one of the bills that we supported this
7 year was amended -- and we appreciate that very much -- to
8 create this process. So we are delighted to be here to
9 participate.

10 We did a -- this is two sided
11 (indicating). One side is an outline of testimony; and on the
12 other side, it's a letter that we submitted to the Department
13 requesting information on this. And we were told that
14 information isn't available.

15 I think it's very questionable to be at
16 this process -- at this point, and for the Department not to
17 make readily available what are the names and installations
18 and landfills all over in every state and how much of this
19 material is being accepted.

20 We were told three weeks ago that this is
21 a very routine process in many states. Well, let's produce
22 those states. Let's say what the landfills are. Let's say
23 how much of this material goes there. If you can't make that
24 available at this part of the process, I think that that's
25 very noteworthy.

1 We strongly urge to continue the
2 moratorium at Middle Point. There is absolutely no reason
3 to reopen this landfill with more of this material at
4 Middle Point. And then, really, make the moratorium permanent
5 in Tennessee.

6 How are we helping our state by accepting
7 this type of material? We don't think that it should be
8 allowed in the state of Tennessee.

9 I think I would testify this is not a
10 transparent decision-making process for the people on this
11 panel, or employed by the State of Tennessee in this
12 Department. How likely are they to overturn the existing
13 policy?

14 One of those four wrote an impassioned
15 commentary to the congressman in Murfreesboro instilling this
16 policy. Well, to me this makes everybody a very -- actually,
17 the four people that work in the Department should recuse
18 themselves -- should not participate in this process.

19 I mean, it's been ongoing for years. The
20 Solid Waste Assistance Group was chaired by a lobbyist from
21 county government. That means he was a gatekeeper for solid
22 waste legislation in the state of Tennessee. That was very,
23 very difficult. But you have a very informed and capable
24 Chair, now.

25 I would like to say, how does TDEC justify

1 landfilling this waste when the gross alpha radiation comes in
2 five times larger than the EPA allows in drinking water?
3 Sixty-six times on the gross beta radiation. 66 times what
4 the EPA is allowed. That is seemingly unacceptable.

5 I think earlier there was a comment on
6 modeling. What's a model? I've heard about models all my
7 life. Then, finally, we got somebody that'll look at
8 somebody's model. And he said, "That's not what's really
9 there." Let's get an expert that knows something about solid
10 waste and looks at this model in a critical way and doesn't
11 accept the rubber stamp, which is usually the way it is.

12 And again, on test results,
13 Middle Point -- and then they tested Crossville. My
14 understanding -- I asked for those test results today, and
15 I don't see them. They tested Crossville, which has not
16 accepted this waste, and they did not exceed the EPA. They
17 did not measure Crossville --

18 MS. SANDERS: Clarksville.

19 MR. WOOD: Clarksville. I'm sorry. Thank
20 you very much.

21 And Clarksville did not have that type of
22 radiation. So does that mean that they're very scrupulous
23 about exit signs in Clarksville? I doubt that.

24 And then methane gas is burned or
25 otherwise processed at Middle Point. One of the implications

1 for radioactivity for there is that disbursing it --
2 propelling it out into the -- the woman just talked about
3 sitting in her backyard. Are they breathing that? Certainly
4 nothing burned in a landfill is destroying nuclear waste.

5 We need third-party testing of all
6 landfills in Tennessee that accept this waste. Actually, we
7 need no dumping of nuclear waste in any of these landfills.

8 I think it's just patently evident
9 to anyone -- it should be -- is that the expansion of
10 Middle Point should be reopened. I remember when that
11 happened. We weren't paying too much attention to it. It
12 just seemed like it was an open and shut case. The opening
13 shot was to keep it open. But now that we have this
14 information, we should do it.

15 And I do want to address one comment. As
16 an expert, \$5,000 -- what are you going to get for \$5,000?
17 You're not going to get anything, except a form letter.
18 People on this board know what you get for \$5,000.

19 I would like to address an earlier
20 comment. Tennessee has shown the ability to enforce landfill
21 laws. And that's just not true. Tennessee is the repository
22 and waste station for companies from the North. They come
23 to Tennessee, and then they end up in Guatemala or Taiwan, and
24 then leave their filthy residue behind in Dickson County.

25 Now, let's stop that. And let's start

1 with stopping the nuclear waste in Tennessee. These landfills
2 aren't built for that.

3 We've got leaking in Dickson County.

4 Nothing illegal happened in Dickson County. That's what's so
5 fascinating. And, yet, they can't dig a well --

6 CHAIRMAN GRAHAM: Your comments are very
7 appreciated.

8 MR. WOOD: Thank you very much.

9 CHAIRMAN GRAHAM: Next speaker, please.

10 MS. FORCE: Good morning. Thank you for
11 this opportunity to speak. I'm also a board member. I'm also
12 a member of the Tennessee Coalition for Environmental Justice.

13 CHAIRMAN GRAHAM: Your name, please? I
14 didn't catch it.

15 MS. FORCE: Sherry Force.

16 CHAIRMAN GRAHAM: Yes, ma'am. Excuse me.

17 MS. FORCE: I live here in Nashville,
18 Tennessee. I also made comments before, and I won't be
19 repeating those.

20 I would like to start by saying -- by
21 quoting Rachel Carson: "If you contaminate water anywhere,
22 you contaminate it everywhere." We are all down river, and
23 that certainly includes Nashville.

24 And I am rather disappointed. I know
25 there were more than 50 people that rose to speak in

1 Murfreesboro, and I'm disappointed that either the Nashville
2 people are so ill-informed, or maybe it's at 10:00 in the
3 morning, but it seems like there ought to be more people that
4 are interested in this topic.

5 The reason I am speaking is because
6 Mark Quarles -- a professional geologist -- was talking
7 about -- at the last public comment hearing -- that if there
8 is a hole the size of a dime in the liner, that allows 3300
9 gallons of leachate to escape on a daily basis.

10 And then, apparently, there is some kind
11 of 8-inch hole they know about as of August 2005. And I'm
12 thinking, oh, good, they know about the hole. And then I
13 was alarmed by the end of the public comment hearing when
14 Mark spoke again. I realized he's just talking about one
15 hole.

16 When I first found out about the
17 Middle Point Landfill -- being an environmental activist --
18 I've done this for 18 years now. And we're primarily involved
19 in solid waste.

20 I have been up to visit to Middle Point.
21 I went out there to the top to watch them covering garbage and
22 whatnot. I got to talk to some of the people up there, and I
23 asked a question to them. And this was several years prior to
24 August 2005.

25 I asked them about the possibility of the

1 liner -- how it holds material and whether it would leak. And
2 one of them snickered and laughed and said -- apparently they
3 had been putting vents into this landfill, at some point in
4 time prior to my visit to Middle Point, where someone had
5 miscalculated the depth and they had punched several holes
6 into the liner.

7 Now, I just want to make sure that this is
8 on record somewhere and that it should be investigated
9 thoroughly. I'm sure -- I don't know the date. I can't tell
10 you. If I had to hazard a guess when my visit was there, I
11 would say it was approximately 2002. But I don't really know
12 when this would have happened. But certainly adding vents to
13 a landfill doesn't happen on a regular basis, and there ought
14 to be a way to pinpoint that timeframe. But, please, see that
15 that is investigated.

16 And I, too, ask that you continue the
17 moratorium against radiation and to end it. As one speaker
18 said -- I believe it was Bruce -- this does not benefit the
19 state of Tennessee. It does not benefit Tennesseans.

20 It's just outrageous that Governor
21 Bredesen has given the kind of raises he has to his people
22 when we should be using this money to start cleaning those
23 landfills up.

24 Thank you so much.

25 CHAIRMAN GRAHAM: Next speaker.

1 MR. BELL: My name is Harold Bell, the
2 elected president of the NAACP of the Dickson County Branch.

3 We are here to support Rutherford County.
4 And I support and understand everything that everybody has
5 said before me but the moratorium.

6 We was told that in Dickson County, a few
7 years ago, that it would be household garbage only. Since
8 then we have found out that they have put in that landfill
9 just about everything you can name. All kind of diseases have
10 come from that. We have scientific proof that -- and
11 autopsies -- that death has come from that landfill. And all
12 kind of physical illness has come from that landfill.

13 And if you're there at the landfill on a
14 good warm morning, you can see it, you can smell it, and you
15 can feel it. It's completely out of order.

16 And we are here to say that we need to
17 stop it -- end it now. We feel that garbage of that material
18 can be recycled. Most of that stuff they put in that landfill
19 can be recycled. We are asking the Committee, and our elected
20 officials, to find a way to recycle this material because we
21 realize and know that.

22 They told us that the liners would stop
23 it. But we have found out later on that it has permeated
24 three miles outside of the landfill. Now, you know, if it's
25 done got three miles outside of the landfill, it's not going

1 to stop there. It's going to continue its journey. So we are
2 asking the Committee to look into it and make sure that we get
3 rid of that.

4 Not only that, the realtors said that
5 the -- out there on Eno Road -- that the land value of that
6 has dropped 50 to 60 percent. No one that knows anything
7 about Eno Road, and the landfill, will not purchase any
8 property out there. Yet, and still, the tax is of the -- the
9 taxes there is of the additional community. Something is
10 wrong with this picture. Something is wrong with this
11 picture.

12 So we as -- the people there are asking
13 me, as being president of the NAACP, is there anything that we
14 can do about this situation? I said we can bring it to our
15 officials and hope they -- that the officials will do the
16 right thing.

17 CHAIRMAN GRAHAM: Thank you very much.

18 Ms. Dunlap, do you have any more speakers?

19 MS. DUNLAP: That's all the speakers.

20 CHAIRMAN GRAHAM: I will have one last
21 call for any additional speakers that would like to address
22 the Advisory Committee.

23 Are there any other individuals that would
24 like to address the Advisory Committee? We have just about
25 eight more minutes before we recess for lunch and then begin

1 another meeting.

2 Yes, ma'am?

3 MS. FERRIS: May I add one additional
4 point?

5 CHAIRMAN GRAHAM: You may. Please step
6 forward.

7 MS. FERRIS: There's a point that I wish
8 to make and I --

9 CHAIRMAN GRAHAM: Please state your name
10 one more time.

11 MS. FERRIS: Kathleen Ferris, from
12 Rutherford County.

13 CHAIRMAN GRAHAM: Yes, ma'am.

14 MS. FERRIS: And one of the things that I
15 have become aware of in studying this issue is that, we're
16 told that things are safe within federal guidelines. But I
17 know that both the EPA guidelines and the nuclear regulatory
18 guidelines have changed in the last several years.

19 They -- back in the '70s, after Chernobyl
20 and after the -- still up in New York -- there was an effort
21 to have legislation that would meet strict regulation of
22 nuclear materials because people were suddenly aware of how
23 dangerous they were. And the Clean Water Act and the Clean
24 Air Act were put into place. Those guidelines have been
25 diluted over the years.

1 And so, when we are told "safe within
2 federal standards," it was -- there was a time when all this
3 low-level stuff had to go into a special low-level depository.
4 And now we have so much of it, they can't put it into those
5 special places, like foreign wells. So they're bringing it
6 into municipal landfills.

7 And I just think that one factor to take
8 into account is, what are those guidelines? And are they
9 really strict enough? And how do they compare with what the
10 original laws intended?

11 Thank you.

12 CHAIRMAN GRAHAM: Thank you.

13 I hereby recess the Advisory Committee for
14 lunch.

15 Thank you-all for your attendance.

16 (End of the proceedings.)

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REPORTER'S CERTIFICATE

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COUNTY OF SMITH)

I, Amanda F. Martin, court reporter and
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DO HEREBY CERTIFY that the foregoing
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any of the parties named herein, nor their counsel, and have
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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

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