

BOARD OF SUPERVISORS MEETING

APRIL 17, 2007

The Campbell County Board of Supervisors met on the 17th day of April 2007 at 7:00 p.m. in the Rustburg High School Auditorium, Rustburg, Virginia. The members present were:

J. D. Puckett, Chairman, Presiding	Brookneal Election District
Rick Boyer	Sunburst Election District
Calvin P. Carter	Altavista Election District
Charles W. Falwell	Timberlake Election District
Eddie Gunter, Jr.	Concord Election District
Hugh T. Pendleton, Jr.	Rustburg Election District
Hugh W. Rosser	Seneca Election District

R. David Laurrell, County Administrator
Clifton M. Tweedy, Deputy County Administrator
Catherine H. Moore, Clerk to the Board

The following is a verbatim transcript of the public hearings heard on April 17, 2007 as transcribed by Rachel Barksdale. Any clarifying information such as exhibit numbers, votes, etc. are denoted in brackets [] as recorded by the Clerk of the Board.

MR. PUCKETT: I call the Campbell County Board of Supervisors meeting to order at this time. [7:00 p.m] It's a sad moment in the history of Virginia of all that took place yesterday at Virginia Tech. I, being a graduate of Virginia Tech, have a feeling, also, for those students, for those families, and all that was affected by the events of a horrendous crime—the death, the senseless death of so many individuals yesterday at the higher institution of learning in Virginia. It's time that we look at ourselves, we look at others, but we help one another in whatever our times may be, and work to work with each other and not against each other. I would like to ask at this time if we would all please stand and have a moment of silence for these individuals.

(NOTE: At this time there was a moment of silence)

MR. PUCKETT: Thank you. We are here tonight to hold a public hearing on the biosolids ordinances. I know some of you—you've had opportunities to sign up to speak and I would like to, at this time, ask our County Administrator, David Laurrell, to please go over the public hearing process that we'll be using tonight.

MR. LAURRELL: Mr. Chairman, thank you.

There's three public hearings scheduled for this evening and the three are all related to ordinances of varying complexity regulating the land application of treated sewage sludge in Campbell County. The time—I haven't seen the signup sheets yet so we are going to take a moment after this to find out how many people have signed up—but the time allotted for the three public hearings is four hours.

If the number of people signed up to speak for the three hearings exceeds the four hour time allotment, the Board has tentatively decided to limit the number of speakers. However, it may decide to continue the public hearings until a future date if there are any remaining speakers. The time allotted for each of the three hearings will be based proportionately on the

number of people who have signed up to speak. Time allotments for the hearings will be determined as soon as possible after the beginning of the first public hearing. Groups and individuals were provided an opportunity to sign up to speak until the beginning of the meeting at 7:00 PM. Only those individuals who signed up prior to 7:00 PM will be provided an opportunity to speak.

There are two main groups involved in the discussions this evening—those in favor of the land application of biosolids represented by local land appliers and those opposed to the land application of biosolids represented by the Citizens Against Toxic Sludge. Both of these groups will be allotted one fifteen-minute presentation during any one of the three public hearings. The fifteen-minute presentation may involve one or more presenters, at their option.

Any individual representing a group of individuals will be afforded a five-minute presentation opportunity. Any individual wishing to speak that is not representing a group will be afforded a three-minute presentation opportunity. If an individual is representing a group they should have noted this on the signup sheet and identified what group they are representing. Immediately prior to beginning their presentation, each speaker must identify their name, address of residence, the group they represent or relationship with a group if it is relevant. Additionally, anyone representing a group should ask the group they are speaking for to please stand and be recognized prior to making your presentation.

Speakers will be asked to come forward and make their presentations in the order in which their name appears on the signup sheet, with those in favor of the proposed ordinance going first and those opposed to the proposed ordinance going second for each of the three respective hearings. Hearing for Ordinance A will be first, Ordinance B will be second and Ordinance C will be third. Both the speaker that is currently scheduled to speak and the next in line speaker will be identified to come forward and be prepared to make their presentation. All speakers are encouraged to present their information in a clear, concise fashion and not repeat information previously provided by others.

In order to help speakers keep track of time, there's three colored cards that will be used by staff on the stage over here to my left. The green card will be displayed during the time the speaker has to make their presentation. When one minute is remaining the yellow card will be displayed. At the end of the time allotted for the speaker the red card will be displayed and an announcement will be made that the time has expired. At that point each speaker is expected to conclude their comments and allow the next speaker to have their opportunity to make a presentation.

At the end of the allotted time for each public hearing any remaining speakers may not have an opportunity to speak, depending upon the total time that has passed. The total number of speakers having the opportunity to speak will be dependant on how many people haved signed up to speak and how long speakers use to make their comments. The shorter individual presentations are the higher number of people have an opportunity to speak within the allotted time.

Mr. Chairman, I also wanted to go ahead and just give a background on the ordinances if there's not any other questions on that.

MR. PUCKETT: (Inaudible). Okay.

MR. LAURRELL: The issue of land application of biosolids arose in Campbell County approximately four years ago. At that time the Board invested a considerable amount of time to investigate what options the County had to provide appropriate oversight of the state program administered by the Virginia Department of Health. After considerable research and discussion the Board adopted several legislative priorities including a definitive statement that the County was opposed to the land application of treated sewage sludge without the appropriate oversight and regulation by the Board of Supervisors.

Beginning in June of 2004, the Board adopted priorities for their legislative agenda related to the regulation of the land application of biosolids. The following three priorities have been included on the Board's agenda for the past two years: One is to move the responsibility for oversight for biosolids from the Virginia Department of Health to the Virginia Department of Environmental Quality; two was to regionalize the monitoring of bio-solids under the regional offices of the Virginia Department of Environmental Quality with cost for such monitors to be recaptured in the current per tonnage fee assessed for monitoring and testing; and, three, was to provide localities with the authority for final site approval for the application of biosolids within the County at the given locality.

Working with area legislators, the Board was successful in achieving the first priority of getting the oversight of the land application of biosolids moved from the Virginia Department of Health to the Virginia Department of Environmental Quality and getting the fee raised to 750 per dry metric ton of land applied material.

The County plans to continue working with the Department of Environmental Quality to establish a comprehensive and meaningful statewide testing and monitoring program that is not done solely on a locality by locality basis.

Additionally, since Virginia only allows counties the authority to adopt regulations specifically provided by the state legislature, the County intends to continue to work with our area state legislators to effect changes in state code that provide greater authority to local governments on site approval and oversight.

In December of 2006, the County was approached by a citizens group, Citizens Against Toxic Sludge, to consider adopting an ordinance to be developed in collaboration with the Community Environmental Legal Defense Fund. The Board directed staff to work with C.A.T.S. and bring back a workable ordinance for their review. The original draft was formulated on three fundamental components: the testing and monitoring requirements authorized by state code, an additional set of testing and monitoring requirements potentially allowable under the auspices of the Federal Clean Water Act and language banning the land application of treated sewage sludge by corporations based on Constitutional grounds.

After considerable input by various groups and individuals, the Board authorized staff, after considerable discussion, to advertise three public hearings to obtain public comment and testimony on the three components of the original draft ordinance passed by C.A.T.S. The first ordinance for public hearing this evening is the full text ordinance proposed by C.A.T.S. including all three components. The second public hearing will address the ordinance that incorporates the state authorized testing and monitoring provisions as well as additional provisions based on the Clean Water Act. The third public hearing is related to the final

component that addresses only those testing and monitoring activities specifically authorized by Virginia statute.

MR. PUCKETT: Thank you, Mr. Laurrell.

A couple of things I would like to bring to your attention. As with any public hearing the Board of Supervisors is interested in hearing your opinions and perspectives from everyone. We will do our best to provide everyone wishing to speak an opportunity to speak within the time constraints that's been set forth tonight.

In order to allow all opinions to be expressed, we expect that everyone here tonight will act in a professional and courteous manner and allow each speaker to present their information, uninterrupted, regardless of what—whether or not you agree with those individuals.

The public hearing process is the basis upon which everyone has the opportunity to express their views to the Board who then has the responsibility of considering the input and making a final decision. Your respect for all speakers and courteous behavior this evening is greatly appreciated and will help us in that deliberation. Remember as we speak that we do have respect for each individual. They are our neighbors and our friends and we would expect for to continue to be neighbors and friends after tonight.

At this time I would like to open the first public hearing—public hearing on Ordinance A which deals with the corporate language, the Clean Water language, the testing and monitoring language. I open this public hearing at 7:10.

Mr. Laurrell, would you bring forth—and I'll check on the other—(inaudible).

MR. LAURRELL: Mr. Chairman, the first speaker is Jennifer England representing the opponents to the land application of biosolids and she has fifteen minutes to make her presentation followed by Tammy Belinski who is representing the C.A.T.S. group who has five minutes.

MS. ENGLAND: First I'd like to present the Board with 716 additional signatures to those that we have presented in the past. **[Exhibit #1]**

Gentlemen of the Board, it has been three and a half months since the citizens of Campbell County asked you, their Board, to pass an ordinance to protect our county from the land application of sewage sludge. In that time we have watched as bills that would have helped us were introduced in Richmond and then killed. We watched as the public relations machine moved into high gear to defeat those who wish to have control over what their community looks like, smells like, and how safe it is for their families. All that effort, all that money and, yet, here we are.

We are here tonight, gentlemen, because we, the people of Campbell County, will not back down. While there are three ordinances advertised for this evening only one will achieve the goal of stopping the sludge from being spread. Only one will give meaningful relief and protection to the people here and all of those opposed to this dangerous practice. The others are not acceptable.

For all their efforts, this sludge industry has been unable to stop the people whom they have sickened from speaking and those who are next on the sludge industry radar are listening. The people in Campbell County and all the counties of Virginia are unwilling to become just victims of legal poisoning relegated to the status of anecdotal illness. The peer reviewed non-industry funded science shows us that there are serious risks to those living in the areas

surrounding sludge spread sites. People living in those areas have a twenty-five times greater risk of contracting the viral Methicillin-resistant Staphylococcus Aureus than hospital patients. People across the country who have never met one another are suffering from these same symptoms and illnesses, their only commonality being their forced exposure to sewage sludge. Depending on the treatment method as much as fifty percent of the total viral load can remain in sewage sludge according to a 1983 Charles Gerba study and referenced in a 2000 study by Shipron, et al.

As we speak, there are people in Bedford suffering from e-coli infections in their lungs, those with severe asthma that used to breathe freely and whose doctors blame their exposure to sludge for this respiratory decline. Doctors here in Campbell County have expressed concern for the health of their patients who live near proposed spread sites. Some sludge proponents say that there is no evidence that sludge has ever harmed anyone yet the VDH's own website shows 207 separate sludge-related complaints. No evidence that sludge is any more than a fertilizer and soil amendment with no harmful components, no evidence that anyone has ever become sick from sludge.

At this time I will enter into the record exhibits that support our position that not only is sludge a toxic blend of hospital, morgue, chemical and pharmaceutical, industrial and household waste, but that it is harmful to those who are forcibly exposed to it. Before I do, however, I want to make this statement. At its core, this issue is one of local control and the unalienable rights of the people of this county to self-governance and majority rule. We have been forced to become experts in enveloped and non-enveloped viruses, bioaerosols, erosion, water contamination, high-level disinfection, gasification and the shortcomings of the current sludge disposal methods. While educating yourself on an issue is a responsible way to make a decision on it, this has gone too far. Decisions about how to protect the health and safety of the people and environment in our community cannot be left to the scientists or their data. Self-governance by community majorities is all the peer review we need to make legitimate governing decisions. The democratic process holds the will of the people over that of corporations.

We, the people of Campbell County, would vote overwhelmingly to stop the dumping of sewage sludge where we live, yet we have been forced in no small part by the very people charged with representing us to spend literally several hundred hours researching and becoming real world experts on sludge. Bearing that in mind, please accept into the record the following exhibits along with our unwavering demand that you use this information to support, adopt and enforce the C.A.T.S. Ordinance under consideration this evening. I'll read them off by number and title: **[Exhibit #2]**

- 1) *Office of the Inspector General Status Report;*
- 2) *Recycled Biowaste as a Source of Infection;*
- 3) *The Role of Municipalities in Regulating the Land Application of Sewage Sludges;*
- 4) *Letter from F. Edwin Hallman, Jr. to Honorable Barbara Cubin;*
- 5) *Reforming Scientific and Medical Publishing Via the Internet;*
- 6) *Survey of Organic Wastewater Contaminants in Biosolids;*
- 7) *The detection of astrovirus in sludge biosolids;*
- 8) *North Carolina—Sludge Contaminates Well and Surface Water;*
- 9) *Sludge Spread on Fields is Fodder for Law Suits;*

- 10) *Sludge Victims-The Ruane Family;*
- 11) *Permit to Discharge Wastewater Under the National Pollutant Discharge Elimination System;*
- 12) *Letter from Alan W. Kilmek;*
- 13) *Suppression of Environmental Science;*
- 14) *Abstracts of Cornell University studies;*
- 15) *Land Application of Sewage Sludge in Pennsylvania;*
- 16) *Considerations for Dairy Farms Regarding Uses of Sewage Sludge;*
- 17) *Criteria and Recommendations of Land Application of Sludges;*
- 18) *Comments on Standards for the use of Disposal of Sewage Sludge;*
- 19) *The Sludge Hits the Fan;*
- 20) *The Sludge Scam;*
- 21) *Sludge is Sludge is Sludge: the Illusion of Safety;*
- 22) *Industry Attacks on Dissent;*
- 23) *Potential risks when spreading anaerobic digestion residues;*
- 24) *Dissemination of Vancomycin-Resistant Enterococci Harboring vanA;*
- 25) *Salmonella isolated in sewage sludge;*
- 26) *Induction of Escherichia coli and Salmonella;*
- 27) *The Viable but Nonculturable State in Bacteria;*
- 28) *Citizen Petition Before the United States EPA;*
- 29) *Interactions of pathogens and irritant chemicals in land-application of sewage sludge;*
- 30) *Regrowth of faecal coliforms and salmonellae in stored biosolids and soil amended with biosolids;*
- 31) *Study finds chemicals in biosolids;*
- 32) *Comments to US EPA regarding Dioxin Standards for Land Applied Sewage Sludges;*
- 33) *Application of Sewage Biosolids to Agricultural Soils in the Northeast: Long-term Impacts and Benefit Uses;*
- 34) *Why Guidelines for Beneficial Use of Sludges in Agriculture are Different;*
- 35) *High-Level Disinfection Standard for Land-Applied Sewage Sludges;*
- 36) *Clustering of Reported Health Incidents;*
- 37) *Investigation of Alleged Health Incidents Associated with Land Application of Sewage Sludges;*
- 38) *Organic chemicals in sewage sludges;*
- 39) *Estimating aerosolized contaminants from class B biosolids;*
- 40) *VDH—Land Application of Biosolids Site Inspection Form;*
- 41) *A large multi-pathogen waterborne community outbreak linked to faecal contamination of a groundwater system;*
- 42) *Land application of sewage sludges: an appraisal of the U.S. regulations;*
- 43) *Myths about Land-Applied Sewage Sludge;*
- 44) *Lynchburg, Virginia, May Enter the Biosolids Market;*
- 45) *Sick of all that sludge;*

- 46) *The Dirty Work of Promoting “Recycling” of America’s Sewage Sludge;*
- 47) *Fertilizer Under Fire;*
- 48) *Biosolids need more scrutiny;*
- 49) *Researchers Study Bioaerosols at Class B Land Application Sites;*
- 50) *Local Control Issues 1, 2, 3;*
- 53) *Letter from G. Tracy Mehan, II and Paul Gilman of the EPA to the Director of the CDC requesting help;*
- 54) *Ample Questions & Answers by Dr. Aaron Margolin;*
- 55) *Israeli startup transforms sewage sludge into fuel;*
- 56) *Toxic metals in sewage sludge-amended soils;*
- 57) *Use of MINTEQA2 and EPACMTP to Estimate Groundwater Pathway Risks from the Land Disposal of Metal-Bearing Wastes;*
- 58) *Integration of Chemical and Pathogen Risk Assessment;*
- 59) *Management of Biosolids;*
- 60) *Synthetic Organic Pollutants in Land-Applied Sewage Sludges;*
- 61) *Federal Register Vol. 68;*
- 62) *EPA/WERF Fact Sheet;*
- 63) *Uptake of dioxins by pastures more rapid than previously thought;*
- 64) *Biosolids Applied to Land;*
- 65) *Effects of Surfactants on Sludge Dewatering and Pollutant Fate;*
- 66) *Stakeholder Participation and Local Control of Sludge Spreading a Sham;*
- 67) *Suds Fill Streets in Idaho, Alaska;*
- 68) *Letter from Kern Food Growers Against Sewage Sludge;*
- 69) *Letter from Gary O. Ingram, Contractor of disposing of Sewage Sludges to David Lewis;*
- 70) *Letter to Barbara Rubin from anonymous truck driver who hauled biosolids;*
- 71) *Sludge Plant Operator Thanking Senator Dean Florez;*
- 72) *Europe Sets Minimum Levels for Dioxins and PCBs in Food;*
- 73) *Biosolid Colloid-Mediated Transport of Copper, Zinc, and Lead in Waste-Amended Soils;*
- 74) *Researchers Study Fate of Prions in Wastewater;*
- 75) *Describing Sludge;*
- 76) *Investigating Health Claims Allegedly Associated with Biosolids;*
- 77) *Advances in Risk Assessment Since the Establishment of the Part 503 Rule;*
- 78) *The Health significance of environmental odour pollution: revisited;*
- 79) *Effects of bioaerosol polluted outdoor air on airways of residents: a cross sectional study;*
- 80) *Source Tracking of Microbial Aerosols Emitted at Class B Biosolids Land Application Sites;*
- 81) *Letter to VA Department of Health from Drs. Thompson and Shehady and NP Harris;*
- 82) *Section 15.2-1220. General powers of counties. Virginia State Code;*

- 83) *Toxicological Studies Associated with the Agricultural Use of Municipal Sewage Sludge and Health Effects amongst Sewage Treatment Plant Workers;*
- 84) *Organic Toxicants and Pathogens in Sewage Sludge and Their Environmental Effects;*
- 85) *Owner/Operator Agreement, Nutri-Blend, Inc., Land Application Program;*
- 86) *Catch 22—The Plight of the Farmer Who Accepts Sludge;*
- 87) *Middlesex County (NJ) Utility Authority Annual Pre-treatment Progress Report plus Material Safety Data Sheets;*
- 88) *The Sludge Report. Richard Clapp, Laura Orlando, et al;*
- 89) *The University of Toronto, Health Aspects of Biosolids Land-Applied;*
- 90) *Urban Aerosols harbor disease and dynamic bacterial populations.*

Excuse me. Gentlemen, this evening you will probably hear from those who derive their information from the Virginia Bio-solids Council who also provided you with the biosolids “fact book” last week. Please take into consideration that this is not a state run council and doesn’t even have a board. Their member list reads like a who’s who in the sludge industry. All contact information and registrant information leads only to public relations professional Charles Hooks and his PR firms. The mission statement of Crocket-Hooks reads “Any action that could impact a community’s natural or cultural resources, land, water, air, scenic views, historic sites, or quality of life is almost certain to provoke public or media interest.”

I am sure that the citizens of Campbell County who refuse to be forcibly exposed to sewage sludge do feel that their quality of life, land, water and natural resources will definitely be adversely impacted by this practice. In addition, their website goes on to state that they “identify potential opponents and allies and evaluate the resources available to produce the desired results.” It seems to me that your very own citizens are their opponents and that they, indeed, are using all of the resources they have available to produce the desired result of sludge entering our fair county.

I point these things out to you so that you may see how clearly the lines are drawn. Don’t let the important sounding name or the wispy blades of grass on the letterhead fool you. The Virginia Biosolids Council is no grassroots organization. It is aimed at the citizens of Campbell County to thwart the will of the people here. The question before you is as simple as right and wrong. You are either with us or with them—black and white. We ask you to pass the full C.A.T.S. Ordinance and vote this evening. Thank you for your time.

MR. PUCKETT: Thank you Ms. England. We’ll move on to our next speaker. Mr. Laurrell.

(**Inaudible conversation**)

MR. PUCKETT: All right. All those in favor of Ordinance A, please stand at this time. [**Approximately 300 -350 people stood**] Okay. Thank you. Please be seated.

MR. LAURRELL: Ms. England, we just want to make sure those are for our records. Correct? Okay. Thank you very much. Tammy Belinski is up for five minutes representing the C.A.T.S. group and Jo Overbey is on deck.

MS. BELINSKI: My name is Tammy Belinski. I’m counsel for the Citizens Against Toxic Sludge. I’ve met a few of you. What you may not also be aware of is that in addition to my legal education I have a bachelors degree in public health from the University of North

Carolina at Chapel Hill and a masters degree in environmental science and engineering from Virginia Polytechnic Institute and State University and I am a former Department of Environmental Quality Wastewater Engineer where I issued permits similar to the sludge permits that are at issue here tonight.

Ordinance A, supported by the majority if not the entire body here tonight—ah—is intended to restore the rights of self-governance to the citizens of Campbell County. Ordinance A is about self-governance. Why is restoration necessary and why are the citizens of Campbell County here tonight demanding protection and offering evidence of the peril that is certain to be delivered by the truckload upon this land-loving county? Why—well because corporations, the lifeless creations of legislatures that they are, have more rights under the Constitution than the citizens have. Corporations are bestowed the status of persons under the law. With the status of persons, corporations then can use the Interstate Commerce Clause and other Constitutional provisions such as equal protection and due process to stop citizens from self-governing their own communities. Ordinance A restores the rights of the community by stripping the illegitimate rights of the corporations. In support of the provisions in Ordinance A that restore the rights of self-governance to the community, I have documents to enter into the record of this decision-making process. I also am available to assist the defense of Ordinance A. I will describe each document and then give a copy of each to the Board to support their decision to reclaim the rights of self-governance. I have fourteen documents. They all support the corporate provisions in Ordinance A. **[Exhibit #C]**

Virginia Code Section 13.1-697 and 13.1-876—these are the indemnification provisions of the Virginia Code that indemnifies stock and non-stock corporations, insuring non-liability for their directors and officers acting in their official capacities which would give the citizens little recourse for harm caused.

I have Form 10-K, March 1, 2007, of Centigrade Technology, a Form 10-K of the Securities and Exchange Commission. This gives an overview of the practice of municipal sludge, management and the representation that there are a very small number of entities involved in this practice.

I have a copy of the Declaration of Independence.

I have an article called “When is a Corporation Like a Freed Slave” by Barry Yeoman published in MotherJones Magazine in November and December of 2006.

I have an article called “Who Really Governs” published in O’Ryan magazine in November and December of 2003 by a gentleman by the name of Jeffrey Kaplan.

I have a NOW—ah—segment, a NOW publicized broadcast segment on a DVD about the Frost litigation in Pennsylvania filmed February 18, 2005.

I have the Model Legal Brief to eliminate corporate rights that gives you all of the legal background and legal support for Ordinance A in black and white from A to Z.

I have the Waste Management Holdings v. Gilmore decision. 87 F.Supp.2d 536 of the Eastern District of Virginia in the year 2000. I have the Fourth Circuit opinion in that case, Waste Management Holdings v. Gilmore—ah—252 Fd—

MR. TWEEDY: Your time is expired.

MS. BELINSKI: Thank you. I have all of these documents here for you. I’m going to add them to (inaudible)

MR. LAURRELL: All right. Jo Overbey is up and Burks Hark, I believe it is, is on deck.

MS. OVERBEY: Good evening. Gentlemen, I would like to address some of the legal issues.

First, you need to understand that the Attorney General has no authority, under Virginia law, to bring a suit against the County. In Pennsylvania, the sludge haulers had to pass the ACRE Law to enable their Attorney General to challenge the four hundred communities who had banned the spreading of sludge. It took them seven years of hard work to get the ACRE Law passed which then allowed the Attorney General to do the sludgers dirty work.

The Pennsylvania AG has since gone after those ordinances that most resemble the substitute ordinances that you are offering here. Despite sludge proponents' claims to the contrary, thus far Pennsylvania AG, Thomas Corbett, has declined to challenge any of the ordinances crafted by CELDF. The C.A.T.S. Ordinance governs corporate involvement in the dumping of sewage sludge. The people make the governing decisions about issues that directly affect their communities. No genuine system of justice would support corporations making governing decisions under the guise of lawsuits. The C.A.T.S. Ordinance allows us to govern dangerous corporate behavior rather than regulating the amount of harm that will be legal. So, who will sue us? Sludge corporations and industry puppets? And what will happen if they do?

With either of the substitute ordinances we will be arguing over how much sludge these corporations should be permitted to dump, but if you pass the C.A.T.S. Ordinance, the corporate sludge haulers will have to say that we have no right to make governing decisions to protect the health, safety and welfare of our people. Read the language of the C.A.T.S. Ordinance. The ordinance is designed to focus the argument on who governs instead of how much sewage can be dumped. Regulations and tepid ordinances only grant us the illusion of safety and local democracy.

To challenge the C.A.T.S. Ordinance they will have to come out of the shadows. Any attempt to strip us of the power to protect our citizens is a betrayal of public trust. Do not be party to that betrayal. We insist you pass the C.A.T.S. Ordinance on the basis of our self-governing authority. CELDF assisted in drafting our ordinance and has committed to defend it. They are willing to stand with the residents of Campbell County. We acknowledge that the ordinance we bring may be challenged in court. It may be hard to see how self-government and local democracy can hold up in court but that does not mean that we should stop asserting them. Stand with us. Sometimes we are called upon to act above and beyond what we have ever done before. We are calling upon you now. Thank you.

MR. LAURRELL: Ms. Overbey, could you do me a favor and give us your address—I'm sorry—Route 24, Rustburg—is that—

MS. OVERBEY: (Inaudible).

MR. LAURRELL: Okay. Very good. Burks Hark is up and Charles –

MS. HARKINS: Harkins—

MR. LAURRELL: --Graf is on deck. And if you would, give us your name and your address.

MS. HARKINS: Yes. My name is Burks Harkins. My address is Solitude Lane, Rustburg. I am a Campbell County resident and, obviously, a mother of young children so I'm

speaking tonight on three related issues: sludge in our food supply, links to autism and health problems, and Dr. David Lewis.

While the sludge industry continues to deny the link of land application of sludge to our mounting health problems, we believe that if you listen you will begin to hear the foreshadowing of the largest environmental catastrophe we have ever known. Sludge has entered our food chain despite the repeated cries of alarm from scientists. These scientists warn of physiological mayhem. Listen to the numbers of autism cases—one in one hundred fifty children is on the spectrum of autism and one in six has a neurodevelopmental delay. Harvard researchers announced recently that industrial chemicals may be impairing the brain development of children around the world. Listen to the latest research on treatments for autism—often detoxifying these children's bodies of heavy metals is the key to success.

The CDC reports that as far as the impact of chemicals on neurodevelopment, only about twenty to thirty of eighty-five thousand chemicals have been studied. The EPA monitors only nine of the thousands of pathogens commonly found in sludge. I wonder why we do not have this smoking gun but if you listen for it we think it is there already. Food processors know it.

There is an enormous list of suppliers and producers that will never accept sludge in their food products and have taken the stand that land application should be stopped. Why? They know of the disaster to come and are protecting themselves from lawsuits. Non-industry funded scientists such as Dr. David Lewis have sounded the alarm for years. Dr. Lewis is the researcher who first discovered that HIV survives the sterilization process on dental instruments. Many have avoided HIV infection thanks to him. Dr. Lewis stated that sludge would cause the Mt. Everest of environmental problems and it was the perfect example of the EPA making rules before there was science to back them up.

You have heard the refrain—farmers have been using it around here for years with no problems—but not Class B sludge from New York and New Jersey. The effects of land applied sludge promise to rival the effects of dumping it into the ocean where it created vast dead zones. I ask you to indicate today which parts of Campbell County you have targeted to become the dead zones if you fail to adopt the C.A.T.S. Ordinance. If we fail here today our children's generation will look back and wonder what stopped us from protecting our community, what oppressive tyranny could have delayed our action. How will our children explain to our ill and suffering grandchildren that there was a time when wisdom could have changed the future but men cowered in fear of lawsuits and chose to do nothing? To our Board of Supervisors I say you have the opportunity to declare here today if there is something more important than money and profit for a few.

MR. TWEEDY: Your time has expired.

MS. HARKINS: Thank you.

MR. LAURRELL: Charles Graf is up and Mary Graf is on deck.

MR. GRAF: Charles Graf, Concord, Virginia. Some farmers say that they have the right to do whatever they choose with their land. I partially agree with that statement, but it is misleading for them to say that they can apply sewer sludge only to their land. In order to apply sewer sludge to their land only, they would have to cover it immediately after application so that the wind would not blow pathogens off their land. Research shows that the pathogens become airborne during application and disking into the soil. Next they would have to assure

that no rain percolates their soil carrying heavy metals and toxins into the aquifer. They would have to assure that there would be no runoff into the streams and rivers.

Groundwater has been polluted by the land application of sewage sludge. Mr. Charles Falwell spoke of such research by The Well Drillers Association in conjunction with the University of Ames, Iowa. Those who choose to spread sludge on our land would have to refrain from selling to the public any food produced on that land. Tests have shown that plants and animals take up the toxins from the soil and put them into the food chain. Last but not least the owners should record on their property deeds that sludge has been applied. It is only honest and fair that the future generations of owners know their land may well contain pathogens, heavy metals and toxins.

Just because I own land, which I do, does not give me the right to use it indiscriminately. For example, if I build a bonfire on my property and breeze blows sparks into my neighbor's barn and sets it afire, I could not say that I was absolved from any responsibility because I put the fire on my land. The same is true for spreading sewer sludge. In addition to profit, a landowner needs to consider his responsibility for protecting the environment as well as the consumers he hopes to serve. This not only makes moral sense, it makes economic sense in the long run.

In capsulating what I have said, though, sewer sludge is applied only to the landowner's field in reality it has sludged the land—he has sludged land and it is a source point of contamination for the air, the water and the food chain. Land application of sewer sludge with its unknown contents tramples on the rights of the other landowners and on the rights of all our Campbell County citizens. Their rights to clean air, water, environment, and healthy food.

MR. LAURRELL: Mary Graf is up and Ann Burleigh is on deck.

MS. GRAF: Okay. I'm Mary Graf, Concord. I would like to make the point that our government does not always look out for the best interests of its common citizens, at which time they need to stand up for their own rights. Here are some examples: slavery and segregation were supported by our government until people rose up to abolish those injustices, workers' rights were ignored by the government until labor unions were formed, the fight for women's rights happened in response to a government that hadn't allowed women the right to vote, to own property, to wear pants in public, to continue teaching school once they were married, much less pregnant, and to equal pay for equal work.

Now some health and environment examples: our government exposed our American troops to nuclear bomb tests at the Nevada test site and to Agent Orange in Vietnam with a guarantee that they would be safe. Irreparable harm was done to many, many of them. Our government didn't stop the use of DDT for many years after they had learned of its devastating effects on wildlife, and, again, the government dragged its feet so very long before dealing with the terrible health effects of tobacco. Now we have this issue of sewage sludge treading on our health rights and our government is not protecting us.

Like examples just cited, this sludge issue is being treated as what is considered a well-settled principle of law and as shown in the examples a well-settled unjust principle is not so well-settled that it can't be challenged and changed. That is what we are here to do tonight. To quote anthropologist Margaret Mead, "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has."

We, Honorable Board of Supervisors, are a group of thoughtful, committed citizens here to change how our government allows toxic sewage sludge to be disposed of in our county. Please join us and represent us in our effort. You've done your research on the issue, you've listened, you've consulted, you've thought about it, now we respectfully request that you pass the full, complete, original ordinance being presented here tonight. Thank you and God bless.

MR. LAURRELL: Ann Burleigh is up and Tonchi Mason is on deck.

MS. BURLEIGH: Good evening. My name is Ann Burleigh and I'm from Concord. I stand before you a mother of five and a grandmother of thirteen. How do I speak in a new way to say I am opposed to the land application of sludge in Campbell County. I do not have a degree in science or chemistry, but common sense tells me that sludge is not a good thing.

We are expected to be stewards of the land. I fear for my children and my grandchildren. We live on in their memory. Will they remember us for protecting our land or for polluting it? If we spread this sludge, we are polluting the very soil we grow our crops on and that our cows graze on. We have no idea how many generations these toxins will affect or for how long they will remain. How do I open your ears and minds to hear this urgent message from my heart? I do truly fear for the future of my children and my grandchildren.

Where is the justice when one man, or even five, can pollute the soil and water and the very air that our children breathe? You say you are opposed to the spreading of sludge, but instead of accepting the ordinance presented by the Citizens Against Toxic Sludge which would protect us from this sludge being spread, you are proposing other ordinances that take all the teeth out of the one that the majority of the citizens here tonight support. You are our supervisors. We need for you to be leaders who are not afraid to stand up against corporate greed and their false claims. We need for you to be leaders who believe in justice for all, not just for the influential. A wise man said, "Do not be rash with your mouth. Let your words be few." My few words for you tonight are to please pass the full original ordinance. Thank you and God bless.

MR. PUCKETT: Okay. Settle down. We've asked for you to stand once in support and please do not interrupt our flow of information that's being received to us. Now, we don't need to remind you anymore of that. I hope you will respect that of other people that's here and of the Board.

MR. LAURRELL: Tonchi Mason is up and Gaia So is on deck.

MR. MASON: I'm Tonchi Mason from Halifax County. I'm a farmer there. What I have to say about it is, back when I was a young teenager—ah—me and friends of mine—I considered us river rats. We stayed in the river all the time. We find out twenty years later that all the rivers in the State of Virginia are polluted and it came from big business and it came from government letting big business do it. And, you know, I just wouldn't put anything on my property, my farm, that I thought would hurt my neighbor, my children, my grandchildren—which I have a child that lives on one of the farms. Ah—all of my children are hunters. I don't want to do anything to contaminate the wildlife. People fish in my ponds—neighbors, children, friends. I don't want to contaminate the ponds. And the rivers have enough danger to the streams and the rivers in Virginia right now. And—ah—I think it's wrong for anybody that's against sludge to be mad and arguing and all with their friends and neighbors because right now they have the right to put sludge on the land from what I understand. And I

will not have argument with anybody about it but the way I stand I will never put sludge on my property that I think that I might endanger the environment, neighbors, wildlife, or the—our streams ever again. And I thank you.

MR. LAURRELL: Gaia So is up and Charles England is on deck.

MS. SO: I have some documents that I would like entered into the record.
This is an EPA document. **[Exhibit #D]**

I was supposed to have an overhead projector here today so that I could share this visually with everyone, but, oh well.

What I have here is—this is a document from the Environmental Protection Agency that lists about forty chemicals that were narrowed down from 803. The criteria for being on this list is, let's see, that is has a human health benchmark from one or two sources that was not undergoing re-evaluation as of October 1, 2003. Let's see—the sources of the human health benchmarks, which is the point at which harm is done according to the Environmental Protection Agency, were the EPA's Integrated Risk Information System health assessments and EPA Office of Pesticide Program Reregistration Eligibility Decisions or Interim Reregistration Eligibility Decisions. They are Acetone, Acetophenone, Anthracene—well, let me go through this—I also have a list here of the effects of these and they cover quite a few things that were previously mentioned. Ah—Acetone is a suspected cardiovascular and blood toxicant, gastrointestinal or liver toxicant, kidney toxicant, neuro-toxicant, respiratory toxicant, skin or sense organ toxicant. I could go on through this whole list but, trust me, each one of these chemicals that I'm about to name off—you'll probably recognize a few of their names—Barium, Benzoic acid, Beryllium—these are known carcinogens—Beryllium is a recognized carcinogen—ah—these are in the sludge in quantities sufficient to cause harm. That's what the human health benchmark is. I don't think I actually explained that because I didn't bring a script up here.

Going on with the list—Butyl benzyl phthalate, Carbon Disulfide—another known carcinogen—Chlorobenzilate, Chlorpyrifos, Cresol, Diazinon—another carcinogen—chlorobenzilade, chloropuraflos, cresol, diazanon—these are things that are ubiquitous in the sludge. There's 803 chemicals that are found in the sludge. These are the ones that are always there, these are the ones that are always there in quantities enough to cause harm. Another note that I wanted to mention—ah—is—you know—every stream, according to the Department of Environmental Quality, every

MR. TWEEDY: Your time has expired—

MS. SO: --every stream in this county is in violation of the Clean Water Act

MR. PUCKETT: Okay.

MR. LAURRELL: Ms. So, we do have—over here—we do have a overhead projector. I apologize. We were not aware that you needed it. It's—

MS. SO: I broke my wrists yesterday trying to get it.

MR. LAURRELL: It's going to be set up—ah—I'm only aware that one other person needed it. They asked for it earlier. We're going to set it up before the beginning of Ordinance C—would you like to go ahead and show your overhead at that time?

MS. SO: Well, actually I have provided copies—copies of the document is on the—ah—Section A table back there for anyone who wants to see it and I do want those entered into the record.

MR. LAURRELL: Okay, we'll make sure that the Board members get a copy of it.

MS. SO: Yes, there's enough for everybody.

MR. LAURRELL: Thank you. And I apologize for that. We were not aware of it. Ah—Charles England is up and Jim Sosnoski is on deck.

MR ENGLAND: Good evening, gentlemen. I live in Gladys. I'm here to speak tonight in favor of the full C.A.T.S. Ordinance because—I'm sorry—because in my mind there is no other ordinance. I can't read this.

BOARD: Go ahead.

MS. ENGLAND: Charles England is my husband and I'll be reading this on his behalf. I am here tonight to speak in favor of the full C.A.T.S. Ordinance because in my mind there is no other ordinance. The Board has asked for a solution to the sludge issue. Your solution is before you.

Many questions have arisen concerning the legality of this ordinance. Questions raised mostly by people with a special interest in the ordinance's failure. In my opinion, to say that it is not legal is to say that the U.S. Constitution, the Virginia Constitution and the Declaration of Independence are not legal either since the language of the ordinance is derived from those very documents. Just as those documents were drafted by our founding fathers to protect the citizens of our newly formed nation, those words can be used to protect the citizens of Campbell County today.

It is our opinion that if the board goes with any other ordinance, they will certainly receive the lawsuit they are clearly trying to avoid. Other ordinances like the C.A.T.S. Ordinance that are in place today will not be challenged because in order to make a challenge the opposition would have to actually walk into a U.S. courtroom and make an argument against democracy. That is a monumental task and an—and an unlikely one since there are still plenty of other places for the sludge companies to go with their poison.

We are here to urge you to listen to the people and send a clear message to those companies that Campbell County is not one of those places. We have heard it said that ordinances like ours are being challenged in Pennsylvania. It is no secret that we have been working with CELDF. They are a non-profit legal team committed to helping rural communities regain the democratic voice that has been stolen from them by big corporations with lots of money to spend on public relations firms and political campaign contributions. Those companies have no long-term interest in Campbell County aside from their potential profit margins. The ordinances being challenged in Pennsylvania are being challenged because they were not written by CELDF. That is why it would be a mistake for the Board to vote for any other ordinance if you are really trying to avoid being sued.

It has also been said that the language used in the ordinance is too radical. I have just one question for the Board—does the Board view the Declaration of Independence, the U.S. Constitution and the Virginia State Constitution as being too radical? Because our founding fathers certainly did not when they wrote those same words when they were building the greatest nation under God. I urge this Board to do as our founders did—whatever it takes to protect the rights of citizens. You do not even have to have a revolution; you just have to have a vote, a vote for the full C.A.T.S. Ordinance. Thank you for your time.

MR. LAURRELL: Jim Sosnoski is up next and Jolianne Horn is on deck—Jolianne Horn on deck.

MR. SOSNOSKI: My name is Jim Sosnoski and I live on Homeplace Road here in Rustburg. I'm going to comment on the issue of self-governance as it relates to the use of sewage sludge as fertilizer.

Self-governance is really at the heart of this issue in our county this evening. The concept of self-governance is an idea that our country was founded upon. Our founders viewed self-governance as an unalienable right that was given to men by God. They also viewed that the right to life, liberty and the pursuit of happiness was of equal importance. Our country was founded on the belief that power flowed from the people to those in authority. These rights are to be enjoyed as long as they do not deny others of their right to do the same. This proposed practice of spreading sewage sludge is not just a matter of smell, inconvenience, or nuisance, but ultimately one of risk.

Our own federal government has stated that it has not done the necessary research to do a proper health risk assessment and as a result the EPA cannot assure the public that the current land application practices are protective of human health and the environment.

If we have self-governance and we are facing a practice that carries this level of risk, we should be able to determine what is best for our community. I believe our founders did not intend that a few or only those with authority should have the ultimate say in what the people in a given community feel is best for them.

In keeping with the concept of self-governance, the EPA, Part 503 Rule, states that the use of sewage sludge may, in addition to state regulations, be controlled under local regulations and that these regulations may, in fact, be more restrictive than either the state or federal regulations. It would seem that the creators of the Part 503 Rule wanted local communities to be able to decide for themselves how they wanted to, if at all, implement a program of land application of sewage sludge. If this is true, it would seem that any community would be able to look at this issue, all of the data on both sides, and then make a determination as to what they want to do.

Our state government, however, seems to have conflicting principles at work in regard to this issue. On the one hand our State Constitution says that all power is vested in and consequently derived from the people and that magistrates are their trustees and servants. On the other hand, it appears that on the issue of land application of sewage sludge that we cannot make any rule that is more restrictive than that of the state, specifically, that we cannot ban it. As I see it, you cannot have it both ways. We either have the right to self-governance or we don't. I believe that we do, in fact, have the right to self-governance and that this right is exclusively given to men and not to entities or corporations.

We have before us an ordinance that preserves our unalienable right to self-governance. The ordinance that I'm referring to is the full, complete, unaltered ordinance as submitted by the Citizens Against Toxic Sludge organization. I strongly urge the Board to vote on this evening and to pass this ordinance. Thank you for your time.

MR. LAURRELL: Jolianne Horn is up and I have Laura Sosnoski on here, as well, but it's crossed out. Did—Laura, did you cross your name out? Okay, I just wanted to make sure you did it and somebody else didn't. So it's Jolianne Horn and then Charles Poole is on deck.

MS. HORN: Hello. My name is Jolianne Horn and I live on Whipping Creek in Naruna. It's not even really a town. I'm downstream from the dumping of the sludge but my neighbors are upstream from it.

I have three questions. Why do we have new stricter building codes to prevent contamination on private property from our septic systems if anyone can spread sewage on crops? Why not use our own? There's plenty here. Why is there a Clean Water Act including subsidized fencing for livestock, wetland restoration, repairing and buffer strip plantings are subsidized? Why are we cleaning up the Chesapeake Bay, the Ohio River, the Hudson River? This is due to poor planning and those responsible for the mess—are they held accountable? The taxpayers are cleaning it up. The place where the sewage comes from—is it a company in New Jersey? Is that different from New York? Or is Alexandria so far from D.C. that they don't do any business there? Well, of course, we know that's not true. These places at least have seven million homes, more businesses, they use heavy industrial solvents to clean, and there are toxins being spread—people still use Raid in their homes. All this is going down the drain. It's coming here.

Why do they want to bring it here? Well, they are under a contract to get rid of it. They have a goal of spending less money. Of course they want to give it to somebody, but, I mean, I have a septic system and if I told the man downstream that I wanted to dump it on his property he would probably not think that was a compliment or shake my hand and thank me.

Ah—therefore, I want to say to this person and anyone who wants to put sewage sludge, God gives to each family its name. God gives each of us the earth to live on. We are assigned to care for the earth and care about our choices. We are supposed to even eat fruit that has the seed—the productive seed in it. We are to use herbs as medicine. We're not to pollute with our own waste. The Israelites were directed to carry a peg so that they could dig a hole outside the camp—not pollute with human waste everywhere they just went. Ah—God does forgive us for what we do through his Son, Jesus Christ, but this shows that the laws of God still stand or we would not need to be saved by Jesus. However, Jesus said, not all those who say to me Lord, Lord are my followers but those who are doing the will of my Father in the heavens. He can wipe out anyone's name out of the Book of Life and according to Revelation he will bring to ruin those ruining the earth.

MR. TWEEDY: Your time has expired.

MS. HORN: Thank you.

MR. LAURRELL: Charles Poole is up and William O'Donnell is on deck—William O'Donnell on deck.

MR. POOLE: Charles Poole, Concord. I've been asked to—ah—speak on behalf of the hunters.

Ah—in this discussion on sludge—one fact very relevant to Virginians has been missed. When sludge is applied to certain parameters—ah—when it is applied certain parameters have to be met. Livestock is supposed to be kept off sludge fields for thirty days, lactating livestock restricted for sixty days. Food crops cannot be grown on sludge fields for three years. When sludge is applied to a golf course it is mandatory that public access is restricted for a year. So, who is going to go out and explain to the deer, rabbits and quail that they shouldn't be eating from sludge fields for thirty days, at least?

If a farmer sludges a field and the local deer graze on it that night, then the hunter that shoots it is taking home a carcass full of fresh pathogens. Let's take it one step further. The hunter shoots the deer and takes it home to feed his family. Perhaps this is the major source of meat that this family has for the entire year and it is loaded with the residues of human sewage. A great many residents like deer meat but I am afraid that after sludging comes to Campbell County, that they will take venison off their food list. Buying a hunting license will be pointless because there are no controls in place to prevent wildlife from ingesting the sewage.

What will happen in Campbell County when hunters stop hunting because of the fear of eating contaminated meat? The deer population will explode, car wrecks, damage to food crops and wildlife disease will become rampant.

At the very least since even the EPA is saying it is hazardous for thirty days, every farmer using the sludge should be required to deer fence the fields it is spread on. Campbell County says they can't block it but they can require a fence around it. Since the state requires fences around swimming pools as a hazard to public safety it stands to reason they can require a field with sludge to be fenced too. The farmers who want to spread this stuff should be required to fence every field they put it on to keep wildlife off of it and protect the health and safety of the hunters.

Ah—one other thing I'd like to say—my family—we eat three to five deer a year plus small game and fish so I am concerned about the health of my family and my neighbors. Thank you.

MR. LAURRELL: Mr. O'Donnell, if we could interrupt for just a second. We need to change a tape so you can have a seat for about two minutes—

MR. O'DONNELL: Okay.

MR. LAURRELL: --or you can hang out there at the podium.

MR. O'DONNELL: My name is Bill O'Donnell. I live on Nowlins Mill Road. I've been living here in Campbell County about almost two decades. Prior to that I came from whence the sludge comes—New Jersey. I worked in a very huge plant that at one time had—ah—24,000 people working there. I have seen what goes into the sewer systems there. I have also seen what is being dumped from some of the hospitals. Surely it's been cleared up now. It doesn't go into the sewer systems into the rivers as it had at one time—the Hackensack River, the Hudson River—(inaudible).

I learned to swim in the Hackensack River and I used to do a special thing when I come up out of the waters so I wouldn't get some brown stuff on my head. But, seriously, I have seen what goes into the sewer systems. I have also—I do photography and I had a darkroom and I know what photographic labs dump into the sewer systems—the carcinogens, the toxins, the chemicals and things like that—very dangerous. Some of the stuff cannot be destroyed by burning or anything else like that.

Ah—I cannot see putting this stuff in our fields. You have the winds, the rain and things like that. It's going to leach into other people's property. Ah—I feel that if one of my neighbors was to spread stuff around and was to affect me and my health or the health of my family—I'm a father, a grandfather and a great grandfather and I cherish the little ones. And I hate to see the little ones who are most vulnerable to this type of a problem to get sick and to become ill or die. Ah—I'm deadly against dumping this stuff.

If my health or that of my family is affected adversely because of this sludge, I will not go after the companies that dump it? I will go after the farmer because he's the one who put it on the land. He's not being a good steward to his property—his land. Yes, it is cheaper he thinks to dump this sludge—this so-called fertilizer on his property but the long-term cost to everybody is going to be extremely expensive. And if he has to get—if he has to go to court because he's being sued I don't think it's going to be cheap anymore. Ah—thank you all.

MR. LAURRELL: The last speaker in favor of Ordinance A is Elton Thurman. Mr. Thurman.

MR. THURMAN: My name is Elton Thurman. I live at Gladys.

First of all I would like to say whoever gave this human waste the name, it gave it the right name when they added toxic to it because toxic means poison. And it's no—ah—solution to taking care of anything that's poison. If it's poison, it's poison. I've been to other countries where this stuff was being sprayed and everybody over there had to buy and drink bottled water and cook with bottled water. They could wash their clothes in it but they couldn't drink it or cook with it. And it's going to be the same thing here if it's allowed to be spread. It's going to be the same thing that the county, the Campbell County Landfill poisoned the water in this trailer park—contaminated it. It's going to be the same thing if they spread it on top of the ground because I've been in countries where it was spread and there was fish in the creek that long but they couldn't catch them and eat them. And it's going to be the same thing in Campbell County if it's allowed to be spread. And I would like to ask, if it contaminates everybody's well, who's going to buy my water for me. Is the Supervisors or the County? Because it's definitely going to pollute all of the water—streams, rivers and wells. Its got to. Thank y'all.

MR. LAURRELL: That ends the list of individuals who signed up to speak in favor of Ordinance A. Thank you all very much for your presentation. We have one individual who signed up to speak in opposition to Ordinance A—ah—Bob Jean.

MR. JEAN: I'm Bob Jean from Brookneal, Virginia—ah—P.O. Box 118. Ah—Mr. Chairman, Supervisors, I'm here tonight to speak against this ordinance.

I've sat here tonight and listened to all of this information and if I believed it I'd support this ordinance. I would remind you people, you supervisors, that not any of this information you have just received tonight has had scientific proof. If just a small portion of that information was backed up by Virginia Tech, the University of Pennsylvania, the—any of the organizations—DEQ, the Environmental Protection Agency—all of the recognized scientific groups that have examined this sludge or biosolids have said that if it is used properly, properly inspected it is safe. Well, I'm not here to argue about that tonight.

Ah—I don't have any scientific degrees, I'm not a scientist, but I do know that—ah—biosolids in this ordinance that you are called on to pass, this first one, was not written by Citizens Against Toxic Waste—not in Campbell County. It was written in Pennsylvania by Mr. Lindsey and his group. I'm not going into that tonight.

You people have read the information. You have it. You know what this group stands for. Bio-solids is secondary to them. They want to control—change corporate law in America. Two hundred years that has served us quite well. Many of us in this room and many of you have dividend checks you live on. American corporations have helped to contribute and make this country what it is and to give us the standards of living that we have. I would hate to see

Campbell County known and singled out as the only one in the State of Virginia that is anti-corporation.

Make no mistake about it, this group is anti-corporation. If you don't believe it—this C.A.T.S. Ordinance would still allow private citizens and entities to spread the bio-solids. It only restricts corporations, or prevents corporations—ah—from doing it. If you look down at some of these other ordinances, I think the one proposed by the Virginia Association of Counties is a good one. I'm not for toxic waste. Good Lord—I mean—(inaudible)—toxic waste. I mean who's in favor of poisoning people. Nobody is. I don't think you'll find anyone to say—yeah I want to spread a lot of poison around and see how many of my neighbors I can damage. Nobody's for that. But I think, and I call on this Board—we have been told that—ah—

MR. TWEEDY: Your time is expired.

MR. JEAN: Thank you.

MR. LAURRELL: Mr. Chairman, that's the end of the speakers that signed up for the first public hearing. I would suggest that you close the public hearing and then go immediately into B. We don't have anyone who signed up for B and we only have four people who signed up against it. So my suggestion would be—is that you go through B and then we take a break at the end of B.

MR. PUCKETT: Okay, we will close this public hearing at 8:16. We do have the other two to go through. We need to open the public hearing on Ordinance B. And we'll open that at—we'll move it a minute and say 8:17—that we'll go.

MR. LAURRELL: Again, Ordinance B is in reference to an ordinance that incorporates the testing and monitoring regulations that are promulgated by the Commonwealth of Virginia as well as additional testing and monitoring regulations that—ah—are permitted under the Clean Water Act. It does not include the language that was in Ordinance A regarding banning of corporations for the land application of biosolids. No one signed up to speak in favor of Ordinance B. Ah—we do have—ah—five people who signed up in opposition. The first person is Terry Self and Lorraine Potter is on deck.

MR. SELF: Good evening. My name is Terry Self. I live on McIver Ferry Road in Gladys. It's between Brookneal and Long Island, actually, close to the James River—ah—Staunton River.

Ah—before I begin, I'd like to ask you candidly, and I realize that we are possibly being filmed for News at Eleven, but how many of you actually believe that the state regulation agencies that are in charge of protecting us are doing a good job? Could I see your hands? Could I see the hands of the people in the audience who think our state agencies are doing a good job? I may be able to change your mind.

The Department of Environmental Quality is definitely a big upgrade over the Department of Health when it comes to providing the safety and health of the citizens, mainly because they use the Environmental Protection Agency standards.

PCB's are a big issue down by the Staunton River where I live. The Department of Health says 600 parts per billion of PCB's is where they raise the flag. The EPA and the Department of Environmental Quality have lowered that to 54 parts per billion. They raise the flag there and say this is dangerous. So the Department of Environmental Quality is a good step forward. It's a good regulation agency.

However, what do they do when they find a failure to comply? Well, the first thing they do is they retest to verify that the test results were invalidated. The second thing they do is they develop a process and it's called total maximum daily load. This will allow them—TMDL—this will allow them to establish a plan by which they can effectively correct the situation.

The Falling River has been polluted for over twenty years. In 1998, in response to a lawsuit, the Department of Environmental Quality set a goal of 2004 to have a TMDL established—just the process. In 2002 they revised that. We're now going to wait until 2018 before they'll even go in to look and set up the process.

MR. TWEEDY: Your time is expired.

MR. SELF: Thank you.

MR. LAURRELL: Lorraine Potter is up and Ed Foster is on deck.

MS. POTTER: I'm Lorraine Potter, 126 Mason Lane, and Brian McGuire wants to dump 13,000 tons of out-of-state sewage sludge on top of 817 acres of his land across from our farm on 501.

From the County Administrator's Office I requested and for \$19.68 I received a copy of what's called a biosolids fact book—all 169 pages. The cover page says "Presented to the Board of Supervisors by Campbell County Farmers", but the only two men listed are on page one—Brian McGuire who paid several million dollars for his land when he moved here three years ago, and Carter Elliott. I'm quoting from page 1, "Mr. McGuire and Mr. Elliott sought the assistance of the Virginia Biosolids Council in compiling documents that would address key issues relating to the land application of bio-solids". Let's get one thing clear—the Virginia Biosolids Council was set up by the public relations firm Charles Hooks and Associates and PR firms are known for spinning the facts, confusing the issues and deceiving the public with industry funded papers.

Ordinance B is puzzling and we call it the orphan ordinance. It has never been adopted by anyone anywhere and no one wants it. We knew the father, David Laurell, and the midwife, David Shreve, would have had to have known it would only bring a legal expensive challenge while the cost of a legal challenged Ordinance A would be covered by CELDF. With all the high sounding references to federal law and agencies, any person reading Ordinance B but not thinking carefully about what it said might assume it could be a solution, but there is no compromise about sludge. Either it is forced on us or it is not and this Ordinance B, like Ordinance C, is reactive. It would do nothing to stop sludge from coming into Campbell County.

You on the Board need to understand there is no compromise. There is only one position we are going to take—the right one. The one that will make sure not a single ounce of out-of-state sewage is spread in Campbell County. We all know what this is about—that you as a Board are in a dilemma. You either have to give the majority, the vast majority of citizens what they want—Ordinance A—or you have to cave in to a few greedy landowners who have bought so much land they can't afford to fertilize it. That's what they would like us to believe. In truth, most are millionaires.

Don't be fooled by this Ordinance B. There is only one choice. Just as there is right and wrong. And you members of the Board know what this is along with everyone in this auditorium.

MR. LAURRELL: Ed Foster is up and Chris Snyder is on deck. Chris is speaking on behalf of the C.A.T.S. group so he will get five minutes.

MR. FOSTER: I'm Ed Foster, 188 Lonesome Oak Trail. Members of the Board, while campaigning in the Concord District for the past few months, I've talked to nearly a thousand people. I've asked them what issues concern them the most and they overwhelmingly answered—sludge. They've made comments—if sludge is so good, why is it free? We don't need or want sludge in our County. No one knows for sure what is in it and it needs to be banned. Not one person said we need to regulate it. They said, "Ban it". That's why I'm here tonight to ask you to listen to the people and vote against this ordinance which only regulates sludge.

If you vote for Ordinance B, you will be playing right into the hands of the sludge companies. They want you to vote for this ordinance because they know they can challenge and win and we will pay for it. But even if they lose, their corporate rights won't be threatened so they are willing to take the risk.

You must be smarter than they are and vote for Ordinance A, not this one. Only Ordinance A will ban sludge from the County and that's what the people told me they wanted. It most likely will not be challenged in court. Sludge companies don't want to come out in the open and claim that their rights are higher than those of the people. That would likely draw a negative and national response. If they do challenge, people have told me that they will support the Board in every way possible.

You might think Ordinance A is too extreme. Because of the way it's worded some lawyers say it won't be upheld in court but that's a moot point if it is not challenged. I believe it never will be. The sludge companies don't want to risk it. I don't think anyone else would spend hundreds of thousands of dollars and many years in a long court battle just to get free fertilizer.

Extreme measures are now needed to ban sludge. Other counties have tried going the less extreme routes and have always lost. We don't want to be losers, too. Other counties are looking to us for leadership on this issue. Campbell County has historically been very conservative. It takes courage to try something extreme. I think it's time you listened to the majority of the people in Campbell County and take that leap of faith. Gentlemen, close your eyes, take a deep breath, and jump. Vote against this ordinance and pass Ordinance A. It's our only chance to keep sludge out of the county. Thank you for allowing me the opportunity to come before the Board and express my views.

MR. LAURRELL: Chris Snyder is up and Tammy Belinsky is on deck.

MR. SNYDER: Good evening. I am Christopher Lee Snyder, 2200 Marshall Mill Road, Gladys, Virginia. I am a husband, a father, a grandfather and an engineer who uses objective reasoning. I also come from a very long line of American Snyders. Peter Synder fought for us under Captain John—(inaudible)—on 9-11-1777 during our Revolutionary War. Other ancestors fought in the War of 1812, The Civil War, and my grandfather served as a Marine sergeant in the Battle of Iwo Jima in World War II.

Out of my responsibility for my family and in the tradition of my forefathers, I stand in opposition to this ordinance—one that is in conflict with the will of the people to halt the land application of sewage sludge or the more intentionally nondescript term—biosolids. This

practice has not been and cannot be guaranteed safe and it poses a major nuisance to the environment and our lives. This presents significant health threats and inconveniences that we are wholly unwilling to accept.

There are many questions to consider in my opposition to this ordinance. Here are just a few. How can you enact an ordinance that perpetuates a fallacy that any corporation wields total control over us all. We are the people and we do have unalienable rights unless we give blindly away what our ancestors fought for. Why would men and women still fight and die to defend what those words mean to this very moment? Why is there discussion of legal costs to the County? As has been reminded earlier this evening, the submitted language has not yet been challenged in any other state including ones that subscribe to the now infamous Dillon's Rule. Out-of-county corporate businesses and interests will profit while our county will receive no guarantee of financial benefit or any guarantee of safety. In the meanwhile, we the citizens and taxpayers of this county will be at risk and held liable for cleanup costs assuming, of course, that it's even possible to restore an environment after it has been polluted by sewage sludge. Is any of this in the immediate or long-term interest of our county?

The VDH has issued permits for dumping this toxic sludge in our communities without sound scientific basis, without due respect to community health surveys, without consideration of physician recommendations for those exposed, regard for data regarding human exposure or adequate analysis of the waste itself. How does this square with their responsibility to protect our health?

This is why we, the citizens of Campbell County, are, like our forefathers before us, united to fight back. This injustice comes in the form of our forced exposure to the threats our opponents argue are reasonable. We do not believe our opponents' arguments to be credible in any logical sense.

We believe that those who produce waste should be responsible for its safe disposal and cannot be permitted to dump it on lands for which they are not responsible. Any and all risks and costs should be entirely theirs—not ours.

Let me also be very clear about another thing. No one here is against farmers or their rights. They feed us all. They are an invaluable part of our society, our community and our economy. We need them and they need us. They face the same financial pressures to succeed as the rest of us do, but some have chosen to forget the old adage that if it sounds too good to be true it probably is. Those choosing to support this practice receive no greater guarantee than the rest of us. In fact, more directly, they receive no assurances that this toxic sludge will not adversely affect their own family's health, their crop production, the health of their livestock, or the future viability of their land and water. For many their land has been entrusted to them by many generations before them and should be a legacy worth protection—not for experimentation.

On the other hand, we receive no assurances against illness or death either, when we buy and eat what they produce. It appears inevitable that with those members of our community we will be in opposition and believe that they have chosen rather than reasoned what they want to believe.

It is asinine to dispute the recent illnesses and deaths caused by contaminated spinach, lettuce and other crops. They were dangerously contaminated. Food is precious and this

happened while we were not vigilant enough about protecting the food—the safety of our food supply. Sadly, I do not think that this will be the end and we will be to blame if we cause the same to happen in our community by gambling with our very own lives and health.

A better-than-nothing ordinance approach is a disgrace to the interests of the county and its citizens. It doesn't cut it with me and it shouldn't with you. To bow down to out-of-county corporate pressures or threats and intimidation is also a disgrace to this Board. My statement is offered for your consideration without any hidden motivations or purpose of evasion whatsoever. Thank you.

MR. LAURRELL: Tammy Belinsky is up.

MS. BELINSKY: I'm Tammy Belinsky. I'm counsel for the Citizens Against Toxic Sludge. I wish to incorporate by reference all of the comments made in support of Ordinance A into the decision-making process for the consideration of Ordinance B. I also wish to incorporate by reference all of the documents submitted in support of Ordinance A into the record of the decision-making process for Ordinance B. Therefore, I won't repeat—repeat my degrees that allow me to speak to both the legal and the scientific claims in evidence that has been presented here today. But I do want to—ah—acknowledge the—ah—the preamble in Ordinance B in that it acknowledges the insufficient protections for the land application of sewage sludge and so—ah—I'm baffled a little bit by what the county thinks it can bring to the regulation of sewage sludge after those pretty significant acknowledgements in the preamble—how the county believes it could regulate sewage sludge any better than the other entities that are charged with its regulation particularly at the expense of county residents who don't want it here at all. Thank you.

MR. LAURRELL: That ends the speakers in opposition to Ordinance B and is the end of the folks who have signed up for that.

MR. PUCKETT: Okay, at this time, then, being that our last speakers has—we've had their comments, we'll close this public hearing at eight—8:35, according to Mr. Carter's watch. So we'll close that and we'll take a brief break at this time before we begin—ah—taking comments on Ordinance C. We'll take a few minutes break.

(NOTE: At this time there was a break in the hearing)

MR. PUCKETT: If we can have a seat, we need to begin the public hearing on Ordinance C. At this time I will open the public hearing on Ordinance C at 8:48. Is that okay, Mr. Carter?

MR. CARTER: Yes sir.

MR. LAURRELL: Mr. Chairman, Ordinance C is an ordinance that relates specifically to the testing and monitoring standards that are authorized by the Virginia statute. The first speakers in favor of Ordinance C, speaking for fifteen minutes, are Brian McGuire and Carter Elliott.

MR. MCGUIRE: Brian McGuire, 1822 Rocky Road. We, being farmers, are not going to speak on any specific ordinance, but in general. We have decided to keep speeches short and brief.

I am confused as to why we are here tonight. This seems to be a misuse of time, energy and leadership. The county's legal counsel has said the only authority Campbell County has on biosolids is to appoint a monitor and regulate biosolids under state law. The state laws simply

prohibit local governments from any stricter regulation—period. Other counties have tried stricter regulations and have lost in court. We, as citizens and local governments must abide by the state and federal—state and federal laws. The only legal actions this Board can take is to pass a Model V.A.C.O. Ordinance just as twenty-three other Virginia counties have done. Anything else is against the state law and is not legal.

You all have openly stated that you are opposed to biosolids before conducting any research or gathering any facts. Leaders have the responsibility to educate themselves before making any false judgments or opinions. I keep hearing how the majority of the citizens in Campbell County are against biosolids. The C.A.T.S. group has roughly 2,000 signatures in which the majority of these signatures have come due to false claim on how citizens and their families' health are in danger. Yet, in twenty-five years of spreading biosolids in Pittsylvania and Bedford Counties, there has been no health problems, there have been no deaths. So 2,000 misrepresented signatures and the seven of you all. I come up with 2,007. There are roughly 50,000 people, plus or minus, in Campbell County. I'm not seeing the majority.

But let's tell the majority what the passage of Ordinance A and B will do. Tell the citizens that there is a zero chance of winning a lawsuit that will result from passage of any ordinance other than the V.A.C.O. Tell them that such a loss will result in a tax increase to all citizens. It is likely that the lawsuit would be a minimum of one million dollars. Are you going to risk tax dollars to all citizens because there are 2,007 citizens which want to pass an illegal ordinance? This is a gamble this county cannot take.

We have supplied you with an opinion from Tim Hayes who is from one of the most respected law firms in the country. In addition, Tim Hayes is one of the most respected environmental regulatory attorneys in Virginia. Mr. Hayes says the theories in Ordinance A and B will not stand a legal challenge.

Biosolids will bring six hundred thousand dollars a year in economic benefits to farmers in Campbell County, yet you are willing to deny benefits to farmers while in the same tone proposing a million dollar tax increase due to the passage of a law-breaking ordinance.

We have supplied you with two different packages of information supporting evidence on the safety of biosolids. We have given you all an invitation to a workshop and a field tour on biosolids which is being conducted by Virginia Tech. We have given you the opinions of one of the top law firms in the country. We have shown you previous court rulings. We have displayed that there is no documented proof that biosolids have harmed people, animals or the environment, with our neighbor Bedford County being a prime example.

You all, being the Board of Supervisors, took an oath to defend the U.S. Constitution and the Virginia Constitution. We are confident that you will stand up to your oath and do the right thing. The only legal action you can take is to pass a Model V.A.C.O. Ordinance and hire a monitor to oversee the spreading of biosolids. Thank you.

MR. ELLIOTT: My name is Carter Elliott, Jr. I reside at 2112 Suburban Road, Lynchburg, Virginia. My farm is Seven Oaks Farm which is a century farm. I'm a dairy farmer. I do not currently or in the future plan to use biosolids in my operation but I am here tonight to speak in favor of biosolids so that farmers that so choose to do so will have that right.

I was born in 1945 to dairy farmer parents. At that time there were 2,645 farms in Campbell County with a total acreage of 270,000. In 2002 the number of farms in Campbell

County had dwindled down to 664 and the number of acres had been halved to 139,000. The farming business has had to deal with high input prices, encroaching development and elements beyond our control.

You, as Supervisors, have an obligation to encourage the farming business which has been one of the mainstays of the economy of our entire country, both through your actions and your ordinances. If development continues in Campbell County at its current rate, we are at a risk of becoming another Fairfax County which will result in skyrocketing taxes and a host of other problems.

We all know the story of Chicken Little. Sadly, just such a scenario has been playing itself out in our county. The C.A.T.S. have been running around shouting—sludge will kill your children, sludge will cause cancer, sludge will make your land become toxic, on and on and on—spreading fear and hysteria among the citizens of Campbell County. When the frenzy reached its peak wily Tom Lindsey appears on the scene claiming to be the panacea for all of their concerns. Wily Tom sees his opportunity to use the citizens of Campbell County to help him achieve his larger goals of eliminating corporations and changing the Constitution of the United States of America. And the sad outcome to this story is that the C.A.T.S. get swallowed up in a scheme that is illegal in the State of Virginia.

Now, more about Tom Lindsay. According to MotherJones, which is a very liberal publication, Tom Lindsey is a Pennsylvania-based attorney who is a director of the Community Environmental Legal Defense Fund and has written numerous model ordinances—one banning corporations from owning farm land and another banning companies from previous environmental violations from doing business in a township. Just think of some of our model corporations that have—environmental corporations under this ordinance that would have had to cease to exist in Campbell County.

Businesses took note. The Pennsylvania Chamber of Business, the industrial newsletter, editorialized against a stronger force than evil space invaders. The radical agenda of the militant environmentalist that seems to have taken possession of the township supervisors. One corporation sued claiming that the town's restrictions violated its rights with regard to equal protection, due process and taking without just compensation, and the rights guaranteed under the commerce clause. Last year agribusiness took the fight to the state legislature—this is in Pennsylvania—supporting a law under which the state attorney general could sue any local government for passing an ordinance that prohibits or limits a normal agricultural operation.

Lindsey has his resolution all mapped out. First local governments will keep passing anti-personhood measures until one of them triggers a lawsuit in the federal courts. This, in turn, will force the judiciary to reconsider the constitutional principles involved. And, in spite of all this, Lindsey does not expect to win in any of these court cases. Last year Lindsey lost his biggest battle thus far. In a case involving a Pennsylvania developer a federal judge called his personhood arguments tortured and illogical and she said she had come very close to disciplining him for filing a frivolous lawsuit.

It is shameful that the C.A.T.S. invited such a person into our community and to give him the opportunity to further his cause at our doorstep. Furthermore, if the C.A.T.S. have a legally viable ordinance, why didn't one of the twenty-five attorneys that's based here in Campbell County come to their defense instead of engaging an out-of-state attorney? Furthermore,

C.A.T.S. has made the mistake in citing as gospel the evidence and claims of three individuals—David Lewis, Ellen Harrison and Caroline Snyder as models in support of their cause. The truth is that their so-called scientific evidence against biosolids has been evaluated and rejected by numerous public health studies and by the federal courts. I'll cite several examples. In a deposition on March 24, 2006, that's last year, Jones v. City of Erwin, Lewis was asked whether he had investigated situations where Class B biosolids had caused harm to persons. Lewis responded, "I have investigated situations where individuals have alleged that. I can't say that I have investigated a situation where sludge has been proven to harm someone." This is the same fellow that presented the video that the C.A.T.S. people passed around the county.

When the City of Ottawa, Canada, conducted an extensive public health study on the safety of biosolids it took testimony from Ellen Harrison of Cornell University. In this interview Harrison admitted that she does not conduct original research on biosolids. Opponents of biosolids often cite an article by Caroline Snyder, PhD, "The Dirty Work of Promoting Recycling of America's Sewage Sludge", which appeared in a 2005 issue of the International Journal of Occupational and Environmental Health as a peer-reviewed scientific exposé of the health effects of biosolids. However, the article was not a report on scientific research. It was not peer-reviewed for accuracy. It was a political article that made unsupported allegations about a conspiracy between the EPA and the biosolids industry to suppress information about health hazards. This is a common theme used by the opponents of biosolids to discredit all the scientific research that demonstrates the safety of biosolids.

Oddly, no matter how well researched studies supporting biosolids have been, C.A.T.S. dismisses them because they don't support the claims that these extremists want you to believe. The C.A.T.S. demands are the most disappointing of all. They are demanding of you to pass an ordinance that they know full well is illegal. Then in order to defend this illegal ordinance we, the taxpayers, would have to foot the bill defending it in court. Your own county attorney, David Shreve, was quoted in The Altavista Journal that the proposed ordinance position on eliminating corporate rights was so far out to lunch that it doesn't even pass the smell test. Each of you have taken an oath of office swearing to uphold the Constitution of the United States and the Constitution of the Commonwealth of Virginia. You, the Campbell County Board of Supervisors, can do your part to encourage farming to remain a viable part of the economy of Campbell County. Say no to the pushy outsiders who present inflammatory and poorly researched data to support their end. Help us maintain our green spaces and farming businesses in order that we do not become dependant on foreign countries for our food like we have on oil. I urge you to support the V.A.C.O. Model Ordinance. Thank you very much.

MR. LAURRELL: Herbert Milton is up and Dr. Don Gardner is on deck.

MR. MILTON: Mr. Chairman, members of the board, I am Herbert Milton, 731 Aspen Wall Road, Brookneal, Virginia, and I'm a fourth-generation farmer. I was born and raised on part of the land which I now live on and farm.

I have farmed most of my life. I started milking cows on a one-legged stool when I was around six years old. Upon graduating from VPI with a degree in agriculture I served in the Army for two years and returned home to my home farm and have been full time farming with my wife ever since.

We dairy farmed for forty years and during that time we had some very lean years. Fertilizer was one of our largest expenses. That is when we began to inquire about the use of biosolids. I had studied something about it in a fertilizer class while I was at Tech and my textbook said that biosolids had been used in commercial fertilizer in this country since 1928. This brought us to start doing more research and studying in—about biosolids, the environmental impact and advantages and disadvantages and so forth.

In 1980 we tried to get fertilizer, or biosolids, and were told we were out of the range. In 2004 we applied for and were permitted to use it. At that time Charlotte County did not have a full time monitor. We were successful in getting it spread on about 68 acres. By the time we started spreading again in 2006, Charlotte County and others, along with several other counties, had hired a full time monitor. There were very few complaints which he handled very easily and nicely. Our hay yields on the biosolid land easily doubled the yields on the land that was not fertilized. And the prices of fertilizer, as you know, have gone up and our benefit from the fertilizer that we use was about three hundred dollars per acre. And, I would like to say at this time that it disturbs me very much to the—

MR. TWEEDY: Your time is expired.

MR. LAURRELL: Dr. Gardner is up and Steve Holt is on deck.

MR. HOLT: I've been told that Dr. Gardner is not here tonight so I was on deck.

MR. LAURRELL: Okay.

MR. HOLT: Mr. Chairman and other members of the Supervisors, I'm only going to make a few brief statements here tonight. My name is Steve Holt and I reside at 4982 Epons Road in Gladys, Virginia, in the Patrick Henry District.

I have lived in Campbell County nearing 58 years and operate a cattle and timber farm in Gladys. I feel that enough has already been said on the biosolids issue here in Campbell County. However, I would just like to mention several things. I know that you have been provided with accurate and informative information from the farmer's group concerning biosolids and its land application. I would like to remind you that biosolids have been applied in several adjacent counties to Campbell for over 25 years and within the boundaries of Campbell County 20 years ago without any incident, environmental or health issues. In closing, I ask that you adopt the Virginia Association of Counties model biosolids ordinance for Campbell County that has been implemented in 23 other Virginia counties. Thank you.

MR. LAURRELL: Henry Cash is up and Bob Judy is on deck.

MR. CASH: I'm Rudy Cash. I reside at 1968 Mollys Creek Road in Gladys, and I'm in Mr. Pendleton's district. Ah—I want to say tonight that what we are talking about tonight is not a issue of biosolids. It's a issue of what's right—what's legal—and I urge you to vote for the V.A.C.O. Ordinance because that is the only ordinance that is legal and right. Thank you.

MR. LAURRELL: Bob Judy is up and Carl Bradley is the last speaker on—in favor of Ordinance C this evening—on deck.

MR. JUDY: My name's Bob Judy. I live on Sugar Hill Road, Brookneal, Virginia. I've been—I joined the Navy in 1958 and retired out of the Navy and did the same thing as you all did. When I went in the Navy and swore in, I swore to do the job and uphold the

laws of the United States. And I'm asking you to uphold the laws of the State of Virginia and help the farmer out. As far as biosolids go, I'll not put it down. I'm not a big farmer. I'm a new farmer. I'm just trying to make it and my neighbors asked me not to put it down, I'll not put it down, but I'm asking you as a person and as a member of this county please do your job and support Plan C. Thank you.

MR. LAURRELL: Carl Bradley.

MR. BRADLEY: My name's Carl Bradley. I live on 1624 Red Bottom Road.

I looked into biosolids two years ago, talked to farmers close by that had used it in Charlotte County—ah—saw the results from the use of biosolids and so I contacted the EPA—Environmental Protection people, the Health Department, VPI—the Land Grant College where we farmers usually go to get information. Ah—the bottom line to all of these organizations was biosolids was a good source of organic fertilizer. And so I used it on a farm in Charlotte County and to my amazement the result was amazing from the use of biosolids.

And then I began to hear these people talking about the hard metals in biosolids. Well, I said maybe I need to check myself on this—ah—I'm liable to cause some health problems with someone and my own family was living right next door to where I had spread it—the biosolids. So I take a soil sample and send it to A&L Laboratories in Richmond, a independent organization, and talked to the chemist there in Richmond and told him I wanted a complete workup on the sample from the biosolids. And then I sent a sample from the commercial fertilizer to them. And I wanted to find out about the hard metals in that. And the chemist told me—he said—well I can tell you how it's going to come out before I even run the test. It's less hard minerals in biosolids than it is in commercial fertilizer. And low and behold, that is exactly the way—ah—the tests—ad—come back.

And so I was convinced that I wasn't doing anything harmful to my family, my neighbors, or polluting the land in any way. I even asked him—I said—suppose I've got some hard metal—ah—in the biosolids—how am I damaging—ah—the land. Ah—he said you would have to put a metal like manganese or iron or zinc or copper—one of these trace elements—you'd have to put it four inches deep on your soil before you would ever harm anything.

MR. TWEEDY: Your time is expired.

MR. BRADLEY: I'm sorry. Thank you so much.

MR. LAURRELL: Mr. Chairman, that concludes the individuals who have signed up in favor of Ordinance C. Thank you all very much for your comments.

The next group is the group that signed up in opposition to Ordinance C. Jennifer Mayhew is the first up and Dr. Susan Earssing is on deck.

MS. MAYHEW: My name is Jennifer Mayhew. I live on Homeplace Road in Rustburg. I'm speaking on behalf of my family and Naomi Feagans. I am vehemently opposed to this ordinance because one—it will not stop the spreading of sewage sludge in our county and two—it will strip vital protections from the—excuse me—the C.A.T.S. Ordinance for the citizens of Campbell County.

Let me elaborate on these two points. The only way to protect the citizens of Campbell County from the adverse health effects of sludge is to pass the C.A.T.S. Ordinance. If you vote to pass this ordinance sludge will be spread and, if I'm not mistaken, only a half mile from where

we are right now. Excuse me. The people of our county, and that includes the children, who come to this school could start to get very ill.

My family will be moving out of Campbell County if you vote to allow sludge to be spread. I believe that if you pass this ordinance, people or businesses that are thinking about coming to Campbell County won't. You as a Board will be responsible for the loss of revenue if you pass this ordinance and, also, you as a Board will be responsible for property values plummeting. Thus, you will have to raise taxes to keep vital services fully funded. If you allow sludge to be spread, what happens when all the wells become contaminated? Will the county then have to pay to bring in water to the affected area?

Some of the vital protections that will be stripped if this ordinance is adopted will be line six, seven and eight of the C.A.T.S. Ordinance, and I quote:

“And, whereas, the Virginia Code Section 15.2-1200 declares that any county may adopt such measures as it deems expedient to secure and promote the health, safety and general welfare of its inhabitants;

And, whereas, Section 40, Part 503, of the Code of Federal Regulations provides for the ability of political subdivisions of various states to enact regulations more stringent than those required in 40 CFR Part 503.

And, whereas, United States Code, Title 33, Chapter 26, Subchapter IV, Section 1345, of the Federal Clean Water Act - Disposal or Use of Sewage Sludge states ‘the determination of manner of the disposal or use of sludge is a local determination except that it shall be unlawful for any person to dispose of sewage—of sludge from a publicly owned treatment works or any other treatment works treating domestic sewage for any use for which regulations have been established pursuant to Subsection (d) of this section except in accordance with such regulations.’”

Thank you for hearing my comments.

MR. LAURRELL: Dr. Earssing is up and Tracy Meisenbach is on deck. We need a minute to pull down the screen.

DR. EARSSING: --I'm a chiropractor in town, here in Rustburg, and I live down the end of Babcock Road. My house is significantly surrounded by farmland and I'm very concerned about my business being impacted by the odors and just by the disturbance.

I do have a planned speech but I did want to make a couple comments about Tom Lindsey who, as well as Tammy—there's not many lawyers who would not do what they are doing for us without being paid a substantial amount of money. He's doing it for the will of the people. He's doing it because he feels that it is going to help our environment and he's doing it because it's a good cause. And he's not doing it for financial benefit and I think that says a lot on his part—that he's willing to help us without giving up that.

Ah—it would be amusing if it weren't so tragic, each and every time the issue of sludge comes up inevitably someone holds up a bottle of vitamins proclaiming that you would have to ban them if you were to ban sludge. And some of the farmers have brought up the point of some of the elements in vitamins would have to be banned as well. The thought that sludge is no more than we take in your daily dose of Centrum is ridiculous. If you look beyond the smoke and mirrors and beyond the metals that the EPA requires testing for, you would see that your vitamin

label would look something like up there. This label is devoid of the pathogens and thousands of other chemicals not tested for but can be present in sludge.

If you think this is some figment of our wild activist imagination you should be aware that this source list was the Middlesex County, New Jersey, Wastewater Treatment Facility's own annual report, specifically, the sample of their sludge. This is one of the wastewater treatment plants supplying our area with sewage sludge and these are the ingredients in this so called fertilizer which we will be receiving here if the first ordinance, the C.A.T.S. Ordinance, is not passed. So, the next time someone holds up a bottle of vitamins when they talk to you about the gift of sludge tell them you're not buying it and neither should they.

And I just want you to know that we really, truly believe that the first ordinance will protect us. And I think Tom has really done his research and done a good job in trying to protect us. He's not against corporations, he's against, you know, us losing our rights, and we are slowly as a country being so lazy in watching all of our rights being taken away and I think we need to start waking up and finding ourselves and finding where we belong and taking back our rights. Thank you.

MR. LAURELL: Tracy Meisenbach is up and Mary Francis Snyder is on deck.

MS. MEISENBACH: Good evening. Should I turn that off so it's not glaring at Mr. Boyer.

BOARD: Go ahead.

MS. MEISENBACH: Good to go. I'm Tracy Meisenbach. I live on Cook Avenue in Brookneal. I moved to Campbell County seven years ago and I live here because I truly wanted to live in this beautiful area. We moved here because we felt that it was one of the safest, it was one of the most environmentally pretty, and it was an area with a lot of historical significance. I hope you do not prove me wrong in my choice of area to live because my husband would never let me hear the end of it.

Distinguished Board Members, Campbell County residents, and concerned citizens, Campbell County is at a crossroads. We find ourselves at a juncture, not unlike the one our founding fathers did at over 200 years ago. We must decide whether an outside entity, in this case a large corporation, has more rights than the individual or a community made up of individuals. Like our founding fathers we've been told that we must accept the burdens placed on us because the governing entity says that to not accept it violates the law. Whose law is the question we must ask?

A review of both the United States and Virginia Constitutions tell us that the rights of the individual are guaranteed. We are also promised justice, protection—and protection of our general welfare. The U.S. Constitution Tenth Amendment states: The powers not delegated to the United States by the constitution nor prohibited it—by it to the states are reserved to the states respectively or to the people. No where in the constitutions are corporations granted powers over state or county government or even individual people. Because our rights as individuals are guaranteed, and a promise of protection from harm is granted by our federal constitution, we stand before you to ask that you uphold these designations and fulfill the promises made to us 200 years ago.

I have read the third version of the Campbell County Sewer Sludge Ordinance and see its many failings. It suggests testing and monitoring for sewage sludge after it has been put down.

This would be the proverbial locking of the barn door after the horse is stolen. Once the sludge is down the damage is done. No amount of testing will change the fact that contamination has occurred. The only way to prevent contamination is to prevent the sewage from being applied to farmland and near waterways.

I see that that ordinance is based heavily on the theory that monitoring a problem eliminates the risk. If this is the silver bullet the county is depending on to protect its citizens, then we are doomed. If the testing method had any provisions in it that could concretely protect us from sludge then no sludge would have ever been spread in Virginia. As we all know, this is not the case. The wait and see approach of sludge monitoring is unrealistic and self-defeating.

Campbell County is growing at a rapid rate. Residential areas are springing up where family farms once existed. Industries are looking toward Central Virginia as a place to set up a home office. How could we jeopardize the future of this area by allowing it to become a haven for polluters? How can we stand by and let the damage to our own county also affect other counties downwind and downriver from us? In all conscious we cannot. We must protect our community interests and we must do no harm to our neighbors. To insure our protection, we must take a stand against the desires and coercions of a corporation that wants to dump sewage on open land and prevent this from happening. We must be proactive—not reactive.

MR. TWEEDY: Your time is expired.

MS. MEISENBACH: Thank you.

MR. LAURRELL: Mary Francis Snyder is up next and Jennifer England representing the group is on deck.

MS. SNYDER: I'm Mary Francis Snyder, 2200 Marshall Mill Road, Gladys. I was asked to present this letter from the group Concerned Citizens of East Brunswick Township in Eastern Pennsylvania.

Dear Citizens and Elected Officials of Campbell County:

It is with regret that we are unable to travel from East Brunswick Township, Pennsylvania, to Campbell County, Virginia, this evening. However, our physical presence is not necessary to convey our fervent support of Campbell County residents and elected officials in taking—definitive, uncompromising action to uphold the rights of citizens to live in a healthy, safe environment, free of toxic sewage sludge.

We may live 350 miles apart, but the threats cast upon our citizens and the challenges which lie ahead to uphold our rights are identical. Our concerned residents wasted no time and sought immediate assistance from our state and federal agencies, the Pennsylvania Department of Environment Protection and the U.S. Environmental Protection Agency. To our surprise and dismay, long before we knew about the pending threat, the EPA and DEP allied with sludge corporations and wastewater industry. I'm sure you had the same reaction when you learned that land application of sewage sludge is not only legal but endorsed and promoted by our own government agencies.

Since that awareness last July, our residents persistently attended township meetings in record numbers speaking out against sewage sludge and in support of the East Brunswick Sewage Sludge Ordinance. Residents were met with some resistance and unforeseen obstacles including the resignation of two supervisors who would not take the decisive action necessary to protect the fundamental rights of the very people who elected them to office.

Nevertheless, our local officials eventually followed the will of the people and the East Brunswick Sewage Sludge Ordinance became law on December 6, 2006. The East Brunswick Sludge Ordinance prohibits corporations from dumping sewage sludge in our community. It requires individuals to get each load of sewage sludge tested before it is used. The ordinance upholds the rights of residents to live in a healthy, safe environment, free of harmful sewage sludge. It assigns accountability to all individuals who want to use sewage sludge in our township. Now that—now that the law of East Brunswick—now that it is the law in East Brunswick, we have necessary protections in place.

The tale of East Brunswick does not end here. Despite the shameless threat of legal action against our community by our own State Attorney General, Thomas Corbett, a one-time lobbyist for Waste Management Corporation, our residents are urging that our local officials demonstrate—

MR. TWEEDY: Your time has expired.

MR. LAURRELL: Jennifer England is up representing the C.A.T.S. group and Edwin Miller is on deck.

MS. ENGLAND: First, I'd like to just touch on something that had been said by those speaking in favor of this ordinance—it might surprise some of you to know that up until three years ago, the sludge that was spread in Bedford did not come from—from New Jersey or New York and that's important because there are large, huge chemical companies in that area of New Jersey and in those areas of New Jersey. Some like Exxon Mobile Chemical who—they are—(inaudible)—into the Middlesex Wastewater Treatment Authority is some five hundred thousand gallons per day. And that is found in some of the evidence that we already put into record.

Ever since I was a child I have occasionally had the same type of dream. I or someone I love is in danger and, in terror, I cry out for help. Only each time no one can hear me. I can feel my stomach muscles tighten to force out the air but there is no voice. That is exactly how I have been feeling lately. I can see the danger. I know what is to come.

It might surprise some of you that I actually began this journey trying my very hardest to find all of the information I could to tell me that it was safe, to tell me that it would be okay for my children. I know what is to come. I have read the reports and doctors' letters. I have spoken to the sick and the grieving. I have looked into the faces of my children and my stomach muscles tighten to force out the air in a scream, a scream to stop those who would put them in harms way, but again there is no voice.

There is no voice because for those of us who fight issues like sludge, that voice has been stolen—stolen by PR firms and lobbyists of corporate officers, stolen by legislators who refuse to stand up for those from whom they derive their power, taken by those who make their living stealing the voices of communities like ours. They set up their budgets for fighting us, they print out their glossy brochures, and they try to convince us that we should be happy to receive the toxic waste from industrial hubs like New Jersey. We are not fooled. We can see the danger. We know what is to come.

We are crying out to you, our representatives. We draw in a deep breath, our stomach muscles tighten and we—to force out the air in a scream. Can you hear us? Through the lies and the high dollar spin, can you hear us? Through the threats and the intimidation, can you hear us?

For more than two years you have had this issue before you and for more than three months you have had the full C.A.T.S. Ordinance before you. We, the people of Campbell County, deserve an answer. Please vote now. Please vote for the C.A.T.S. Ordinance. Thank you for your time.

MR. LAURRELL: Edwin Miller is up and Tammy Belinsky is the last speaker this evening. She is on deck.

MR. MILLER: My name is Edwin Miller, 1110 Aspen Wall Road, Brookneal. I'm speaking from a personal experience on my own behalf. Members of the board, fellow citizens, I come before you tonight as a farmer since that is what I did for the first—this isn't working—okay—I'll bend down so you can hear me—since that is what I did for the first nineteen years of my life. I was raised on a tobacco farm in North Carolina. I know the old saying that you can take the boy out of the country but you can't take the country out of the boy is true—for I am living proof. I left the farm, went off to school, and then joined the Air Force to see the world. For about 33 years, of which over 20 years was spent in foreign countries, including Europe, North Africa and the Far East—I traveled around the world.

The point I want to make is—I remember having to always drink bottled water in other countries because the groundwater was contaminated. The same will happen here if you allow sewage sludge to be spread. The main reason I am here tonight is to let you know what can happen if your family, neighbors and friends and citizens of Campbell County—after three years ago—about three years ago my wife retired from civil service. We were living in Hampton Roads area in the small town of Poquoson. Our house was built ten foot above high tide level but that was about several feet too low for Hurricane Isabel. Instead of cars on our street, it was jet skis and boats. We decided it was time to move to higher ground and fresh air. What a mistake that was.

Over the past year it seems that my wife has spent more time in the hospital—in the doctor's office than at home. She is better off at the doctor's office because at least there she does not have to smell sewage sludge and develop another health problem. We live right across the county line in Charlotte County between Brookneal and Phenix. The property owner across the road from us has spread sewage sludge twice—in March of 2004 and again in May of 2006. In the past year my wife has had internal bleeding, bronchitis, pneumonia, and gotten spots on her lungs that required her to be on oxygen. If she goes outside for any length of time she gets rash and skin infections. She has an appointment next month with a throat specialist because of choking. Now, you tell me how would you like to feel if the first thing you do in the morning when you wake up is to check and see if the person that you have been married to for 46 years is still alive. We have taken a letter from her doctor and her medical records to the Virginia Department of Health—

MR. TWEEDY: Your time is expired.

MR. MILLER: The doctor has told us that no body will be—

MR. PUCKETT: Your time is expired.

MR. MILLER: --in the next year and the person who has spoken here before me.

MR. PUCKETT: Next person up, please.

MR. LAURRELL: Tammy Belinsky is the last speaker this evening.

MS. BELINSKY: Tammy Belinsky, counsel for Citizens Against Toxic Sludge. I'd like to incorporate by reference the comments made in support of Ordinance A into the comments in opposition to Ordinance C. I'd like to incorporate by reference the documents admitted into the decision-making record in support of Ordinance A, into the—into the record for the decision-making process for Ordinance B—I mean C—and I'd also like to incorporate by reference the comments in opposition to Ordinance B into this decision-making process on Ordinance C. Thank you.

MR. LAURRELL: Mr. Chairman, that concludes the individuals who have signed up in opposition to Ordinance C. Thank you all very much for your comments and that concludes the third public hearing, Mr. Chariman.

MR. PUCKETT: Okay, we'll close this public hearing at—ah—Mr. Carter do you have the correct time?

MR. CARTER: 9:35, Mr. Chairman.

MR. PUCKETT: 9:35. I do want to say that we do appreciate you coming out tonight and providing the information for us on each one of these ordinances. At this time I will go to the members of the Board for any comments or action they choose to do at this time. So if any board member has any comments that they want to make we would like to hear those, or any action we would like to take.

MR. GUNTER: Mr. Chairman, I'll go ahead and start off first. First of all, I am very impressed with the way the public hearing was conducted tonight. Is this microphone on—there you go. I think everybody conducted themselves very professionally in conducting this public hearing. There has been a lot of information shared with the Board of Supervisors by both groups. I think I've never had as much information on biosolids as I've had for the last three months. I almost feel like I ought to be an authority on it, but, believe you me, I'm not. I know that we have the responsibility to take care of the land in Campbell County and that's whether you are a farmer, or whether you are a citizen, or whether you are on this Board of Supervisors. I feel like there is a tremendous responsibility here.

First of all, we're not making any more land and from that standpoint we need to take care of what we have. I was very impressed with the number of references that was presented on the Ordinance Number A. Ninety references supporting what you are trying to tell me.

I came here tonight with an open mind. I've been—like I said—I've been doing a lot of studying on this and I wanted to come here with an open mind and see if whatever comments, whatever references you had, whatever evidences you had, to see if you could convince me as to what I should do. I'll wait to see what the other board members have to say, but I do have a position to take, Mr. Chairman, so, whenever you want a motion, I'll be glad to make the first motion.

MR. PUCKETT: Thank you, Mr. Gunter, and would anyone else like to speak at this time? Mr. Boyer.

MR. BOYER: Yes sir, Mr. Chairman. I apologize for reading my comments, but I think you all will agree that this issue is too important to just kind of go on the fly. I've done a lot of thinking about it and I'd like to try to not forget anything.

First off, how come somebody didn't tell me before we ran for office that we were going to have to make this decision? It's not easy. Generally the louder that you have to be told that

it's an easy decision, there's only one answer, it's only a one-sided issue, the less likely that is to be true.

Ah—this issue splits the community, it splits farmers, it splits my friends. I mean—I've looked out here tonight and I've seen a lot of faces of a lot of people. Some of you are going to be mad at me tonight regardless of the decision I make. Ah—some of you are on very different sides of this issue and I understand that and respect it.

This is a humbling job to sit in front of you all and have to make decisions like this. It's a tremendous responsibility and we—we face, I think, tonight something of a difficulty between trying to honor the wishes of the majority of the folks here versus trying to make sure the law is followed. Sometimes those two don't always match and sometimes they are in conflict.

Mr. Chairman, when I began to look at this issue, I think we've all struggled long and hard with it, and as I see it there's two questions at stake tonight and I'd like to address them one at a time.

The first question is whether or not biosolids are safe to use. At the beginning of this month-long conversation I was convinced that the risk was primarily overblown. It was a little bit extreme. It was overblown. I figured the EPA is not—the EPA is very seldom too weak in their regulations and they argue that biosolids are safe and I figured it was overblown. I've done a lot of research. I've received the research from both sides and I've looked at the EPA's own information on it. Ah—the EPA Commission, the National Academy of Science, has studied whether the regulations that the EPA currently has are sufficient. And their own study, I think, says that the science needs to be updated, needs to be improved, needs to be modernized, and—ah—I've—that scares me.

I would note that some of the anecdotes, I think, that are cited as evidence of the dangers of biosolids on the flip side of the coin—sometimes those examples that are cited are a little bit weak. Ah—proximity and time does not necessarily indicate causation and that has to be considered as well. Ah—and I know also that biosolids are basically—we're somewhat land locked by biosolids—they are applied right now in Appomattox, Pittsylvania and Bedford Counties and I'm unaware of significant health risks or health issues that have arisen in those counties.

So my best answer to the scientific question, Mr. Chairman, is that I just don't know, I'm not sure the EPA knows, and I'm not real comfortable not knowing. Ah—my mom has been telling me something has to be done so it's not just y'all sitting out there and I understand that entirely. And under these circumstances I believe we've got to keep up the pressure on our state legislature, increase that pressure.

If the EPA is unable or unwilling to follow its own recommendations and do updated studies on the safety of biosolids, then I think, as our representatives, the Virginia Department of Health, Department of Environmental Quality, should bypass the EPA and do their own studies to determine whether this stuff is safe.

Honestly, I don't want this stuff in my backyard and I think that probably nine out of ten of you folks out there would agree. But that brings me to the second question, Mr. Chairman.

There's the scientific question and then there's the legal one. What should our response be as a local government and what can it be? Can we support the C.A.T.S. Ordinance as it is proposed and if not, why not? I admitted at the beginning of this discussion I thought that maybe

there was a little more to this than met the eye. I had a difficulty understanding why a lawyer from Pennsylvania should take the case in Campbell County quite so personally and—ah—Mr. Chairman, I've researched Tom Lindsey, I've researched his Community Environmental Legal Defense Fund as thoroughly as I have the scientific question and that scares me about as much as the science scares me on the flip side of the coin.

You have to understand Tom Lindsey, you have to understand CELDF to really understand this ordinance that he has basically constructed. Now, here, Mr. Chairman, I'd like to direct my remarks to these good people who have given of their lives to get involved in an issue that matters to them. I ask you to consider the facts as I have learned them. You may not agree with them but I ask you to consider them.

Mr. Lindsey, I believe, has not been honest with you all from day one. Far from being a public spirited pro bona knight in shining armor, Mr. Lindsey has got a long record of radical activism. And this is going to sound extreme, but it's quotes from him, it's not from me. Mr. Lindsey's vision for our wonderful country that we're all privileged to be members of is a dangerous vision and biosolids is only a tool to Mr. Lindsey.

He's a cofounder of the Green Party in Pennsylvania and I've looked at their website, I've looked at their platform. Their platform has page after page after page of everything from withdrawing from Iraq—ah—ah—ending aid to Israel—ah—reducing the work week to thirty hours—any number of things—and page after page after page of issues unrelated to the environment at all. He has one paragraph on biosolids in his own party's platform. It's secondary to Tom Lindsey. It's not secondary to us. It's secondary to him.

In June of 1995, both Mr. Lindsey, personally, and his CELDF group were signatories to a manifesto agreed upon by a coalition of American third parties. Many of the most radical provisions from the Green Party's platform were included in this manifesto. It was signed by Tom Lindsey, personally, by his CELDF organization. Other signers included the Democratic Socialists of America, the Socialist Party USA, and the Communist Party USA. Many folks have told me that Tom Lindsey is not—he doesn't have hidden agendas, he's all about taking care of the folks in Campbell County. You need to read his party's platform, you need to read his website, you need to read his public statements. He's not a responsible environmentalist.

You folks here—you folks here are people who care enough about your county and your family and their future to have invested the time you have invested. You are responsible people who want clean air and clean water. That's not what Mr. Lindsey is about and this ordinance—I'll get to that in a moment—but the ordinance itself has the same problems as what Mr. Lindsey has as it's being currently proposed.

The heart of Tom Lindsey's ideology is the idea of rights of nature. The Rights of Nature Ordinance is on CELDF's website and our ordinance, if you'll look at it, is largely copied from the CELDF ordinance. This is the most dangerous part of the proposed C.A.T.S. Ordinance to me, folks. It would confer civil rights, and it's right here in the ordinance, that it would confer civil rights on the ecosystems of Campbell County. Of course, the ecosystems can't sue on its own behalf so we have to decide who can sue on behalf of the ecosystems of the county. The ordinance would empower any citizen in the county to sue any other citizen in the county for "violating the civil rights of the ecosystem of that county". What that's going to do to relations between neighbors in this county and much more importantly what it does to property rights and

to the simple freedoms that we've so long understood in this country is beyond imagination. It would empower any citizen in the county to bring suit against any other citizen for any violation of the rights of that ecosystem. It declares that no person shall deny these rights or interfere with the vitality or functioning of those ecosystems.

You all have to understand what this means. If no person interferes with the functioning of an ecosystem, you can't build roads. If no person interferes with the functioning of an ecosystem, we can't use wood to build our homes. You have to cut down trees to do it. Our system of electricity generation that brings power to your homes would be outlawed if no person can interfere with the vitality or functioning of a community or ecosystem.

Mr. Lindsey's end goal is not biosolids; it's not the protection of our community. Mr. Lindsey claims, furthermore, fraudulently, that his ordinance as it is proposed would return the decision-making to the local level where I believe it should be—in the hands of us as the supervisors and you as the people of this county. But when it comes to enforcing his plans, again, Mr. Lindsey's plan is a fraud.

His proposed ordinance collapses under the weight of this deceit. We're being asked as a local government tonight to do two things—we're being asked to establish rights of nature versus the so-called rights of corporations. The C.A.T.S. group's own attorney has admitted that this would contradict 140 years of established case law. Several folks have told me that we're not being asked to engage in civil disobedience, basically, as a local board of supervisors, but we are. And let me quote Tom Lindsey, "Municipal civil disobedience is what this movement is about. It may even require us to disobey a thousand years of law."

What he's asking us to do is to go against 140 years of settled case law, multiple decisions from the federal courts including one right next door in Appomattox, and the opinion of our own State Attorney General that says that this ordinance is not legal and can't be enforced.

But, secondly, by appealing to the Clean Water Act, which Ordinance B would essentially do, he seeks to use that to preempt state regulations that prohibit us as a locality from banning biosolids. But he is doing the exact opposite there of what he claims to do. Rather than transferring authority from the states to the localities, it transfers the authority up the chain from the states to the federal government, removes it one level further away from your being able to have any influence on it at all.

The—one of the speakers tonight mentioned the Ninth Amendment that reserves the rights—all rights that are not expressly dedicated to the federal government to the states and the people. Mr. Lindsey's ordinance, if it was to succeed and be upheld, would superimpose the will of the federal government over the states and, therefore, over the localities and take the decision-making one step further from you in this room and from us on this Board.

I read an article in the magazine of the Socialist Party USA where they say the Socialist Party does not believe that corporations can be regulated. "We're committed to moving away from a capitalist market economy and toward a new democratic socialist society". It goes on to state, "It appears there is a good deal of common ground between the Socialist Party and many of these groups, especially organizations like CELDF." That's not coming from me, folks, it's coming from them.

I wish that I could tell you that Tom Lindsey and this ordinance were, at the heart, about biosolids, but Tom Lindsey's entire career proves that that's not what it's about. I'll quote him

again, “We’re in the business of constitution-making now, not just ordinances.” His ultimate goal is, by his own words, to rewrite our Constitution, to strip out one of our most basic freedoms—the right to own, use and dispose of our own property. And that’s not from me, that’s from him. Mr. Lindsey—

AUDIENCE: Are we going to have an opportunity to respond to this tirade?

MR. PUCKETT: Would you please hold your comments. You’ve had—
(inaudible)—the opportunity to speak.

MR. BOYER: I ask you folks, you all are responsible, God-fearing, dedicated, concerned citizens of our county, I ask you to continue to work with us, to help us keep up the pressure on Richmond to give us control as a locality over which sites are or are not appropriate—maybe none of them are appropriate—for biosolids, but those decisions ought to me made here. Help us demand new, solid scientific research from our state leaders to fully determine what dangers do or do not exist. But this ordinance would have to be drastically changed if its just going to be about biosolids.

And I’d like to address if I could a couple of misconceptions I think folks have been weighing under. There are no PR dollars that have been communicated to any of this board. Now, the biosolids advocates have sent us piles of information as have the biosolids opponents. If the—if the numbers are any indication here tonight, the work of the C.A.T.S. group has been much more effective than the work of the biosolids opponents. This is not about myself or any other member of this Board being influenced by PR dollars. It is a difficult decision.

And—ah—also, if I could also mention one other thing that’s been mentioned tonight, as to Mr. Shreve—Mr. Laurell sort of forcing the hand of the Board of Supervisors. They haven’t. Mr. Shreve’s job—he’s not in an authority position over us—his job is to give us the best legal advice that he can with his experience, his understanding of the law, and then we have to make that determination.

I ask the citizens to join us in keeping up the pressure on Governor Kaine and the General Assembly to give us seven men local control. Until then—this is the biggest sticking point for me—I took an oath four years ago to uphold the law of the United States and the Commonwealth of Virginia. When there are laws that we disagree with we have to change them through the legal process and that’s what we’re being asked not to do today. We’re being asked to simply state that 140 years of law don’t apply. I can’t in good conscious subject the taxpayers of this county to lawsuits that will come, that did come in Appomattox, for an ordinance that a federal judge ruled as a practical ban on the application of biosolids—which is what this ordinance is designed to be—is a practical ban. It will be challenged here. The result is not going to be any different. The Attorney General has said as much, the federal courts numerous times have said as much.

I wish this was just about taking a poll. I wish it was just about what do the majority of the citizens want us to do. But we are also a nation of laws, folks, and if we don’t like them we have to work through the legal process to change it. We can’t simply defy them. And the appropriate process is to work with the state legislators, governors—replace them if necessary—until you get folks who will be responsive to and return the power to us so that we have the authority to make these decisions.

Finally, no one on the Board of Supervisors wants not—wants to ignore the wishes of the constituents. No one has ignored your concerns. No one has refused to listen. We've all spent countless hours and a lot of prayer and a lot of heartfelt decision-making on how we handle this. If there's a way to do this legally, I'm worried about the science of biosolids. My mom's worried about it and she's been bending my ear to no end.

I'd love—I will continue to seek ways to move regulation to where it belongs to localities and allow us to make those decisions but right now we simply don't have those powers. We don't have those authorities. We cannot simply seize them. Again, I know there's a lot of my friends here tonight that are going to be very disappointed either way and I know you all have invested on both sides countless hours of time, countless passion, blood, sweat and tears in something that matters to you and I encourage you to keep doing so.

But I can't lie to you; I can't buy votes under false pretenses. I feel like Mr. Lindsey's been doing that and I can't. I can't in good conscience take an oath to uphold the laws of the Commonwealth and the United States and then, in the words of the C.A.T.S. attorney—C.A.T.S. group's own attorney—violate 140 years of case law and just simply pretend it's not there. I expose the Board, myself, this county, to legal actions, lawsuits when all the case law, all the federal court decisions have been very clear on the subject.

We have the authority to do a testing and monitoring ordinance, Ordinance C. We can do that legally. We've achieved great things this year with moving the—the regulation of biosolids from the Department of Health to the DEQ. That's proof of your success. That's proof that citizen activism does matter. But I cannot—we have to work—we have to continue the way we've been working—to move through that legal process. And that's what I'm asking you all to support us in doing. And, Mr. Chairman, the only legal recourse that I can see that we have is the ordinance we've been given the authority by the General Assembly and the courts to do and that's Ordinance C.

MR. PUCKETT: Thank you Mr. Boyer. Okay, we'll move on. Just hold your applause.

AUDIENCE: (inaudible)

MR. PUCKETT: Hold on. Okay. We have a couple of officers down the way. Anymore outbursts—we'll not have anymore. Okay. Any other board member have any comments to make at this time?

MR. FALWELL: Mr. Chairman, I've got just a few quick comments on my concern.

I find—I find it ironic that the goal of the C.A.T.S. Ordinance and what they want to do I agree with. Ah—I'm—my family's spent four generations with drawing groundwater and treating groundwater in the Campbell County area so the protection of groundwater is—is very vital to me. But we've been presented here with three ordinances. I'll be perfectly honest with you. I'm not really happy with any of the three. This C Ordinance, I'm really—I really can't support C Ordinance because I don't see that it does any more than what DEQ will already do in regulations when they take over in a few months. I have real concerns with the A Ordinance. The fact that so many of respected law firms and the Attorney General have told us that this will not hold up in court, it just will not stand. And what worries me is not the cost—the cost, of course—(inaudible)—I'm concerned about the taxpayers—but that's not my biggest concern. My biggest concern is that we go into court—that we pass this A Ordinance, and we go to court

and we get shot down in court and we're worse off than we are today. We've got less ground to stand on then than we have today. We've actually lost ground.

So, in my opinion, the only ordinance that I can really support is the B Ordinance because I think the B Ordinance does give us some rights under the Clean Water Act of the federal government, gives us some stricter testing and I'm hoping maybe even discourage bio-solids from coming in because some of the testing may be too strict and I can't see that I could support anything but the B Ordinance, Mr. Chairman.

MR. PUCKETT: Okay. Thank you, Mr. Falwell. Any others?

MR. ROSSER: Mr. Chairman, I reckon everyone wants to know how each board member feels about what we are doing tonight.

It's been my position for years to represent the people, to look out for their welfare, and seek protection on things that the general public expects us to do. And everything we're going to do here is not always going to please each one in Campbell County. And I don't expect to please each one in Campbell County but I'm going to make a decision that I think that will affect the general people of Campbell County for life and life farther on down the road.

The Board of Supervisors has spent a lot of time on this so-called sewage sludge and, of course, the purpose of spreading it in Campbell County. It's like Mr. Falwell said we have—and Mr. Boyer—we have talked to attorneys and they have guaranteed us that they are correct. And if I get in trouble I've got to have an attorney. I've got to depend on someone to tell me what I do right or wrong. And we've got to depend on the legal aspect of it to carry us through.

I even went to a farm in Bedford County where the sludge is being spread. It's been spread on that farm for four years. The neighbors haven't complained and the man has the best pasture and hayfields you ever looked at. I watched them spread it in the Philippine Islands when I was in World War II and also when we went up to Japan after the war ended. They used human waste and sludge and whatever they could get for fertilizer. I'm a Saturday afternoon farmer. I don't use a whole lot of fertilizer but it's going up so fast I don't know how the farmers can make any money unless they get help from somewhere.

There's a time and place for everything. You've heard that from the pulpit. So I'm telling you we're going to do the best we can in satisfying, I hope, the majority of the people in Campbell County.

The state here is run on the Dillon Rule. The Pennsylvania state is run on a different type of government. It's no comparison how we can support the A Ordinance and keep it out of court. I won't elaborate anymore on that—elaborate anymore on that because it's been touched on before. But, I know that we should have taken some action some time ago and probably got monitoring in here. My friend, Lorraine Potter, tried her best to get us and me to get the monitoring service and we held off because we had to foot the bill, I reckon. But now it's moved over to DEQ and they are going to have enough money to foot the bill.

So if you adopt Plan C we will have money from the state that you and I pay for to check into what we can do. So I believe that—ah—we have gained some ground here because last year the county tried several things with our legislators and we won one phase of it. It did get it moved over to DEQ which we think is going to really help us. And, of course, the painful truth in this matter, the local governments in Virginia have little control—authority over the land application of this material and this is not right. But the current law in Virginia will-protect

many things I think, also. So we've got to continue to work with our legislators to get—ah—the best we can for all—all of Campbell County.

Before we get into making a motion—I'm not sure we're going to make a motion tonight. I've heard some different things since I've been here and I want to call your attention to one thing—this is not sludge. Yesterday I took a real beating so if you want to know what a beating is, I can tell you if you get beat on A, B or C tonight. The board voted by 4 to 3 to raise taxes 2 percent. And if you want to come to the May 7th meeting and help me we might be able to get your taxes down. So, I'm going to put a plug in for that. And another thing, if you don't know, you've got a nine million dollar reserve and I can't get that cut to save your taxes. So, I need some help. You need help. I also need some help. So, Mr. Chairman, I'm sure we're going to do the best we can and I'm glad to see the people turn out. I was expecting an overflow crowd here tonight. I'm a little bit disappointed. We didn't have the crowd I expected, and I was told was going to be here but I'm glad you're here because we can always work together, I hope.

MR. PUCKETT: Thank you, Mr. Rosser. You made a statement that we said it would be a 44 cent tax increase and this is going to be off the subject but it's only going to be advertised as that. We can drop it lower and I'm sure that I'm going to work, too, to do that.

MR. LAURELL: Mr. Chairman, we need to take another break to change the tape out.

MR. PUCKETT: Okay, brief—a two minute break—

(NOTE: At this time there is a break in the hearing)

MR. PUCKETT: Let's see if we can't get everybody back in place.

AUDIENCE: We have a member here of the Legal Defense Fund that would like

MR. PUCKETT: We have—we have closed the hearing. It's all been closed. Yes ma'am.

MR. LAURELL: Okay, where's Mr. Rosser?

AUDIENCE: I'd like it opened—

MR. PUCKETT: Okay, we'll continue on, if any other board member has any other comments at this time.

MR. CARTER: Mr. Chairman, I've just got one thing I'd like to say and I'm so impressed with—I don't have a single person and I've been looking all you folks over trying my best to spot some familiar face of somebody that maybe was in my district. I live way back on the southwest corner of Campbell County and right on Bedford County. I look out my kitchen window and see across the beautiful Staunton River and I'm looking at Pittsylvania County, walk through the house, come out on the front porch and I'm looking over in Bedford County, so I'm just barely in the county in that little panhandle. But I'm so impressed with you ladies and you put up a beautiful story. It's obvious that you're concerned about the children and what's going to happen with these biosolids and we do—we don't know what's really going to happen to them. Everything I hear, though, in my district, really is that they are against biosolids. I don't care if they live in Altavista, the little town, I represent the Town of Altavista, and they—everybody seems to be against it. Now what the danger is and after all of you all's education here tonight, I still don't know what the danger is, honestly. But, I just want to tell you how impressed I am with all you ladies and to see you here getting in here and getting into this fracas and trying to do something about it. And we certainly don't want these children born without a

leg or something like that and I can understand what you're saying. So, that's all I have to say right this minute, Mr. Chairman.

MR. PUCKETT: Thank you. Anyone else have any more comments?

MR. PENDLETON: Mr. Chairman, I think we all need—

MR. PUCKETT: Catch a mike

MR. PENDLETON: Like all the other board members, I'm personally opposed to biosolids. I would not want it spread next to me and I live next to a big farm. But, at the same time, I think we need more scientific study on the safety or the harm from it.

I have read all of the literature that has been by both sides. I have a stack on my desk at home that is over six inches high, including all the letters to the editor and all. I have read every bit of it. I have tried to digest it.

A lot of the literature I have received is not scientific study but—ah—papers that have been written. And when you go through graduate school you have to write a lot of papers and I've written a lot of papers and I could make a point most any way I wanted to and make it sound very convincing. But, I think the lack of what I have seen has been scientific study either way saying it's bad or it's good.

Like all the fellow Board Members we took the oath to uphold the law and I cannot, in good faith, do something I know is not legal in the State of Virginia. And that is why I would have difficulty going with the A Ordinance—for that reason. I—we've already—I've spoken to several lawyers here in Campbell County, my own personal lawyer, and they all tell me that we would be making a big mistake and have no chance of it succeeding. As several others have said, the answer is—is to work on Congress and the state legislature to try to get it in our hands. I would guarantee you this board would vote tonight 7-0 tonight to ban it if we had the authority to do so. And I would do so anytime we had the legal authority to do so. But, not having that authority, I encourage you to work with us as we did this year and try to get the state legislature and the federal government to change the regulations that would allow us this authority. That's all I have to say.

MR. PUCKETT: Thank you, Mr. Pendleton. Each board member has had the opportunity to speak other than myself. You've heard it being mentioned tonight the oath that we have taken, each one of us has taken. I have a copy with me. I want to read that to you so you understand what is being said when we refer to that. I, James D. Puckett, do solemnly swear that I will support the Constitution of the United States and the Constitution of the Commonwealth of Virginia and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a Board of Supervisor member of Campbell County according to the best of my ability so help me God.

I depend on God to help me make decisions. In the last few days it's been rather trying with Virginia Tech. That sticks very heavy on me. But this does too—this issue. This issue is not new to this Board.

We began this in 2004 before there was a C.A.T.S. group. We were working on issues at that point in time that many of you probably never knew about. We set our legislative agenda that year for the things we'd like to work with on our legislators to try to get some control or at least better monitoring and testing. Mr. Gunter and I and Mr. Laurell attended several meetings together that were conducted by the Health Department and—maybe I shouldn't say this but I

will—at the hearing that was in Farmville, Virginia, members of our State Health Department sat there and turned their back upon us as we spoke. That didn't stick well. It would not be well with you if I turned my back to you.

Now, some of you I can look out and see were in Richmond this past legislative session when we went down and tried to work with Kathy Byron and very successful, I think, of getting the authority for the regulations turned over to DEQ. I know that each one of you have a different opinion of DEQ but I have faith in DEQ of make the regulations and follow them and hold the farmers to those regulations.

So this is something that has been weighing with us for a long time. We've been working with it, we've been studying it and doing what we could. And this board has already committed themselves to the fact that however this vote may turn out tonight we are going to still work with our state legislators to ask for changes. We are going to work through the proper channels in doing so and we are going to hold our state legislators to try to make changes.

Watt Abbitt is not—does not represent any of Campbell County—but Watt Abbitt is a delegate from Appomattox and part of Buckingham Counties—asked that a thorough study be done. Kathy Byron has asked for a scientific study to be done on bio-solids. We are going to push that issue to try to get that done and I'm sure that we will, at a point in time, accomplish that. Our lawyer has advised us, and we pay him to advise us, to make decisions that will not jeopardize you as citizens or jeopardize any of the actions we do as a board. I'm opposed to bio-solids but I'm not opposed to working within the law and that's where that I said from the beginning that I will not vote for anything that is contrary to the law. At this time I would ask the board members—do you have any motions for action at this time?

MR. GUNTER: Mr. Chairman, I think the audience now has heard from each of the board members. Not a single board member up here tonight has said that they aren't against the spread of biosolids—they are. We are against the spread of biosolids. We have been trying since 2004 to get some sort of ordinance in place that will prevent the spreading of biosolids. Yes, we do—we have been trying to work with our legislators. If you notice that the State of Virginia is now changing. What's going to control the State of Virginia from now on is not going to be the Central Virginia; it's going to be the Northern Virginia and the Tidewater area. Our representatives are going to represent us but they are going to be in the minority and from that point of view I feel like that we will probably gonna—if we say we are going to work with the state legislator—I'm not real sure that we are going to get too far because we don't have the majority of the—of the votes in the General Assembly.

Sometimes I feel like you've got to venture out. I know the lawyers have told us that, you know, this is not the right thing to do. I don't always maybe do the right thing based on what lawyers tell me and so in this situation I'm worried about how I can look at the people in their eyes and tell them that—hey—you know—to set up here and not do anything to alleviate your fears about biosolids. So, based on that I would, Mr. Chairman, like to put a motion on the floor that we adopt A as our ordinance for the biosolids.

MR. PUCKETT: Okay. All right. Please allow us to continue. All right. We have the motion on the floor from Mr. Gunter that we adopt Ordinance A. Do we have any further discussion relating to the motion by Mr. Gunter?

MR. CARTER: Mr. Chairman, I'm going to support Mr. Gunter in his motion. I do reserve the right, if it doesn't pass, certainly I would want to vote on one of the other two, of course, but I am going to support him in his venture. My wife told me when I went out the door, I mentioned a while ago something about the ladies and how impressed I was with them, my wife told me not to come back if I didn't vote for it. I've been—

MR. PUCKETT: Mr. Carter always has the—I don't know what you call it but he always has the knack of being able to put a little humor into things here. But, you know—

MR. CARTER: I've got something more humorous than that

MR. PUCKETT: Well, we're ready to move forward.

MR. CARTER: I've been married to this same woman 58 years and I sure don't want to lose her.

MR. PUCKETT: Okay. All right. Any further comments? We understand the motion by Mr. Gunter that we do pass and support Ordinance A. All those in favor of the motion, please raise your right hand. Okay. I'm seeing two—Mr. Carter and Mr. Gunter. All those opposed, please raise your right hand. I'm seeing five. The motion is defeated. Do we hear any other motions or actions?

[The vote was:

Aye: Carter, Gunter

Nay: Boyer, Falwell, Pendleton, Puckett, Rosser]

MR. FALWELL: Mr. Chairman, I would like to go on record as making a motion supporting Ordinance B.

MR. PUCKETT: Okay—(inaudible)

MR. FALWELL: I don't need to make any more comments. I explained earlier in my discussion as to why I support B.

MR. PUCKETT: Okay. Mr. Falwell's placed a motion on the floor then that we—for Ordinance B which means the federal Clean Water Act language and the Virginia testing and monitoring language.

MR. ROSSER: Mr. Chairman, I offer a substitute motion, if it be in order.

MR. PUCKETT: I prefer we just take them one at a time

MR. ROSSER: Oh, you are. Okay. Fine. Go ahead.

MR. PUCKETT: Let's just take one at a time—deal with them one at a time. All right. All those on—I forgot to look down this way to my right—anyone have any comments down to my right, here? Okay. We will proceed to vote on the motion of Mr. Falwell that we do accept Ordinance B. All those in favor of that ordinance, please raise your right hand. Okay, all opposed, please raise your right hand. Okay. We have those, Cathy? Ordinance B fails.

[The vote was:

Aye: Falwell, Puckett

Nay: Boyer, Carter, Gunter, Pendleton, Rosser]

MR. BOYER: Mr. Chairman, with the defeat of the other two motions, the only option that is left is either C or no ordinance at all. I'll offer a motion that we adopt the Ordinance C, testing and monitoring and combined with that that we continue—promise the

folks here that we'll continue to keep up the pressure on our representatives and the governor to give us the authority to ban it or regulate it here in our county and ask the folks out here to continue to support that effort as well, but the motion is to approve Ordinance C.

MR. PUCKETT: Okay. Mr. Boyer has made the motion for Ordinance C which is the Virginia testing and monitoring. Ordinance B contained Virginia testing and monitoring in that and to at least get something out of it, I'm going to have to support that although I supported B to begin with. I wanted that but at least we can come out and get something out of it. Any comments on C?

MR. CARTER: Question.

MR. PUCKETT: Okay. Question has been called for. All those in favor of adopting Ordinance C, please raise your right hand. Five. All those opposed, please raise your right hand. Mr. Gunter, Mr. Falwell—okay. We have, then, by a vote of five to two adopted Ordinance C. At this time we will thank you for being here tonight involved in the discussion and we will adjourn to April the 19th at 6:45 PM the Local Government Council Annual Dinner.

[The vote was:

Aye: Boyer, Carter, Pendleton, Puckett, Rosser
Nay: Falwell, Gunter]

J. D. PUCKETT, CHAIRMAN

Approved: _____