

17 October 2007

Tennessee Water Quality Control Board

RE: Public Comment on Tennessee Water Programs

BURNT is a non-profit citizens group which appreciates all efforts to improve our environment. A fundamental concern is that Tennessee too often sacrifices the environment for needed jobs or confuses property rights with a license to pollute. The Dickson County Landfill, Tullahoma, and New Johnsonville are examples of economic development which hurts the people and the state.

Comments for Today's Public Comment on Tennessee Water Programs

1. We believe TDEC has many good regulators and enforcement personnel. However, their jobs and careers are often compromised by a political climate which sacrifices sound enforcement due to perceived need to support business. By all accounts, the terrible pollution of the Harpeth River in Franklin by Egyptian Lacquer was inadequately investigated and sanctioned. Leniency toward those who damage the environment hurts the citizens, the environment, and business. Tennessee recruits the polluters who use our state as a way station to third world counties.

2. We must sooner or later assess the impact of agriculture on the waters of the state. Farm animals should not use rivers as toilets. Chemicals in agriculture are changing the biology of humans. In Minnesota, the rain contains sufficient endocrine disruptors (estrogen mimickers) to chemically castrate frogs due to heavy use of the herbicide Atrazene on corn in the mid west. Humans are vulnerable to intrusive impact of these chemicals. Ironically, farmer yields have not apparently risen since the 1940's prior to introduction of these heavy chemicals and now.

3. BURNT believes the use of sewer sludge—treated industrial and human waste—as a soil amendment or agriculture use is a risky practice which defies common sense. Our society has multiple, toxic chemicals which even trace amounts may damage the environment. Complacency of regulators is misplaced. Many serious scientists oppose this practice. We must not allow a politicized government in need of a solution for waste disposal to lead us to dispose of human and industrial waste on farms, golf courses, and rural land where it will percolate into the water.

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4. All *T.C.A. 69-3-118(a)* “*Other Remedies*” complaints [Complaints to the Commissioner] must be investigated by TDEC staff and a recommended course of action made. A current *T.C.A. 69-3-118(a)* complaint was wrongly dismissed by the Commissioner on the basis of being “duplicitous” because the Division of Solid Waste was working on the complaint. However, “duplicitous” means deceitful not duplicating other work. The Office of General Counsel should not order a hearing with an Administrative Law Judge to get dismissal until a case comes before the State Water Quality Control Board.

5. The policy on Supplemental Environmental Projects to compensate for pollution must be considered. In a recent Federal Consent Decree, involving a 20 year old Metro Sewer Overflow problem, Nashville was allowed to compensate for years of damage by installing sewers in a sub-division with 350 homes on septic tanks and subsidizing an environmental group to plant trees and educate citizens on water pollution. First, the sub-division with 350 homes with septic tanks never should have been allowed and this sewer project was already on Nashville’s Capitol Budget. Second, paying a citizen’s group for volunteers to plant trees and educate citizens is an abuse—it is government officials not citizens who need to be educated.

6. We are very concerned that Metro Nashville government may have been granted waivers of requirements to reconstruct sewer lines when major construction took place.

7. State legislation last year required water districts to find leaks in water pipes. We believe there is a major need to find leakage of untreated sewer in lines back to the water treatment plant.

8. We believe the composition of this Board is inappropriate and weighted toward state interests. In an appeal of the permit granted to Southern Services to destroy a wet land on the Cumberland River for continued expansion of a Construction and Demolition Landfill, the eight member panel was all white, all male, and three worked for the State. The decision deliberated was “Did TDEC make the right decision?” Under the law, the question should have been “Did the permit comply with law?” Further, our state must learn that property owners do not have unlimited rights. This multi-national company which owns Southern Services knows how to run a Construction and Demolition landfill so that 65% of the waste is recycled and does so in other states. But until this board and this government require reasonable and proven methods, landfill companies and other polluters will continue to do what the State allows. Southern Services Landfill in a primarily black neighborhood is not the responsibility of the company. The State is at fault.

Thank you

Bruce Wood
cc: BURNT Board

