

BURNT

IMPROVING THE ENVIRONMENT THROUGH
CITIZEN INVOLVEMENT WITH GOVERNMENT,
BUSINESS, AND ACADEMIA

28 July 2008

The Honorable
Governor of the State of Tennessee
Phil Bredesen

RE Tennessee Environmental Opportunities For Your Attention

Dear Governor Bredesen:

We congratulate you on important environmental accomplishments such as national awards for our State Parks and expansion of wilderness areas. Yet, there are three distinct elements within the Tennessee Department of Environment and Conservation (TDEC) which are eminent threats to the lives of the people in our state and Tennessee's business climate

1. Solid waste reform under the provisions of *SB 2267/HB 2289* [year 2007]
2. Ground water pollution from landfills is pervasive and also symptomatic of regulatory laxness throughout TDEC. (See enclosed Expert Opinion by a Professional Geologist)
3. Environmental injustice in the highest levels of TDEC

The need for your attention From Kingsport to Oak Ridge to Tullahoma to Dickson County to Bolivar, Tennessee has allowed ground water to be polluted and often to not be remediated.. There is a mistaken belief that lax environmental regulation aids business. In point of fact, there is a startling life expectancy decline in Tennessee, the Deep South, along the Mississippi River, and in Appalachia. The ten counties with the worst life expectancy decline border Tennessee in south west Virginia. [27 April 2008 article, The New York Times (Week in Review, p. 1, "The Short End of The Longer Life" citing a study at web site *PLoS Medicine*] And, children in the womb and infancy are hurt for life–

"Given the established knowledge, protecting children from neurotoxic environmental exposures from the earliest stages of fetal development clearly is an essential public health measure if we are to help prevent learning and development disorders and create an environment in which children can reach and maintain their full potential"
–Executive Summary "Scientific Consensus Statement on Environmental Agents Associated with Neurodevelopmental Disorders" *Institute for Children's Environmental Health* <http://www.iceh.org/LDDI.html>

Our state and groundwater are inundated with toxic pollutants. A baby born in Cuba or Hungary has a better chance of living one year than a baby born in Tennessee. Pre-mature babies which cost \$1 million in hospital costs are no accident. *We are asking for your specific attention to*

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***A Member Of
Community Shares***

A. Solid waste reform under the provisions of SB 2267/HB 2289 [year 2007]

BURNT members appreciate working with TDEC staff and managers on the Solid Waste Reduction Task Force to formulate recommendations for consideration by the State Solid Waste Control Board for new solid waste regulations. TDEC employees have been accessible, professional, and responsive. Yet, consideration of change from the existing landfill oriented, highly bureaucratized reporting system has been very difficult

1. Local governments and business in Tennessee spend \$325 million (\$325,000,000) annually on tip fees to landfill solid waste
2. Solid waste has a value of \$100 a ton when used as a raw material in business and compost (Dr. Neil Seldman, president, Institute for Local Self Reliance, www.ilsr.org)
3. TDEC has allowed landfill practices which created dangerous groundwater pollution (enclosed Expert Opinion, Professional Geologist)
4. We strongly urge all local governments to adapt "Best Practices" employed by local governments such as Bartlett which diverts 90% of yard waste from the land fill or Shelby County Schools which do not use any disposable Styrofoam trays while Davidson County Schools allegedly use hundreds of thousands of disposable trays a year.

Why are cash strapped local governments and Tennessee businesses spending \$325 million a year to landfill solid waste which could be managed as a resource for business and jobs?

B. Ground water pollution from landfills is pervasive and symptomatic of regulatory laxness throughout TDEC [see attached Expert Opinion]

We ask you, in no uncertain terms, to exert your management ability to change the culture of minimal regulation in TDEC. Wilderness areas and State Parks do not compensate the people on Eno Road near the Dickson County Landfill for poisoned wells or people in North Nashville for the burden of living next to Southern Services Landfill.

The TDEC Department of Water Pollution Control and Department Solid Waste Management allow dangerous water pollution which damages our state for generations. Tennessee as a poor state has long tolerated environmental degradation in an effort to create jobs and opportunity. However, Kingsport, Oak Ridge, and Dickson County are each saddled with pollution which will last thousands of years. This is a very poor way to attract new business.

C. Environmental injustice pervades the highest levels of TDEC

The racial and professional composition of TDEC Boards and Commissions is very narrow. The Solid Waste Reduction Task Force BURNT served on was 24 out of 24 white and 22 out of 24 male. A recent appeal of the permit for Southern Services Landfill was heard by the State Water Pollution Control Board—the final vote was 8-0, with all eight white males and four working for the State of Tennessee. Boards and Commissions are heavily stacked by statute to favor government and business interests. TDEC environmental regulations will not

change until the Boards and Commissions more closely reflect the people who drink the water and breathe the air rather than government and business.

RECOMMENDED ACTIONS FOR YOU

1. Request the Office of the Comptroller to report how states such as Colorado, California, and Oregon with diverse populations and acute water and environmental problems select environmental board members. Many appointments in these states are at large with approval by some portion of the Legislature without guaranteed slots for the Agency.
2. Commit to the same management and attention from your office to the regulatory aspects of TDEC as to wilderness and parks.
3. Fund research for solid waste reform. To date, TDEC has not invested money to research how to institute "Best Practices" and to manage solid waste as a resource for business.

From 1994–2006, following the 1991 Solid Waste Act, the University of Tennessee Knoxville received \$10–\$12 million for research and management of solid waste. In year 2006, the General Assembly defined needed research in *SB 1779/HB 1345*. Middle Tennessee State University and Tennessee State University were asked to research: diversion of Class IV Construction and Demolition Waste; nature of hazardous waste in the solid waste stream; use of raw materials in the waste stream for business; how to divert waste from landfills at Transfer Stations and landfills; and methods to remediate landfills polluted by hazardous waste [*SB 1779/HB 1345*]. A fraction of the needed funds were allocated. Despite the mandate for solid waste reform in year 2007 [*SB 2267/HB 2289*] TDEC has not funded this research or helped find funding from business, foundations, or the federal government. Independent research is needed to manage solid waste as a resource for business and to remediate ground water pollution created by landfills in Tennessee.

We appreciate the opportunity to address these problems. Managing solid waste as resource for business rather than material to be landfilled can be accomplished by implementing existing "Best Practices" can generate jobs and savings. We believe pervasive groundwater pollution is a compelling argument to make change in Boards and Commissions to change the regulatory culture of TDEC.

Thank you

Bruce Wood
President

R C Bartlett
BURNT Board

cc Tennessee Department of Environment and Conservation
Members of the General Assembly
Mrs. Gloria Sweet-Love, President, Tennessee Conference NAACP

enc Expert Opinion, Ground Water Pollution from solid waste and landfills
Excerpts, environmental studies with web site citations