



Carmage Walls Commentary Prize

2018 Entry Form

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What is the subject/title of the entry? Kicking Ash and Taking Names

Date(s) of publication? July 25, Aug. 2, Nov. 8, Jan 24, Apr 4, Apr 25,

Is your newspaper under 50,000 circulation or above 50,000 circulation?

Please give a brief explanation of issues discussed and the results achieved. (This space will expand as you type in your comments.)

May 3, 2018

When you are told, "There's nothing you can do," the two most likely reactions are:

1. Surrender
2. Fight harder

Surrender wasn't an option for *The Press-Sentinel* in Jesup, Georgia. In fact, when the newspaper uncovered a sly scheme that would dump millions of tons of toxic coal ash in a private landfill, the battle cry was raised—"No and *hell* no!"

And when people—including elected officials—learned that Republic Services Inc.'s largest shareholder was the world's richest man, Bill Gates, they were ready to hoist the white flag. Newspaper owner and former publisher, Dink NeSmith, wasn't about to back down from Gates or his second-largest waste-management company in America. Instead, he threw his heart into his hometown's battle and his wallet followed.

The furor started on January 9, 2016, when the 6,000-circulation twice-weekly discovered an unknown Republic subsidiary, Central Virginia Properties LLC, had filed a

wetlands-destroying application with the U.S. Army Corps of Engineers. The stealth move was to build four sets of railroad tracks—one mile long each—through 25 acres of wetlands. The proposed rail spur would allow Republic to haul in 100 cars per day with an estimated 10,000 tons of toxic coal ash to dump in its Broadhurst Environmental Landfill. The rail spur would also open the community to becoming the East Coast’s trash bin, stretching from Miami to New York.

In the discovery of the 2016 proposal, the newspaper learned that Republic—several years earlier—had quietly trucked in 800,000 tons of toxic coal ash from Florida.

Already there had been an unknown-to-the-public spill of poisonous beryllium at the landfill. It took a reporter digging through 1,000 pages in Atlanta to unearth that information.

NeSmith and the staff pounced into action. The first step was to sound the alarm: “Only 21 days left to file public comments.” Within days, a team of environmental lawyers were hired by the newspaper. With the help of those attorneys, the 30-day deadline was stretched twice to 90 days, allowing time for more comments and the newspaper to promote a town-hall meeting.

Early in the fight, NeSmith dubbed it a “David-and-Goliath Battle, circa 2016.” And here’s a brief summary of some of what others thought could *not* be done:

- *Got Republic Services Inc.’s attention

- **The Press-Sentinel* hired a team of environmental lawyers

- *The newspaper poured ink and dollars (more than \$100,000 and increasing) into the campaign

- *Raised more than \$1 million in private commitments to wage the legal fight

- *Helped organize a grassroots organization of 600-plus citizens to fight toxic coal ash

- *Engaged Earthjustice and other environmental groups

- *Published three ad-free special educational editions

- *Published more than 50 news articles

- *Published more than 25 editorials

- *Commissioned an artist for more than 90 editorial cartoons

- *So far, NeSmith has written 85 columns on the issue

- *Multiple letters and packages have been sent to Bill Gates and Republic’s directors

- *Contacted President Jimmy Carter, who agreed to write to and talk with Gates

- *Traveled to Kentucky to get advice from author/environmentalist Wendell Berry

- *Met four times with a top executive of Republic Services Inc.

- *Testified four times before Georgia’s Environmental Protection Division

- *Traveled to Arlington, Virginia, on April 24 to testify at an EPA coal-ash rule hearing

- *Interviewed by NPR several times

- *National coverage, including the *Washington Post*, *InsideClimate News* and

Huffington Post

- *Writing book—*Kicking Ash & Taking Names*—to inspire communities facing corporate giants

In the first meeting with Republic’s area president in April 2016, he said, “We are willing to negotiate.”

NeSmith asked, “Are you willing to withdraw the rail-spur application from the Corps?”

“Absolutely not.”

“Are you willing to withdraw the coal-ash permit application from the EPD?”

“Absolutely not.”

“Are you willing to renegotiate the egregious 50-year contract with the county?”

“Absolutely not.”

With the third no, NeSmith leaned over and said, "Then, we are at war."

Fast-forward a year and in April 2017, Republic did three things:

1. Withdrew the rail-spur application with the Corps
2. Withdrew the coal-ash application with the EPD
3. Agreed to renegotiate the lopsided contract with the county

As they say, the devil is in the details. Almost a year later, the haggling over the terms of the new contract continues. In August of 2017, when Republic issued its new proposal, NeSmith wrote in his column that the plan was:

- a. Spiteful
- b. Punitive
- c. Greedy
- d. Extortion
- e. All of the above

Recently, NeSmith met with the same Republic officials who said, "It would be political suicide to bring more coal ash into Wayne County." And NeSmith said, "Put that in writing." The written commitment has been promised. Republic's tone has become much more sensitive and community-minded, versus its original public-be-damned attitude. Productive contract negotiations are underway.

Submitted as entries in 2018's Carmage Walls Commentary Prize contest are six (6) of Dink NeSmith's 85 columns in the David-and-Goliath Battle, circa 2016. The "fight-harder" decision has paid off for Wayne County. Not one additional ounce of toxic coal ash has been foisted on the community's environment or its people. NeSmith always says, "We're just doing what newspapers are supposed to do."

Thanks for your consideration of his entries.

So this is Republic's good-neighbor approach?

By Dink NeSmith

Since April 6, we've waited for Republic to announce its new plan for the Broadhurst Environmental Landfill. The estimated two or three weeks stretched to 105 days before two documents of legalese popped up in an email. Given the number of attorneys involved, I can appreciate the delay.

What I cannot appreciate is the shift in the waste-management giant's spirit from "good neighbor" to what appears to be "greedy neighbor."

Calculators are whirring to determine how many millions of dollars the people of Wayne County will reimburse Republic for keeping *more* toxic coal ash from being dumped on us.

From the outset of this controversy, I was insulted by Republic's we-know-what-we-are-doing cockiness.

Despite the public outcry, the Phoenix-based conglomerate showed little concern for our horror of dumping dangerous waste in our precious watershed and porous wetlands. Facts will prove all landfills will eventually leak. And we aren't supposed to sound the alarm?

In the early 1990s, a geological report raised a red flag: "Broadhurst was too wet for a landfill." Bless the late Eddy Lane's heart, may he rest in peace. He was the lone commissioner to vote against the county's pursuing a regional landfill.

Fast-forward 25 years, and look where we are. We have a modern-day David-and-Goliath battle. None of us will ever have the mega-wealth of the world's richest man, Bill Gates, who is Republic's largest shareholder. However, you don't have to have billions to own the guts to stand up for the people *and* the place you love. I strongly believe: "Where there's a will, there's a way."

We must have the willpower to say to Republic's latest proposal: "If you aren't willing to negotiate in more reasonable terms, we will never agree." If this

were a multiple-choice test to describe the proposition introduced on July 20, what answer would you circle?

- Spiteful
- Punitive
- Greedy
- Extortion
- All of the above

My answer would be "e"—all of the above.

With that said, I need to say this. Drew Isenhour, Republic's area president, inherited this public-relations fiasco. When the stuff hit the fan early last

year, he was sent to try to clean up the mess. He's been much like the proverbial fellow with a shovel and broom following a circus elephant. Drew's strived to improve relations with county officials. He's been open to one-on-one meetings with others, too. Quickly, I realized that he's as loyal to his company as we are to our hometown.

Drew is a likeable man. In my heart, I believe he's tried. I respect that. But in my mind, I still go back to the original arrogance of Republic's executives. From 2,200 miles away, they saw no harm in turning our community into a national lab-rat experiment to see how much toxic coal ash could be piled in one place.

And now, Republic wants Wayne County to become the trash bin for God-knows-what garbage from Maine to southern tip of Florida. The new proposal deftly ignores the rail-spur issue.

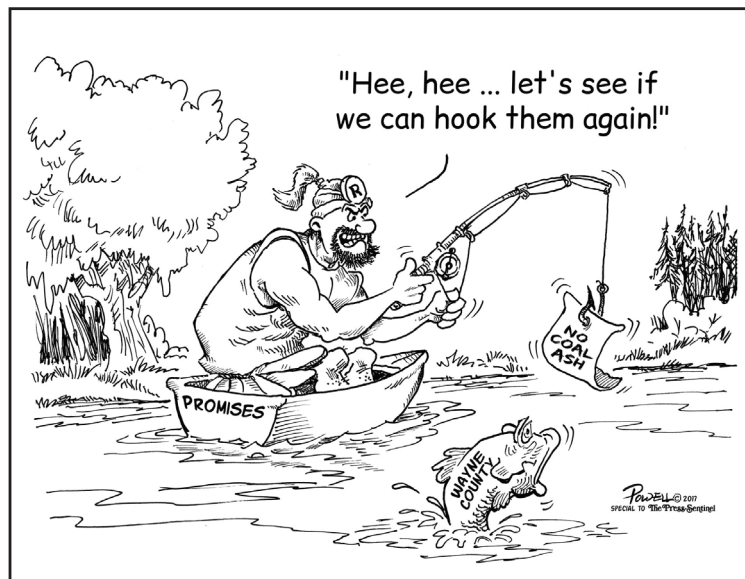
So where are we now?

We hope meaningful negotiations are forthcoming. If Wayne County wants to know where we are, we must follow the money to know the truth. You read in the Bible: "The truth shall set you free." The truth can also make you mad.

The math truth will tell us whether Republic is a good neighbor *or* a greedy neighbor.

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(For more commentaries visit www.dinknesmith.com)



Just when you thought it was ‘safe to go back into the water’

By Dink NeSmith

Brrrrrr rump.
Brrrrrr rump.
Brrrrrr rump!

When I hear the soundtrack of the movie *Jaws*, the hairs on my forearms jump to attention. And ever since that 1975 thriller, I don't put a toe in salt water without hearing the orchestra's strings, woodwinds, horns and percussion pieces making that eerie sound.

When the wave of reality from Republic's latest proposal washed over me, I was 250 miles from the nearest ocean. Still, I could hear the *brrrrrr rump ... brrrrrr rump ... brrrrrr rump!* That led me on a curiosity field trip. I wanted to know what instruments were making the hairs dance on my arms. YouTube took me to the Boston Pops in concert.

I recognized French horns and assorted instruments, but I didn't know what some were. That's when I turned to my boyhood friend, Lee Riggins, a master musician and retired college administrator, for help. The tingling opening bars are courtesy of contrabassoons, bassoons and double basses.

Thanks, Dr. Riggins.

Lee, too, has been following the environmental saga in his hometown. So far, I have yet to talk to anyone—other than people on Republic's payroll—who thinks Wayne County is getting a fair shake in this turn of events. In fact, a comment referring to *Jaws* was repeated more than once: *“Just when you thought it was safe to go back into the water.”*

Perhaps you've been watching the Discovery Channel's "Shark Week." With our officials about to wade into negotiations with Republic, how's that for timing? Sharks are beautiful creatures and serve a purpose in our ecosystem. However, you don't have to watch *Jaws* to know a shark can rip you to pieces.

To Wall Street investors, waste-management

conglomerates are “beautiful” and money-making creatures. Otherwise, why would Bill Gates have billions invested in Republic Services Inc.? Companies such as Republic serve a very useful purpose. People create enormous piles of garbage and waste, and Republic has capitalized on the opportunity. That's the free-enterprise system at work. But just like sharks, businesses can become dangerously aggressive.

Republic knows our community is staunchly opposed to more toxic waste being dumped in the Broadhurst Environmental Landfill. It's a less-than-

desirable location for regular garbage, let alone dangerous coal ash. Wayne County made a mistake 25 years ago by opening the door to an outsider-controlled landfill.

Beyond the slick contracts and flashing of legal teeth, I have been and will continue to be nauseated by the way behemoths prey on poor, rural communities. These companies know places such as Wayne County are

cash-strapped. We become easy targets and sacrifice zones for dumping what other communities don't want. “Easy” money tends to make the fine print easy to overlook.

There's an old saying: *“Fool me once, shame on you. Fool me twice, shame on me.”* That's what should be on the minds of those representing us at the negotiation table. I have a suspicion that Republic's latest proposal is a ploy to make us say: “Oh, no. We can't afford to keep out coal ash. Let's keep the old 50-year agreement.” And then the giant in this David-and-Goliath battle can spin the outcome in its favor by saying: “Well, we gave you a chance, and you turned it down.”

I once heard a fellow say, “If that's not right, my *bleep* is a bass fiddle.”

Well, if I'm wrong—*brrrrrr rump ... brrrrrr rump ... brrrrrr rump*—my backside is a contrabassoon.

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It's time to quit the cat-and-mouse game

By Dink NeSmith

Teachers Nanelle Bacon and C.W. Collins aren't here to tell you, but Tim Cockfield is. I stumbled through algebra. That's why I took postsecondary algebra at Waycross Junior College in the summer. With the tutorial help of John Oglesby, I drove back to UGA on Highway 15, leaving those confusing equations in my rearview mirror. But when it comes to numbers, I can "do figures," as the old folks say.

How long has Wayne County been in this toxic coal-ash quagmire? By my count, it's been about 670 days since that shocking announcement in January 2016. And if you're counting the times that I've expressed my opinions on the subject, the exact number is 73. If it takes 173 times, I am willing to keep pushing to help get us out of this uncalled-for pollution-risking purgatory.

More than once, I've referred to the late Dr. Norman Vincent Peale: "There's no right way to do a wrong thing." Republic Services did the wrong thing when it tried to slip a Corps of Engineers' rail-spur application by us using the name of its unknown-to-us subsidiary, Central Virginia Properties LLC. And Wayne County did the wrong thing by agreeing to a contract that allows the landfill operator to have its way with us, allowing Republic to turn our county into an environmental prostitute.

We bit the money bait, and thus the nation's second-largest waste-management company has us trapped. That's what the Wall Street giant had hoped, but now we know that's not completely the case. If you attended last week's Solid Waste Authority meeting, you witnessed the exchange of legal opinions. The back-and-forth was a reminder that lawyers—by nature—make their livings by disagreeing with one another.

Sometimes, there's no way to avoid litigation. But in this situation, I believe the best alternative can

be reached at the bargaining table. In my opinion, Republic has not been completely forthright in keeping the public informed. There's strong belief that there has been fudging on local laws to accomplish expansion. Republic argues not.

In hindsight, our commissioners would have probably balked at a regional landfill if they could have foreseen 2017's consequences. But as sure as there are wetlands in Broadhurst, Republic is here and doing business. It has a grandfathered right to operate. But if Republic wants to live up to its "good-neighbor" ambition, the cat-and-mouse game has to cease. Otherwise, the current mood of distrust will not go away.

When the new "good-neighbor" proposal was presented in July, I asked for a spreadsheet spelling out the financial ramifications for the citizens of Wayne County and Republic. We were told there was no such computation. Now, Republic officials have criticized your newspaper for printing "misleading" financial information. Last week, again, I asked for the

company's projections. Republic's attorney waved me off, saying, "You can do the math."

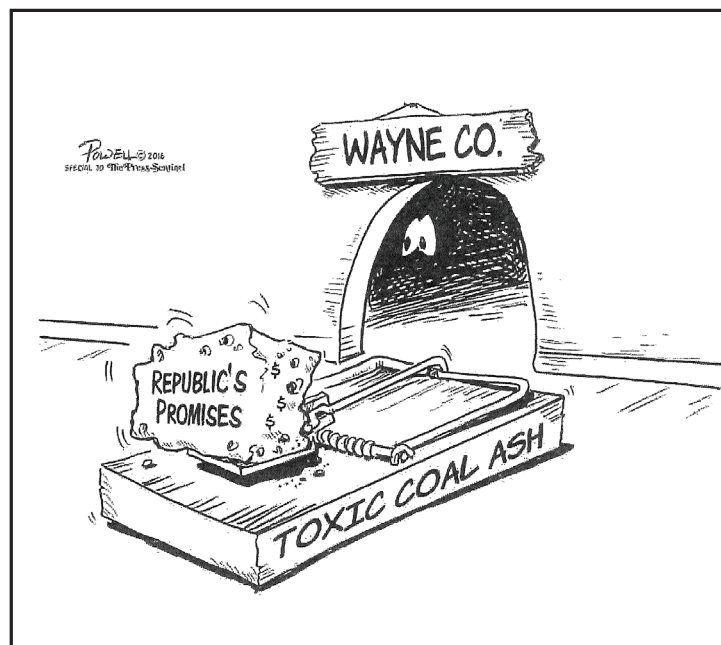
A basic rule in any transaction is: "Follow the money." Republic is not helping itself with these evasive tactics. At the root of today's distrust is Republic's 2005 comment of "Oh, it's just cleaning-up-some-clutter" language in the contract. Today, we know the truth. What we need is less slippery legalese and more easier-to-understand explanations.

I may not be a mathematical genius, but I know how to build healthy relationships. If the goal is mutual goodwill, you don't use cat-and-mouse strategies. The time has come for Republic to do the right thing—put its numbers on the table for us to compare and discuss.

We really do need to be "good neighbors."

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Carolinas and Florida have outfoxed Georgia with toxic coal ash

By Dink NeSmith

The calls keep coming: “Do you know about those long dump trucks coming out of South Carolina on I-85 South?”

Yes, I do.

Those special side-dumping big rigs are heading to 610 Frank Bennett Road in Banks County. Since 2015, the steady convoy has delivered millions of tons of toxic coal ash

to be dumped in the R&B Landfill, owned and operated by Waste Management.

Waste Management is the industry’s biggest, with Republic Services Inc. coming in second. The world’s richest man, Bill Gates, has a sizable stake in both companies. There’s a fortune in handling what others don’t want. Some states have made the smart choice: “We don’t want the long-term risk of toxic coal ash polluting our environment.”

So who is the “lucky” sucker who gets to run that risk? Our state—good old Georgia, the one with lower tipping fees and looser environmental laws which roll out the welcome mat to Duke Energy and other massive coal-ash producers.

Yes, I had heard about those semis streaming across Lake Hartwell’s bridge into the Peach State. Saturday, I decided to take a look. Without a GPS, I had no trouble finding the Highway 51 turn-off on U.S. 441 North. A few miles down the road, another right turn put me on Frank Bennett Road. From the side of the narrow strip of asphalt, I craned my neck to see the earth-moving equipment atop the mountains of trash. So high up, the yellow crawlers looked like Tonka toys.

Banks County is in the foothills of Appalachia. The rolling terrain, with its lakes and streams, is a picturesque slice of natural beauty. Before the outlet-mall explosion—Banks Crossing—arrived on either side of I-85, Banks County was rural and considered poor. That typically means less educated, too. “Rural” and “poor” are two important magnets to attract mega landfills. Just as Republic did with the acquisition of Broadhurst, Waste Management acquired the small R&B

Landfill and began adding acreage.

Before long, the Banks County commissioners were hooked on the “easy” landfill money, and that opened the door for what the Carolinas didn’t want. Sound familiar?

If you look at the websites of Waste Management and Republic Services Inc.

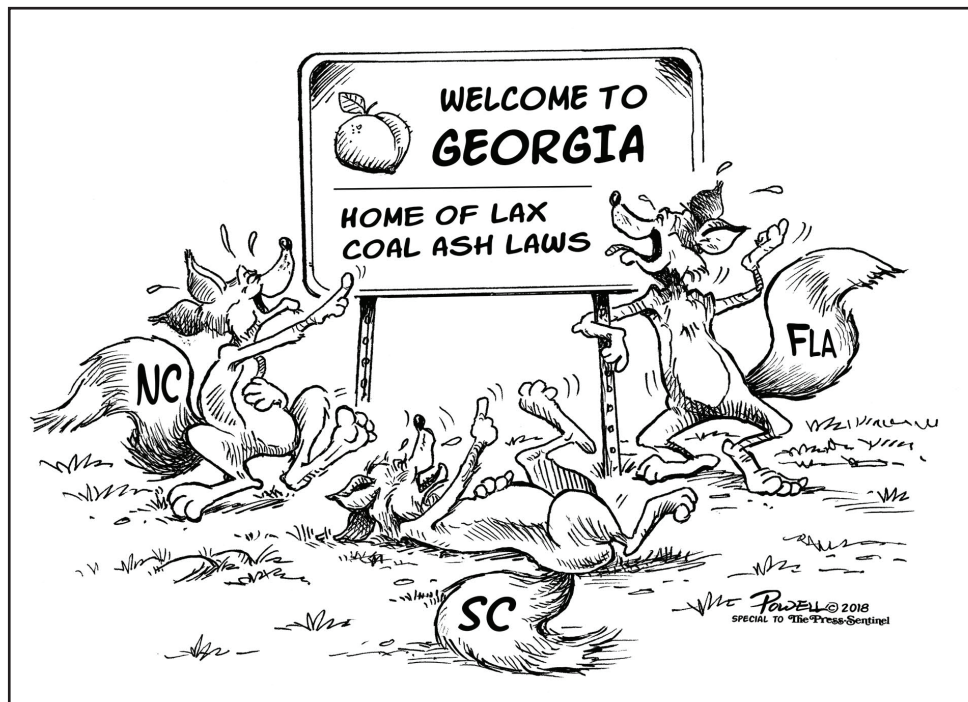
or listen to their personnel, you’ll quickly read or hear: “We have state-of-the-art technology and exceed government regulations.” I don’t doubt those claims. What I doubt is if the regulations are stringent enough to protect us from poisonous coal ash forever. On my desk, I keep a piece of that “state-of-the-art” plastic which is to safeguard us—forever.

Really?

But back to those sleek semis—loaded with toxic coal ash—streaming in from the Carolinas. And don’t forget the 800,000 tons Florida’s Jacksonville Electric Authority has already dumped in Broadhurst. Seems our neighboring states outthought or outfoxed Georgia on protecting its citizens.

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Not far from Waste Management’s R&B Landfill in Banks County, the company parks a fleet of special side-dumping trailers and trucks in Franklin County. The big rigs—loaded with toxic coal ash—create a steady I-85 convoy out of the Carolinas.



The R&B Landfill, near Homer, started as a small facility in Banks County. Today, it is owned by the industry’s giant, Waste Management. The facility accepts municipal and industrial waste. Since 2015, about 7 million tons of toxic coal ash has been dumped there.

Georgia Power puts squeeze on Gold Dome, again

By Dink NeSmith

Make no mistake. I am appreciative of Georgia Power, especially when I flip a switch and there's light, air conditioning and heat. And when disasters strike, their folks—wearing hard hats and driving those big trucks—are quick to respond. They risk their lives to make ours better.

Going back as far as I can remember, some of the best civic leaders our community has ever known worked for Georgia Power. Bob Shaw, Rick Thomas, G.A. Nasworthy, Mike Garrett and James Griffin—just to name a few—proved the utility company really meant: “A Citizen Wherever We Serve.” Travel anywhere in the state, and you can hear similar testimonies.

The jobs-creating behemoth is an irreplaceable cog in our state's economic engine. With its more-or-less bottomless pockets and an army of lobbyists, Georgia Power has the clout to make things happen *or* not happen. That's mostly a good thing.

I wish this story stopped there, but it doesn't.

Georgia Power wants the public to see its shiny, feel-good public image. What it would like for us to overlook is the giant's underbelly coated with millions of tons of toxic coal ash. And it doesn't take a modern-day Sherlock Holmes to discover how effectively the utility company puts the squeeze on the Gold Dome. The governor, the lieutenant governor, and many members of both the General Assembly and the Public Service Commission are quick to kowtow to Georgia Power's wishes. In return, just like electricity, campaign contributions flow.

What's happened in the past three sessions of the General Assembly makes it obvious—Georgia Power enjoys a nearly untouchable sacred-cow status. Since the controversy over toxic coal ash erupted, several state representatives and senators have tried to get better environmental and public-notice laws passed.

If it weren't serious, it'd be comical to watch the backroom pressure to water down, gut or outright kill measures designed to protect 10 million Georgians. One longtime political observer has labeled the House's natural resources committee “The Georgia Power Fan Club.” Again, you don't have to be Sherlock Holmes to detect that nothing gets out of that body without Georgia Power's stamp of approval.

Consider these 2018 examples:

- Glynn County's Rep. Jeff Jones introduced House Bill 879. He thought people ought to know when water from toxic coal-ash ponds—after being treated—is about to be dumped into the state's waterways. A diluted version of the bill passed in the House, but it died in the Senate. And who has dozens of toxic coal-ash ponds in our state? Georgia Power.

- Rep. Jones also introduced House Bill 880 to establish more strict regulations for landfills which could accept toxic coal ash. The House natural resources and environment committee, chaired by Jesup native Rep. Lynn Ratigan Smith of Newnan, promptly put that measure in the round file. Who benefits from that? You know the answer: landfill operators and Georgia Power.

- The General Assembly did pass a bill to increase the minimum landfill host fee from \$1 per ton to \$2.50 per ton in 2019. Guess what got *excluded* from an increase until 2025? That's right, toxic coal ash. And who has millions of tons of toxic coal ash that needs to be dumped somewhere? That's right, Georgia Power.

Make no mistake.

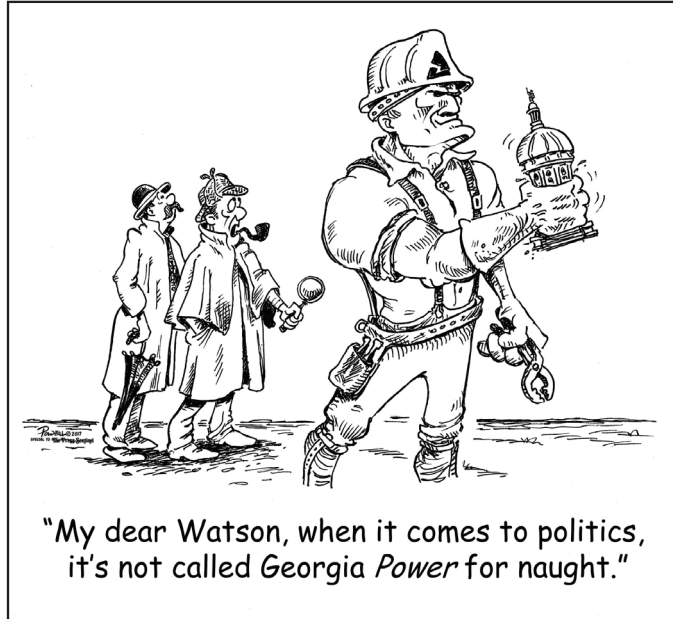
I appreciate the good Georgia Power does.

Besides, our state needs Georgia Power.

But what Georgia also needs is for the company's corporate honchos to loosen their political grip on the Gold Dome and live up to its motto: “A Citizen Wherever We Serve.”

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EPA must not become Environmental Pollution Agency

By Dink NeSmith

(As this edition of the newspaper was going to press, I was in Alexandria, Virginia, near Washington, D.C. The following is my April 24 testimony at the Environmental Protection Agency's [EPA] public hearing on its proposed federal rule changes on coal ash.)

Good afternoon. Thank you for this opportunity. My name is Dink NeSmith. This is my 47th year in the newspaper business. My hometown is Jesup, Georgia. We are facing the risk of having millions of tons of toxic coal ash dumped in a privately owned 2,300-acre landfill which is 10 miles from our courthouse. We are not alone in Southeast Georgia. Deep-pocketed companies traditionally target scores of small, rural communities.

We become Sacrifice Zones, as those giant corporations dump on us to get rid of dangerous and noxious waste that they don't want. Toxic coal ash is a prime example. Simple logic decries, "You don't solve one problem by creating another."

Do I need to mention the stranded Poop Train that stunk up the tiny town of Parrish—population 982—in rural Alabama? Would you have allowed that repulsive nightmare to linger in Washington for more than two months? We don't deserve to have our communities sacrificed by the callous greed of others.

With its enormous size, the Broadhurst Environmental Landfill in Jesup could become one of the largest—if not the largest—toxic coal-ash dumps in America. Until Republic Services Inc. withdrew its plans in 2017, our community was destined to receive—every day—100 rail cars loaded with 10,000 tons of toxic coal ash. In five short years, we would have had a toxic mountain of more than 18 million tons of coal ash. That is still a possibility. Your proposed *anything-goes* set of rules will be devastating to our community and hundreds of others.

There's no nice way to say it. If you throw out today's protective coal-ash guidelines, communities such as Jesup will become environmental prostitutes with the big-moneyed polluters serving as it's-all-about-the-money pimps. Your action or inaction makes us a David up against a massive army of Goliaths. That's why we depend on you—the EPA. Americans need *you* to stand up for our environmental safety.

The long list of proposed rollbacks on federal coal-ash rules is, in a word: *scary*. In another word: *ludicrous*, if your middle name is really "protection." If you are listening to

the people—beyond the powerful industrial lobbyists—you would be hearing: "What? *This can't be!*" The cleanup of toxic waste should *never* be at the discretion of the company that created the problem. Putting the fox in the henhouse to protect the chickens is a horrible idea!

The first two things a plumber must learn are:

1. The hot goes on the left.
2. The stuff must run downhill.

The Atlantic Ocean and the coast's sensitive estuaries are 40 miles downhill from the Jesup landfill. When another leak or spill occurs—and that *will* happen—the poison will spread throughout the massive Altamaha River watershed that drains one-third of Georgia.

The landfill is situated in and around wetlands which empty into the Altamaha and Satilla rivers. Both flow into the Atlantic. Another alarming fact is that the landfill sits atop the Floridan Aquifer, a vital drinking-water source for millions of people in South Georgia and North Florida. You already know the poisonous heavy metals in toxic coal ash. Ask the people of Flint, Michigan, what part of lead in their drinking water *isn't* hazardous to their health.

Take a moment.

Look at this no-thicker-than-a-nickel piece of plastic. This is supposed to be our assurance that our water is safe from toxic coal-ash pollution for 10 years ... 50 years ... 500 years ... forever?

Really?

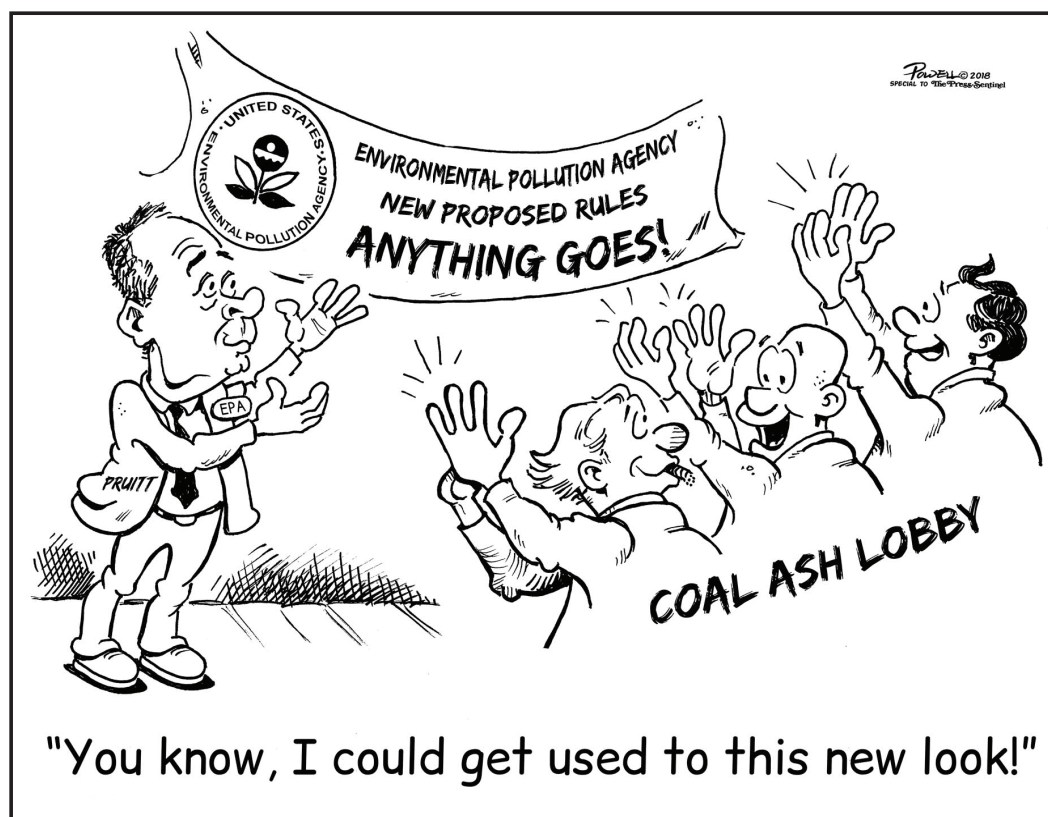
Your agency

should never allow landfills such as ours to be located in waterlogged environments. Our safety, our peace of mind and potentially our economic well-being have been sacrificed.

We look to agencies—state and federal—to protect us. If these governing bodies don't, who will? You have a responsibility to remain the Environmental Protection Agency and not become the *Environmental Pollution Agency*.

If my grandmother were here today, she'd be 118, and she'd say, "You're about to create a 'mell of a hess.'" Think about it. And think about what Dr. Norman Vincent Peale said, "There is no right way to do a wrong thing." What you are proposing is, in a word: *wrong*.

Thank you for listening.



The cleanup of toxic waste should never be at the discretion of the company that created the problem.

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