# Chapter 7
# The "Poster Child" for Environmental Racism in 2007: Dickson County, Tennessee*

Historically, African American and other people of color communities have borne a disproportionate burden of pollution from landfills, garbage dumps, incinerators, smelters, sewage treatment plants, chemical industries and a host of other polluting facilities. Many dirty industries have followed the "path of least resistance" allowing communities of color to become environmental "sacrifice zones" and the "dumping grounds" for all kinds of health-threatening operations.

This chapter provides a real-life example of the deadly mix of "wastes and race" in the early years of the twenty-first century—the Dickson County (Tennessee) Landfill and the contamination of an African American family's wells and their 150-acre homestead. The goal of our analysis is to illustrate how sluggish and inept government response to an environmental emergency is endangering the health and safety of African Americans two decades after the publication of *Toxic Wastes and Race* and sixteen months after Hurricane Katrina and the levee breach flooded New Orleans. It also illustrates that environmental racism is alive and well in America.

## Environmental Racism and Land Use

Many of the differences in environmental quality between people of color and white communities result from institutional racism. Institutional racism influences local land use, enforcement of environmental regulations, industrial facility siting and where people of color live, work and play. The roots of institutional racism are deep and have been difficult to eliminate. Discrimination is a manifestation of institutional racism and causes life to be very different for whites and blacks. Racism has been and continues to be a major part of the American sociopolitical system, and, as a result, people of color find themselves at a disadvantage in contemporary society.

Racism is found in the housing industry, educational institutions, employment arena and judicial system.[1] Environmental racism has rendered millions of American citizens "invisible" to government regulations and to enforcement. What is environmental racism and how does one recognize it? *Environmental racism refers to any policy, practice or directive that differentially affects or disadvantages (whether intended or unintended) individuals, groups or communities based on race or color*. Environmental racism combines with public policies and industry practices to provide benefits for whites while shifting costs to people of color.[2] Environmental racism is reinforced by government, legal, economic, political and military institutions.[3]

Racism influences the likelihood of exposure to environmental and health risks as well as accessibility to healthcare.[4] Many of the nation's environmental policies distribute the costs in a regressive pattern while providing disproportionate benefits for whites and individuals who fall at the upper end of the education and income scale. Numerous studies, dating back to the seventies, reveal that people of color have borne greater health and environmental risk burdens than the society at large.[5] For example, people are subjected to elevated health risks from contaminated fish consumption,[6] location of municipal landfills and incinerators,[7] toxic waste dumps,[8] toxic schools,[9] toxic housing[10] and toxic air releases.[11]

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* The principal author of this chapter is Dr. Robert D. Bullard, Ware Distinguished Professor of Sociology and Director of the Environmental Justice Resource Center at Clark Atlanta University.

People of color communities are often victims of land-use decision making that mirrors the power arrangements of the dominant society. Zoning is probably the most widely applied mechanism to regulate urban land use in the United States. Zoning laws broadly define land for residential, commercial or industrial uses, and may impose narrower land-use restrictions (e.g., minimum and maximum lot size, number of dwellings per acre, square feet and height of buildings, etc.).[12] Historically, exclusionary zoning (and rezoning) has been a subtle form of using government authority and power to foster and perpetuate discriminatory practices—including environmental planning.[13]

A 2003 report from the National Academy of Public Administration, *Addressing Community Concerns: How Environmental Justice Relates to Land Use Planning and Zoning*, found that most planning and zoning boards members are men; more than nine out of ten members are white; most members are 40 years old or over; and boards contain mostly professionals and few, if any, nonprofessional or community representatives.[14]

Local land use and zoning policies are “a root enabling cause of disproportionate burdens and environmental injustice” in the United States.[15] Exclusionary zoning has been widely used as a "NIMBY" (not in my backyard) tool to zone against something rather than for something. On the other hand, “expulsive” zoning has pushed out residential uses and allowed “dirty” industries to invade communities.[16] Largely the poor, people of color and renters inhabit the most vulnerable communities. Zoning laws are often legal weapons “deployed in the cause of racism” by allowing certain “undesirable” people (immigrants, people of color and poor people) and operations (polluting industry) to be excluded from areas.[17]

With or without zoning, deed restrictions or other devices, African Americans and other people of color groups are unequally able to protect their environmental interests. More often than not, these communities get shortchanged in the neighborhood protection game.[18]

## The “Dumping Grounds” in a Tennessee Town

There are literally dozens of locations across the nation where environmental racism has left an ugly scar. Dickson, Tennessee, is a textbook case—the “poster child” for environmental racism. Dickson is a town of 12,244 located about 35 miles west of Nashville. Dickson County was 4.5 percent black in 2000.[19] Dickson’s mostly African American Eno Road community has been used as the dumping ground for garbage and toxic wastes dating back more than four decades. The black neighborhood was first used as the site of the Dickson “city dump” and subsequent city and county Class I sanitary landfills, Class III and IV construction and demolition landfills, balefills and processing centers. The site is currently being used as a C&D landfill, garbage transfer station and recycling center (Table 7.1).

The Town of Dickson purchased the land for a “city dump” in 1946. Sometime between 1946 and 1956, the newly acquired land, which was bounded by the old “Negro Coaling School,” a one-room county school with grades 1 through 9 that dates back to 1895, became the Dickson “city dump,” an open unlined dump. This point is made clear in Johnnie Hall’s property deed dated September 22, 1956. The deed described the location of the Hall property as follows:

> *Located in the First Civil District of Dickson County, State of Tennessee, bounded and described as follows: Beginning at an iron pin in the east boundary line of the Town of Dickson’s “City Dump” tract at the northwest corner of Roy Holt’s 7.4 acre tract; runs south 87½ deg. East 44 poles to a stake, the northeast corner of the aforesaid 7.4 acre tract; thence North 1 deg. East 16 poles to an iron pin; thence North 87½ deg. West 43.6 poles to a pile of stones in the aforesaid Town of Dickson’s east boundary line; thence South 2 deg. West 16 poles to the beginning, containing 4.4 acres, more or less.*
>
> *Being a part of the same property conveyed to Johnnie Hall by a deed from Tobe Hall of record in Deed Book No. 67, page 430 in the Register’s office of Dickson County Tennessee.*[20]

The Dickson County Landfill consists of 74 acres off Eno Road, 1.5 miles southwest of Dickson. The landfill contains four parts, the City of Dickson Landfill, the County Landfill Expansion and the Balefill; which are all now closed. The balefill disposed of solid waste that was compressed or bound. The fourth part consists of approximately 5 acres located on the eastern portion of the landfill.

Scovill-Schrader automotive company opened in Dickson, Tennessee, in 1964—the same year the U.S. Congress passed the sweeping Civil Rights Act that outlawed racial discrimination. The plant manufactured automotive tire valves and gauges. The process included metal plating, etching, rubber molding and application, polishing, degreasing and painting, according to documents prepared by the TDEC Division of Water Supply. An industrial operation like this generates lots of hazardous wastes that must be disposed.

According to government records, in 1968, the same year Dr. Martin Luther King was assassinated in Memphis, Scovill-Shrader and several other local industries, buried drums of industrial waste solvents at an "open dump" landfill site.[21] In 1972, the unlined landfill was granted a permit by the Tennessee Department of Health and Environment (TDEH). The town of Dickson operated the landfill up until 1977 when it was taken over and operated by Dickson County.[22] More than 1,400 people obtain their drinking water from private wells or springs within a four-mile radius of the landfill.[23] A 1991 Halliburton report acknowledged the fact that the Harry Holt well is close to the landfill. It states, "The closest private well [Harry Holt well] is located approximately 500 feet east of the landfill."[24]

The County Landfill initially started as a 41.6-acre expansion to the original City of Dickson Landfill, of which 28.6 acres was used for waste disposal. The expansion occurred after the county purchased the original City of Dickson Landfill, as well as 45 additional acres in 1977. The balefill was established as part of the 1987 expansion (see Table 7.1). For years, drums of toxic industrial waste solvents were dumped at the landfill, which later contaminated the groundwater.

Contaminated waste material was cleaned up from other areas in this mostly white county and was trucked to the landfill in the mostly black Eno Road community. For example, Ebbtide Corporation (Winner Boats) removed material from an on-site dump and transferred it to the Dickson County Landfill for disposal.[25] The company disposed of drummed wastes every week for 3 to 4 years. Scovill-Shrader Automotive manufacturing plant buried drums of industrial waste solvents at the landfill. The company's wastes are known to have contained acetone and paint thinner.[26] A 1991 EPA Site Inspection Report notes that soil containing benzene, toluene, ethylbenzene, xylenes and petroleum hydrocarbons from underground storage tank cleanups were brought to the landfill. In 1988, the Dickson County Landfill accepted 275 to 300 cubic yards of solid waste from the CSX White Bluff derailment cleanup.[27]

The Dickson County Landfill has received numerous unsatisfactory operational notices. The landfill received five notices of violations (NOV) from July 18, 1988 to April 12, 1999, including inadequate daily cover, violation of Groundwater Protection Standards, cadmium detected in ground water and springs at concentrations exceeding the MCL, and violation of inadequate depth cover and pooling of water on landfill cover.[28] The landfill noncompliance is summarized in the 2004 *Dickson County Landfill Reassessment Report* (Region 4):

> *The county has a long history of noncompliance related to groundwater and leachate violations since at least 1983. These violations have resulted in fines, Commissioner's Orders, and NOV. These violations were related to such issues as major and minor leachate seeps and flows, failure to provide immediate cover, failure to provide erosion control, excedance of groundwater standards for cadmium and TCE, discharge of leachate from the property without a permit, failure to maintain a stormwater pollution prevention plan, and implementation of required corrective actions.*[29]

Despite repeated violations at the Dickson County Landfill, the TDEC continued to grant permits for the site on Eno Road. TDEC permitted at least four landfills for the Eno Road site since 1988. In February 2007, Dickson County operated a recycling center, garbage transfer station and a C&D landfill at the Eno Road site—where 20-25 heavy-duty diesel trucks enter the sites each day—leaving behind noxious

fumes, dangerous particulates, household garbage, recyclables and demolition debris from around Middle Tennessee. The garbage transfer station alone handles approximately 35,000 tons annually.

Dickson County covers more than 490 square miles—an equivalent of 313,600 acres.[30] However, the only cluster of solid waste facilities in the county is located 54-feet from a 150-acre farm owned by an African American family in the small mostly black Eno Road community. It is no accident or statistical fluke that all the permitted landfills in Dickson County are concentrated in this black community. Blacks make up less than five percent of the county's population and occupy less than one percent of the county's land mass. When *New York Times* columnist Bob Herbert queried Dickson County attorney Eric Thornton in an October 2006 article, "Poisoned on Eno Road," about why it was peculiar that the Eno Road community had been chosen to absorb so much of the county's garbage and hazardous waste, his reply was "it has to be at some location."[31] While this may be true, the $64 million question remains unanswered—why must the "Somewhere USA" generally end up being in black and other people of color communities?

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## Treatment of Black Families in Dickson

After slavery, dozens of black families acquired hundreds of acres of land—not part of the empty "40 acres and a mule" government promise—and lived a quiet and peaceful existence in Dickson's historically black Eno Road community. That is, until their wells were poisoned by a county landfill.[32] One African American family in particular, the Harry Holt family, a family of black landowners that have deep roots in the Eno Road community, has been especially harmed by the toxic assaults of the city and county landfills and government inaction.

- **Harry Holt** – Prostate cancer, bone cancer, Type 1 diabetes, hypertension, kidney disease (died on January 9, 2007)
- **Beatrice Holt** – Rheumatoid arthritis, diabetes, cervical polyps
- **Sheila Holt-Orsted** – Breast cancer, diabetes, arthritis, gastrointestinal disorder
- **Bonita Holt** – Arthritis, colon polyps, hypertension, gastrointestinal disorder
- **Demetrius Holt** – Diabetes, gastrointestinal disorder
- **Patrick Holt** – Immune disorder, arthritis

*Sheila Holt Orsted standing in front of landfill that poisoned her family's drinking water, 2004 (Photo by EJRC)*

The Holt family's American Dream of land ownership has become a "toxic nightmare." For more than a decade, this black family has experienced the terror of not knowing what health problems may lay ahead for their children and their children's children.

Government records show trichloroethylene (TCE), a suspected carcinogen, was found in the Harry Holt and Lavenia Holt wells as early as 1988, the same year the Tennessee Department of Health and Environment issued a permit to Dickson County for operation of the facility as a sanitary landfill. The TDHE approved the Dickson County Landfill permit on December 2, 1988, even though government test results completed on

November 18, 1988 on the Harry Holt and Lavenia Holt wells showed TCE contamination. The Tennessee Department of Health and Environment sent letters to Harry Holt and Lavenia Holt on December 8, 1988 informing the family of the test results finding of contamination in their wells. The letter states: "Your water is of good quality for the parameters tested. It is felt that the low levels of methylene or trichloroethene may be due to either lab or sampling error." [33]

It seems a bit odd that the State of Tennessee would continue permitting landfills in the mostly black Eno Road community while government tests repeatedly turned up TCE contamination onsite and offsite in monitoring wells and in private wells—such as the Holt family wells—that are just a stone's throw from the facility. The MCL is the maximum concentration of a chemical that is allowed in public drinking water systems. Currently there are fewer than 100 chemicals for which an MCL has been established. However, these represent chemicals that are thought to pose the most serious risk. Some of the health effects associated with ingestion of TEC include liver disease, hypertension, speech impediment, hearing impairment, stroke, anemia and other blood disorders, diabetes, kidney disease, urinary tract disorders and skin rashes.[34]

**Table 7.1**
History of Landfill Permitting in Dickson, Tennessee Eno Road Community

| Site Name | Year Permitted | Type Permit[1] |
|---|---|---|
| Dickson "City Dump" | N/A (1956)[2] | No Permit |
| Dickson "City Dump" | N/A (1968) | No Permit |
| Dickson City Landfill | 1972 | Class I |
| Dickson County Landfill | 1977 | Class I |
| Dickson County Landfill | 1988 | Class I |
| Dickson County Balefill | 1988 | Processing |
| Dickson County Balefill | 1990 | Processing |
| Dickson County Demolition | 1992 | Class III/Class IV |

[1] The solid waste facility permits were granted for 100 Virgil Bellar Road, Dickson, Tennessee, located in the heart of the Eno Road community.

[2] The City of Dickson purchased the land for the Eno Road site in 1946. Government records indicate that the land was associated with the Dickson "city dump" tract as early as 1956. The site was an open dump in 1968 and in 1972 was first permitted by the State of Tennessee as a sanitary landfill.

Source: Tennessee Department of Environment and Conservation, Division of Solid and Hazardous Waste Management, Solid Waste Facility Database (2002).

On January 28, 1990 government tests found 26 ppb (parts per billion) TCE in the Harry Holt well—five times above the established Maximum Contaminant Level (MCL) of 5ppb set by the federal EPA. The MCL is the maximum concentration of a chemical that is allowed in public drinking water systems. On August 17, 1990 government tests found 3.9 ppb TCE in on the Harry Holt well. On August 23, 1991 government tests showed 3.7 ppb TCE in the Harry Holt well.

A January 28, 1991 EPA potential hazardous waste site inspection of the landfill was performed. The *Chronology of Events – Dickson County Landfill Appendix B* (*Dickson County Landfill Reassessment Report*) states:

> *Elevated levels of several pesticides were detected within the landfill. Questionable material was placed in the city dump prior to 1973. The private well was contaminated with TCE, and two municipal wells are within 4,000 feet. Soils within the landfill were contaminated with high levels of pesticides, metals and unidentified organics. Mr. Holt owns a home approximately 500 feet east of the landfill; however, the old dump is not used. The area is not fenced, and*

> *pedestrian traffic is possible. A landfill directly adjacent to the old city dump to the west is presently being used. Most waste was in drums and the old city dump is not lined.*[35]

The Harry Holt homestead is actually 54 feet (not 500 feet) from the landfill property line.

And on December 3, 1991 the federal Environmental Protection Agency (EPA) sent the Harry Holt family a letter informing him of the three tests performed on his well and deemed it safe. The letter states: "Use of your well water should not result in any adverse health effects." [36] The letter further states:

> It should be mentioned that trichloroethylene (TCE) was detected at 26 ug/1 in the first sample. Because this detection exceeded EPA's Maximum Contaminant Level (MCL) of 5 ug/1, the well water was resampled. TCE was detected at 3.7 ug/1 in the second sample; however, it was noted this sample contained air bubbles. EPA took then took a third sample with results nearly identical to the second (3.9 ug/1). Trichloroethylene (TCE) originates from the disposal of dry cleaning material and the manufacture of items such as pesticides, paints and paint thinners, waxes and varnishes, and metal degreasers.[37]

A December 17, 1991 letter from the Tennessee Department of Conservation expressed some concern about the level of TCE contamination found in the Holts' well. Tennessee Department of Health and Environment officials agreed that Mr. Holt's well should continue to be sampled. However, this was not done. The letter states: "Our program is concerned that the sampling twice with one considerably above MCL and one slightly below MCL in a karst area such as Dickson is in no way an assurance that Mr. Holt's well water will stay below MCL's. There is a considerably seasonal variation for contaminants in karst environments and 3.9 ppb TCE is only slightly under the MCL of 5 ppb."[38]

Although Tennessee state officials expressed concern about the tests, they stood by and allowed the Holt family to continue to drink contaminated well water. A January 6, 1992 letter from the Tennessee Department of Health and Environment continued to express concern about the level of contamination found in the Holt well. The letter states:

> Mr. Holt's well was sampled as a result of the Preremedial Site Investigation and Ranking package on the Dickson County landfill for NPL consideration. Mr. Carr told me the field investigation was complete and that he was not in a position to sample Mr. Holt's well again even though it had sporadically shown TCE contamination above MCL's. He agreed that Mr. Holt's well should continue to be sampled. There may be some chance of the site going NPL, but that will be at least 1-2 years away. Mr. Carr suggested I contact Nathan Sykes at (404) 347-2913 to determine why it was not felt that further monitoring or an alternate water supply was necessary.[39]

A month later, February 12, 1992, state officials continued to discuss the Holt family wells and allegations that the Dickson County Landfill was the source of the TCE contamination. The letter states:

> A search of our Division's files has been made concerning the allegation that a domestic well, located on the Harry and Lavenia Holt property, may have been adversely impacted by the Dickson County Landfill. No substantial evidence was found in our files to support this allegation.
>
> Attached is a 1988 memo from our Division showing that groundwater samples from the Holt well were obtained and analyzed at that time. Those sample results showed that trichloroethylene (TCE) and methylene chloride were found to be at the upper regulatory limit of the acceptable drinking water standards set by EPA. It was concluded by this Division that these detection levels may have been due to either laboratory or sample error. There is no record that any additional samples were obtained at a later date by either our Division or by the EPA.[40]

A March 13, 1992 letter from the TDEC sides with EPA on the Holt family well water being "safe." The letter states:

> Since EPA has already completed a site investigation, has identified the pollutants involved, and has, in part, determined the extent of the leaching, I would suggest that they, EPA, continue with their chosen course of action, rather than create the added confusion of various agencies making their own agendas. I would suggest that if Mr. Holt is concerned about possible health risks in using his well water between now and June (when EPA's priority decision is made), that he should rely on bottled or city water for cooking and drinking purposes until he is convinced that his well water is safe.[41]

In the final analysis, the state handed the ball off to the federal government and in short handed the Holt family a "death sentence." Government records also show that the Harry Holt well was *not* retested or monitored as recommended by state officials. According to the 2004 EPA *Dickson County Landfill Reassessment Report*, no government tests were performed on the Harry Holt family well between August 24, 1991 and October 8, 2000—a full nine years.[42] No scientific explanation has been given for this gap in government testing, even though the TDHE and the federal EPA were periodically performing tests on private wells that were within a one-mile radius of the leaky Dickson County Landfill.

The Harry Holt well, one of the closest wells to the landfill and one of the earliest private wells to show TCE contamination, was routinely left out of government testing and monitoring protocol for wells within a one-mile radius of the Dickson County Landfill. In February 1997, TCE was detected at 1.3 parts per billion in water from a production well (DK-21) operated by the City of Dickson and located northeast of the landfill. The maximum contaminant level (MCL) is 5 parts per billion. The Harry Holt homestead is a mere 54 feet from the landfill property line and lies between the landfill and the DK-21 public water supply. An April 7, 1997 TDEC confirmation sample at DK-21 showed TCE at 14 parts per billion and Cis-1, 2 dichloroethene at 1.3 parts per billion. And on April 18, 1997, the City of Dickson stopped using the DK-21 well as a supplement to the municipal water source after a call from the state requiring an aeration, or water filtration, system, according to the TDEC Division of Water Supply, and began using the Piney River exclusively (closed DK-21) as the municipal water source, according to the TDEC Division of Water Supply.[43]

A dye-tracer study, *Summary and Results of Dye-Tracer Tests Conducted at the Dickson County Landfill, Tennessee, 1997 and 1998*, was conducted to help evaluate whether the landfill was a possible source of the contamination.[44] The study used 24 dye-injection and detection sites. The test sites included wetlands, springs, ponds and wells owned by the City of Dickson, monitoring wells and domestic wells. The 24 sites were located on all sides of the landfill. One of the dye-tracer test sites was the Humane Society of Dickson County, a facility located at 410 Eno Road that houses more than 300 animals per month. The Harry Holt homestead is located at 390 Eno Road—a few hundred feet from the animal shelter. However, the Harry Holt, Roy Holt and Lavenia Holt family wells were not part of the 1997-1998 government study even though they are all within several hundred feet from the landfill.

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It appears that Dickson County and EPA officials were more concerned about ducks in a pond and dogs waiting to be euthanized than protecting a Holt family from TCE released from the county landfill. The Harry Holt well was not retested until October 9, 2000 when it registered a whopping 120 ppb TCE, and a second test on October 25, 2000 registered 145 ppb—24 times and 29 times, respectively, higher than the Maximum Contaminant Level (MCL) of 5ppb set by the federal EPA.[45] It was only after the extremely high TCE levels in 2000 that a Dickson County Landfill official visited the Holt family home informing them that their wells were unsafe. No written reports or letters were sent to the Holt family explaining the October 9, 2000 test results.

The Holt family was placed on Dickson City water on October 20, 2000—twelve years after the first government tests found TCE in their well in 1988. On December 2, 2003, the Harry Holt family filed a lawsuit against the City of Dickson, County of Dickson and Scovill Inc. (Scovill is the company that owned the former Scovill-Shrader Automotive manufacturing plant in Dickson).

In a September 23, 2003 "Community Meeting Questions and Answers," TDEC officials discussed the TCE contamination in the Holt family wells.[46] The State officials also discussed the one municipal water well (DK-21) that had detectable levels of TCE contamination and was taken out of service and permanently closed in 1998. The Harry Holt homestead is located between the Dickson County Landfill property and DK-21 site. It stands to reason that if the landfill site was contaminated and the DK-21 water supply site was contaminated, there is a good chance that the Harry Holt well also was contaminated.

Before the county landfill was sited, the Holt family wells were clean and the water was safe to drink and it was free. Not only has the Dickson County Landfill contaminated the Holt family wells and endangered their health, it now means that the Holt family must incur an added expense of paying the county for clean water. The county had been paying the Holts' entire water bills since 2000 because well water on the property tested positive for TCE. After the Holts filed their lawsuit, the Dickson County Commission stopped paying the family's water bill in 2004.[47]

In November 2004, Dickson County Circuit Court Judge George Sexton ruled that a racial discrimination amendment could be added to the Holt family's complaint involving the alleged toxic poisoning of their well water near the Dickson County Landfill. The lawsuit is still pending in Dickson County Circuit Court.

While earning some $3 million a year from the Eno Road waste operation, Dickson County is profiting off of the suffering inflicted on the Holt family who lives next door. Dickson County has not been a "good neighbor." Moreover, county officials refuse to right the wrong committed against the Holt family and the Eno Road African American community, thereby compounding the injustice that dates back almost 40 years.[48]

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Discrimination against the Holt family did not end with the filing of their lawsuit. The Holts received differential treatment from white families as recent as November 6, 2006—when in a special called meeting, Dickson County Commissioners voted unanimously to settle lawsuits with several white families that had alleged groundwater contamination from the leaky Dickson County Landfill located in the historically black Eno Road community.[49] The city and county have now settled with all the white families, but have refused to deal fairly with the Holt family.

## Treatment of White Families in Dickson

Government testing and monitoring of the black Holt family's wells differed markedly from the treatment of white families whose spring and wells were contaminated. Treatment differed in terms of testing, notification, remediation and provision of alternative water supply—temporary (providing bottled water) and permanent (connecting to city water system). The racial disparity in government testing is clearly presented in Table 7.2 (Summary of TCE and DCE Results, Springs and Private Water Supplies, Dickson County, Tennessee) of the *Dickson County Landfill Reassessment Report*.[50]

### *Treatment of White Family Near Sullivan Spring*

On March 5, 1994 TCE was detected in Sullivan Spring—a water supply used by two white families. On September 1, 1994 tests were conducted on the spring to confirm it was indeed contaminated. Sullivan Spring is located one-third mile from the landfill. On September 8, 1994, TDEC sent the white family a "Notification of Contaminants in Drinking Water" letter. The letter states:

As I discussed with you on September 6, 1994, the spring used to supply drinking water to your residence has shown levels of Trichloroethylenecis-1,2-dichloroethene, and dichloroethene above the allowable levels. It is recommended that you discontinue use of this water as your drinking water supply. As I have been informed Mr. Lunn of the Dickson County Solid Waste Program contacted you on September 2, 1994 to notify you of the impact to your spring.[51]

**Table 7.2**
Summary of TCE and DCE Results, Springs and Private Water Supplies
Dickson County, Tennessee

| Residence/Water Supply | Date | TCE (*g/L) | DCE (*g/L) |
|---|---|---|---|
| L. Gorley/ private well | October 25, 2000 | 0.6 | BDL |
| L. Gorley/ private well | October 31, 2000 | 0.5J | BDL |
| H. Holt/private well | October 12, 2000 | 3.5 | BDL |
| H. Holt/private well | January 28, 1990 | 26.0 | BDL |
| H. Holt/private well | August 17, 1990 | 3.9 | BDL |
| H. Holt/private well | August 23, 1991 | 3.7 | BDL |
| H. Holt/private well | October 9, 2000 | 120.0 | 6.6 |
| H. Holt/private well | October 25, 2000 | 145.0 | 8.6 |
| H. Holt/private well | January 2001 | 64.0 | 2.9 |
| H. Holt/private well | October 2001 | 160.0 | 2.0 |
| H. Holt/private well | May 2002 | 34.0 | 1.0 |
| H. Holt/private well | April 2003 | 16.0 | 1.1 |
| L. Holt/private well | October 25, 2000 | 1.2J | BDL |
| L. Holt/private well | October 2001 | BDL | BDL |
| L. Holt/private well | May 2002 | BDL | BDL |
| L. Holt/private well | October 2002 | BDL | BDL |
| L. Holt/private well | April 2003 | BDL | BDL |
| R. Holt/private well | November 2000 | 5.0 | BDL |
| R. Holt/private well | January 2001 | 8.0 | BDL |
| R. Holt/private well | October 2001 | 3.0 | 2.2 |
| R. Holt/private well | May 2002 | 2.0 | BDL |
| R. Holt/private well | October 2002 | 2.0 | BDL |
| R. Holt/private well | April 2003 | 9.0 | 134 |
| Sullivan Spring | March 5, 1994 | 18.0 | 5.0 |
| Sullivan Spring | June 25, 1994 | 83.0 | 19.0 |
| Sullivan Spring | September 1, 1994 | 59.0 | 9.8 |
| Sullivan Spring | September 28, 1994 | 84.0 | 17.0 |
| Sullivan Spring | May 22, 1995 | 31.0 | 6.8 |
| Sullivan Spring | August 19, 1996 | <5 | <5 |
| Sullivan Spring | December 3, 1996 | <5 | <5 |
| Sullivan Spring | May 14, 1997 | 230.0 | 31.0 |
| Sullivan Spring | August 26, 1999 | 160.0 | 39.0 |
| Sullivan Spring | September 20, 2000 | 16.0 | 25.0 |
| Sullivan Spring | May 2002 | 23.0 | 1.0 |
| Sullivan Spring | November 2002 | 110.0 | 26.0 |
| Sullivan Spring | April 2003 | 130.0 | 34.0 |

Source: Tetra Tech EM, Inc., *Dickson County Landfill Reassessment Report. A Report Prepared for the U.S. EPA, Region IV*. Atlanta: March 4, 2004, Table 2, p. 16

Dickson County officials even dug the white family a well to be used as an alternate water supply. The family was placed on the city tap water system after the new well was found to be contaminated. A total of nine tests were performed on the white family's spring between June 25, 1994 and September 20, 2000.[52] Three tests were performed in 1994, after the initial Mach 5, 1994 test turned up contamination in the spring. The spring was again tested in 1995, 1996 (two separate tests), 1997, 1999 and on September 20, 2000. Government tests were continued on the white family's spring even after its family members were placed on the city water system.

### *Treatment of White Families Near the Scovill-Schrader Site*

According to an August 31, 1993 "Landowner Notification of TCE Contaminated Wells, Scovill-Schrader Site, Dickson, Tennessee" letter from the state, 29 residential water wells within a one-mile radius of the Scovill-Schrader Automotive Division Site in Dickson, Tennessee, were sampled for VOCs during May 11, 1993 through May 14, 1993 in accordance with Task 5 of the Phase II RCRA Facility Investigation. TCE was detected in the wells of nine white residents. The Scovill-Schrader site is located in the city of Dickson near a white neighborhood.

An August 31, 1993 letter has a detailed table that summarizes the steps taken to immediately notify the affected white residents and activities associated with providing temporary water supplies and permanent city utilities. The letter states:

> All of the residents with TCE detected in their wells were immediately contacted and all were provided bottled water for drinking and cooking within 48 hours. All other residents sampled within the one-mile radius were contacted and informed that the water samples taken indicated no problems with their water. In addition, all wells within the one-mile radius were re-sampled to verify the original water well sampling results. Residential wells within a one- to two-mile radius of the site were sampled during the month of July. Residents within the one- to two-mile radius will be contacted within the next week to inform them of the results of the last sampling event. It should be noted that all wells within the one- to two-mile radius were non-detectable for VOCs. A listing of the wells sampled within the one- to two-mile radius and date contacted to inform residents of the results will be under separate cover. As a precautionary measure, a water well sampling event is scheduled for the week of August 16, 1993 to re-sample selected wells near the wells found to contain TCE.[53]

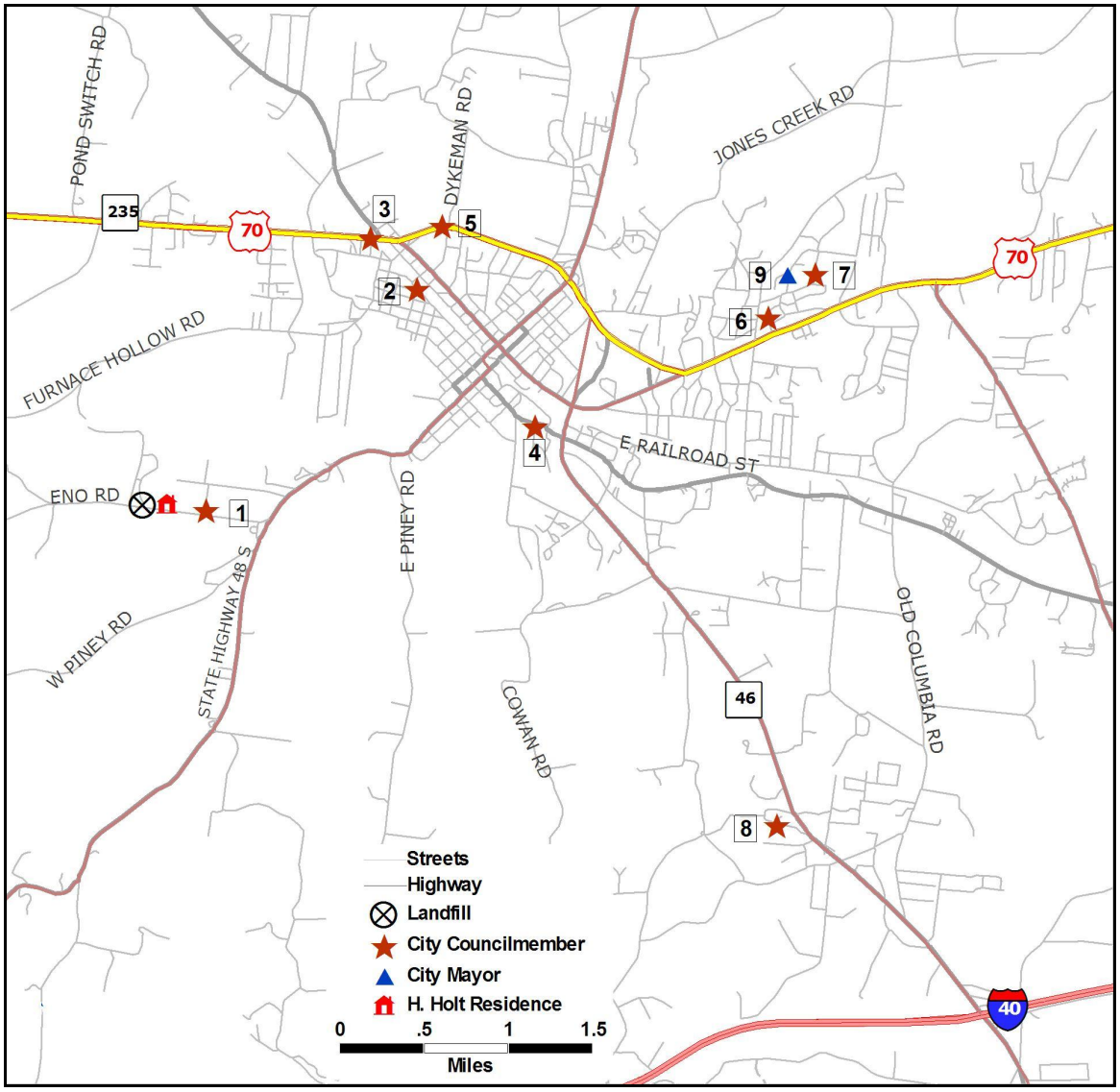
Clearly, the care and precaution that the government officials initiated to protect the health of the white families was not extended to the black Holt family. White families near the Scovill-Schrader site were provided swift response to toxic contamination emergencies, while the black family near the leaky landfill was made to wait. White families near the site were notified within 48 hours, provided with bottle water and placed on the city water system. On the other hand, the black family (Holts) whose property line was just 54 feet from the landfill was allowed to drink TCE-contaminated well water for twelve years after it was first discovered by the government in 1988.

## Proximity of Dickson County Landfill to Elected Officials' Homes

Dickson city and county officials have the power to right a terrible injustice. However, the elected officials have chosen instead to use tax dollars to fight the family its landfill poisoned. It appears that "NIMBY" (Not in My Backyard) is being practiced by these officials. Harry Holt's property line is just 54 feet from the landfill property line. His well is 313 feet from the landfill property line.

How far is the landfill from city and county officials' homes? Only one Dickson City council member's home is within a one-mile radius of the landfill. Five of the eight city council members' homes are more than two miles from the landfill. The Dickson Mayor lives 3.85 miles from the landfill (see Figure 7.1 and Table 7.3).

**Figure 7.1** – Map of Dickson City Officials and Proximity to Dickson County Landfill




Dickson County elected officials live even farther away from the leaky landfill than their Dickson City counterparts. Two county commissioners' homes are within two miles of the landfill; three commissioners live three to four miles from the landfill; and seven of the twelve county commissioners' homes are six or more miles from the landfill. Two of the commissioners live more than fifteen miles from the landfill. The county mayor lives three miles from the landfill (see Figure 7.2 and Table 7.4).

## Conclusion

A major part of *Toxic Wastes and Race at Twenty* involved plotting the location of hazardous waste sites and the socio-demographic composition of the host communities. The Dickson County Landfill and the Harry Holt family case study was used to put a human face on the *Toxic Wastes and Race at Twenty* report. Clearly, Dickson, Tennessee, is the "poster child" for environmental racism and toxic dumping. The Holt family is paying the ultimate price with their health. Is the health of white families given higher value than the health of black families in Dickson County, Tennessee? Are health and environmental laws

applied differently to protect white and black families in Dickson County? These two questions form the heart of the Holt family's claim of environmental racism. It is clear from reams of government records that all levels of government failed the Harry Holt family.

Even having the facts was not sufficient to get government to respond in a timely manner to protect black families threatened by contamination in their drinking water. White and black families were treated differently. This differential treatment resulted in the African American Holt family experiencing prolonged exposure to contaminated drinking water and subjected them to unnecessary health risks.

**Table 7.3**
Distance Dickson City Officials Homes to the Dickson County Landfill

| City Official | Home Address | Ward Number | Distance to Landfill (Miles) |
|---|---|---|---|
| 1. R. Arnold | 119 Edgewood Pl.<br>Dickson, TN | 2 | 0.33 |
| 2. J.R. Monsue | 702 West 3rd St.<br>Dickson, TN | 3 | 1.85 |
| 3. M. Corlew | 105 Marley Dr.<br>Dickson, TN | 3 | 1.95 |
| 4. R. Blue | 115 Miller St.<br>Dickson, TN | 4 | 2.22 |
| 5. R.S. England | 711 Henslee Dr.<br>Dickson, TN | 2 | 2.30 |
| 6. B. Rial | 106 Forest Hills Circle<br>Dickson, TN | 1 | 3.65 |
| 7. M. Legg | 105 Steven Nicks Dr.<br>Dickson, TN | 1 | 4.04 |
| 8. J. Jennings | 122 Shady Brook Circle<br>Dickson, TN | 4 | 4.10 |
| 9. D. Weiss, Jr. | 100 Belford<br>Dickson, TN | Mayor | 3.85 |

Source: City of Dickson, Tennessee, "City Council," found at http://cityofdickson.com/Council.aspx (Accessed March 15, 2006).

Various levels of government acted promptly to protect the rights (and health) of white families but failed to protect the rights of black families. Nearly 150 years after the infamous *Scott v. Painter* U.S. Supreme Court Decision in 1857, Harry Holt understood how Dred Scott must have felt when the high court judges ruled, "No black man has any rights that any white man is bound to respect,"[54] and when the high court judges 40 years later, in 1896, told Homer Plessy, in the infamous *Plessy v. Ferguson* case, that codified "separate but equal" and "Jim Crow" segregation, to pay his full-fare but get on the "back of the train."[55] Harry Holt's 2003 lawsuit was still pending in court when he died on January 9, 2007. Mr. Holt was 66 years old and had lived in the Eno Road community all his life.

Because of overt and intentional discrimination by the city of Dickson, County of Dickson, State of Tennessee, and the federal EPA against the Holt family, their health was adversely affected, their property and land devalued, and their wealth diminished. Generations of Holts survived the horrors of post-slavery racism and "Jim Crow" segregation, but may not survive the toxic assault and contamination from the Dickson County Landfill.

## Policy Recommendations

Because of the urgency of the environmental health disaster created by the Dickson County Landfill and government inaction, we are making the following recommendations to government and nongovernmental organizations:

### *Government*

1. The Dickson County Commissioners immediately close all solid waste operations (recycling center, garbage transfer station and Class VI Construction and Demolition landfill) at the facility on Eno Road.
2. State of Tennessee institute a moratorium on the siting and permitting of waste facilities and other polluting facilities in the Dickson Eno Road community.
3. Require the federal EPA and the State of Tennessee to clean up the contamination caused by the Dickson County Landfill under the Resource Conservation and Recovery Act (RCRA) Corrective Action Program, a law passed by Congress compelling responsible parties to address the investigation and clean-up of hazardous releases themselves.
4. The U.S. Congress hold hearings on the EPA handling of the Dickson County Landfill and the treatment of black and white families whose private wells and springs were contaminated by the leaky landfill.
5. The U.S. EPA Office of Inspector General (OIG) conduct an independent study of the Dickson County Landfill Superfund site evaluation and hold hearings on the treatment of the Holt family and the African American community on Eno Road in Dickson, Tennessee, per EPA's requirements under the 1994 Environmental Justice Executive Order 12898.
6. The U.S. Department of Justice, Office of Civil Rights conduct an investigation of the City of Dickson, County of Dickson, and State of Tennessee handling of the contamination in the Holt family wells and the protection of their civil rights.

### *Nongovernmental Organizations*

1. The national environmental and environmental justice groups "adopt" the Holt family and the Eno Road community as the "poster child" for environmental racism and use their political and economic clout to pressure the city, county and federal agencies to repair the harm done to the Holts and to the Eno Road community.
2. The environmental justice, legal, health and medical, scientific, education, civil rights and religious community converge on Dickson, Tennessee, to hold a series of national demonstrations to dramatize environmental racism with the goal of making Dickson County the "Warren County" of the 2000s.

**Figure 7.2** – Map of Dickson County Officials and Proximity to Dickson County Landfill

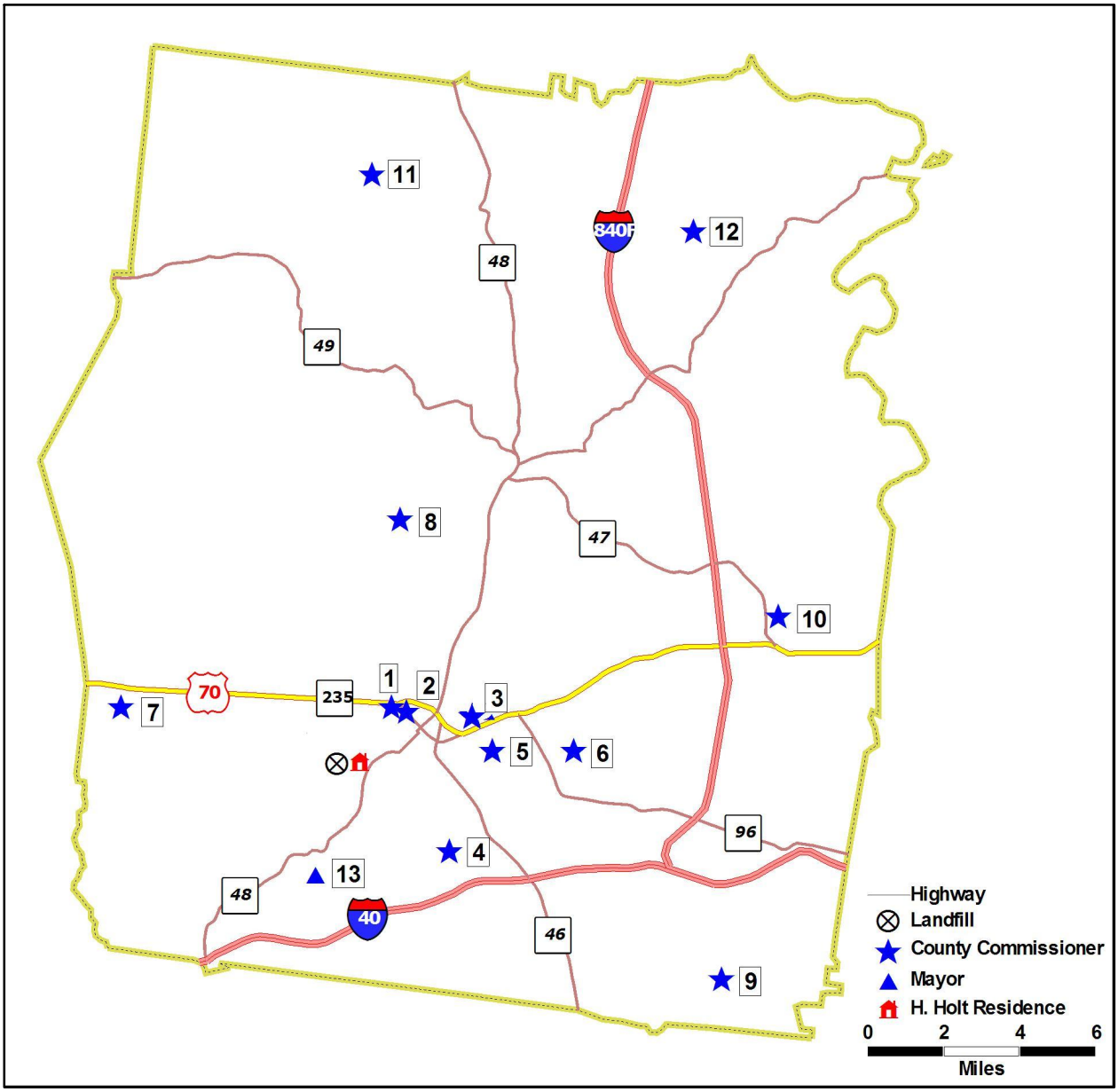


**Table 7.4**
Distance Dickson County Officials Homes to the Dickson County Landfill

| City Official | Home Address | District Number | Distance to Landfill (Miles) |
|---|---|---|---|
| 1. D. Corlew | 1006 West 1st Street<br>Dickson, TN | 8 | 1.79 |
| 2. D. England | 615 W. College St.<br>Dickson, TN | 9 | 1.95 |
| 3. B. Reed | 108 Lone Oak Dr.<br>Dickson, TN | 10 | 3.55 |
| 4. V. Gray | 665 Murrell Rd.<br>Dickson, TN | 7 | 3.70 |
| 5. D. Tidwell | 209 Robinson Dr.<br>Dickson, TN | 11 | 4.00 |
| 6. J. Loggins | 345 Loggins Rd.<br>Burns, TN | 12 | 6.00 |
| 7. R. Wetterau | 325 McElhiney Rd.<br>Dickson, TN | 2 | 6.17 |
| 8. S. Batey | 1128 Old Stage Rd.<br>Dickson, TN | 1 | 6.42 |
| 9. B. Spencer | 885 Tidwell Rd.<br>Burns, TN | 6 | 11.50 |
| 10. G. Larkin | 315 School Rd.<br>White Bluff, TN | 5 | 11.88 |
| 11. G. Suggs | 2645 Wood Valley Rd.<br>Cumberland Furnace, TN | 3 | 15.40 |
| 12. J.B. Smith | 1765 Maple Valley Rd.<br>Charlotte, TN | 4 | 16.50 |
| 13. L. Frazier | 825 North Mount Sinai Rd.<br>Dickson, TN | Mayor | 3.00 |

Source: Dickson County Chamber of Commerce, "County Offices, Elected Officials and County Offices," found at http://www.dicksoncountychamber.com/community/offices.html (accessed February 26, 2006).

## End Notes

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