

Dumping the Landfill:

A Case Study in Grassroots Activism

by Brad Wyche

The long fight against the proposed mega-landfill in Spartanburg County was the modern day version of David versus Goliath. Goliath was Waste Management, a powerful, multi-billion dollar company with an army of lawyers, lobbyists, and consultants. David was a group of Spartanburg County citizens armed only with a lot of passion and determination. The victory is a fascinating case study of how grassroots activism can ultimately prevail against seemingly overwhelming odds.

Palmetto Fills Up

Joe Lesesne announces the formation of Spartanburg County Citizens Against the Landfill at a press conference. Standing beside him is Rose Mary Ritchie with the Spartanburg League of Women Voters.

The battle began in 2002 with Waste Management's announcement that its huge Palmetto Landfill in Spartanburg County, located at the I-85/Highway 29 interchange, would be full in about five years. The company said it wanted to open a new big landfill elsewhere in the county so it could continue operations.

The Palmetto Landfill has always been controversial. Over 80 percent of the waste received there comes from outside Spartanburg County – most of it from western North Carolina. Many citizens in the county strongly resent being treated as a dumping ground for waste from other areas. So when Waste Management said it wanted to open what would be essentially another Palmetto, there was strong opposition. "Enough is enough," was a common reaction.

An Offer That Can't Be Refused?

Waste Management is accustomed to opposition – the company knows its business is not popular. So it typically wraps its proposals in cash, offering to pay the county where the landfill would be built a "host fee" for every ton of out-of-county waste. Over the life of a regional landfill, these fees can amount to many millions of dollars – a tempting lure to local officials who struggle with meager budgets and refuse to consider tax increases.

In 2003, Waste Management offered the county a host fee of \$2 per ton for a new landfill in the southern part of the county. Assuming the new facility would operate much like Palmetto, the projected revenues to Spartanburg County could be as much as \$150 million.

Public Outcry

The proposal attracted a storm of protest. Waste Management refused to disclose the specific site of the landfill, saying only that it would be somewhere in the southern part of the county.

Upstate Forever weighed in, strongly opposing the proposal and emphasizing the lack of need for a new landfill. A huge regional landfill had only recently opened in Union County – just over the Spartanburg County line. Republic Services, the owner of the facility, was eager to take Spartanburg County's waste. Upstate Forever pointed out that one of the basic policies of the South Carolina Solid Waste Policy and Management Act is a regional approach to solid waste

issues. The Republic facility in Union County and another regional landfill in Anderson provide ample capacity for the Upstate's waste. Another big landfill was clearly not needed.

County Council Says No

Spartanburg County Council turned down the offer. The vote could not have been closer: 4 to 3. While the decision was celebrated and widely praised, we feared that we had not heard the last from Waste Management.

Waste Management Regroups

Sure enough, the company came back with another proposal. In August 2005 they disclosed the site – a 1,200 acre tract near the town of Enoree, and they brought with them a powerful ally – the South Carolina Department of Health and Environmental Control (DHEC), the state agency that administers and enforces the state solid waste law and regulations. DHEC stunned everyone with an announcement that Waste Management had the absolute right to build a new landfill and that there was nothing the County could do about it.

The general rule in South Carolina is that a new solid waste disposal facility can be built only if it “demonstrates need” for it. Because of the two existing and underutilized regional landfills in the Upstate, Waste Management clearly could not meet this requirement. DHEC, however, said that the so-called “grandfather provision” in the solid waste regulations exempts “replacement facilities” (a new facility that replaces an old one that has reached capacity) from demonstrating need. Not only that, but DHEC interpreted the grandfather provision as preemptive of any contrary local view. This was a huge blow to landfill opponents. Now the agency in charge of the solid waste program in South Carolina was on Waste Management's side.

On Second Thought

Once Palmetto Landfill closes, Spartanburg County will no longer be a dumping ground for out-of-state waste.

But to the great credit of its staff, the County didn't give up. The County Administrator sent a letter to DHEC, pointing out that the agency had overlooked a fundamental principle of South Carolina government – Home Rule. DHEC does not have the right, the County argued, to force Spartanburg County to accept a landfill it does not want.

And to DHEC's great credit, it realized and admitted its mistake and responded on September 1, 2005 that Spartanburg County did have the right to say no. Waste Management may not have to meet the state demonstration of need requirements, but it still has to meet all local rules. Those are two distinct issues, DHEC correctly concluded.

DHEC's reversal was a huge boost for landfill opponents. The decision would be made in Spartanburg, not Columbia.

Mr. Britt's Second Thought

On October 18, 2005, all eyes were on County Council as they met to determine the fate of the landfill. The vote was again 4 to 3, but this time it was in Waste Management's favor, with Council member David Britt changing his position and casting the deciding vote.

Opponents Regroup

The vote actually was to negotiate the contract with Waste Management for the new landfill, not to approve it. This gave opponents time to mobilize. A new group called RESCUE, consisting of residents near the landfill site, emerged. Upstate Forever again strongly criticized the project.

A Leader Steps Forward

Former Wofford
President and Upstate
Forever Board member
Joe Lesesne
courageously stepped
forward to lead the
campaign.

But it was obvious that RESCUE and letters from Upstate Forever and citizens would not be enough to derail the Waste Management juggernaut. The only real hope was a county-wide, well-organized campaign led by a well known and respected Spartanburg citizen. That person courageously stepped forward – former Wofford College president and Upstate Forever Board member Dr. Joe Lesesne.

On January 19, 2006, he announced the formation of Spartanburg County Citizens Against the Landfill (SCATTL). Upstate Forever decided to make the support of SCATTL a top priority.

A 24-7 Campaign

A committee appointed in October to negotiate with Waste Management had already met several times. The four “pro-landfill” Council members were relentlessly pushing ahead to get the deal done. We realized that we had very little time to do a lot of work.

One of the best decisions we made was retaining the services of John Rubin, a political consultant, to manage the campaign. Because of John’s dedication and tireless efforts, we were able to accomplish the following in less than 30 days:

Conducted and released a countywide poll showing that 58% of Spartanburg County citizens opposed the landfill. Even the possibility that the Waste Management fees would reduce taxes was not persuasive to a majority of the citizens.

- Sent out 33,000 mailings with a tear-off post card to send to the recipient’s County Council member. Mailings like this usually have a response rate of 1 to 2 per cent: Ours exceeded 10 percent. Over 3,400 cards were sent in.
- Utilized a phone bank that called more than 3,500 voters in the districts of Council representatives Britt and Parker, urging them to call their Council member and voice their opposition to the landfill. More than 1,500 calls were made!
- Sent out another mailing to 19,000 people.
- Set up and managed a website.

Action in Columbia

Meanwhile, members of the Spartanburg County legislative delegation, most notably, Rep. Phil Sinclair and Sen. John Hawkins, were strongly backing legislation to rescind the grandfather

provision in the DHEC regulation. Without that provision, Waste Management would be unable to meet the state demonstration of need requirement. But with Waste Management having hired additional lobbyists to fight the legislation, there was no assurance that this effort would succeed.

Hello?

We could not have been more pleased with the response from the citizens to our campaign, but it appeared that the campaign was having no effect on the decision-makers. If anything, the four pro-landfill members seemed to be getting even more entrenched.

On February 20, 2006, County Council held its meeting at Spartanburg Memorial Auditorium in order to accommodate over 500 people – the most people to attend a Council meeting in the County's history. But it appeared to make no difference.

The Revised Offer

The committee and Waste Management announced the results of their negotiations on March 3. Waste Management was putting more money on the table but not nearly as much as many of us expected. It increased (1) the host fee from \$2 to \$2.25 per ton, (2) the development fee from \$2 million to \$2.45 million, and (3) the amount of Spartanburg County waste it would dispose of at no charge. The grand total was \$251 million over 37 years.

The fine print of the offer revealed many assumptions and unguaranteed promises, which we pointed out in an e-mail alert entitled "Fuzzy Math & Phantom Money."

But Council's reaction was discouraging, to say the least:

- David Britt: "I'm extremely impressed."
- Frank Nutt: "Nutt said he expected to have a contract drawn up shortly."
- Ken Huckaby: "It sounds good to me." (Spartanburg Herald-Journal, March 19, 2006)

From the Jaws of Defeat, Victory!

One reason the proposed landfill was such a bad idea – its close proximity to the regional landfill in Union County that is already operating and has plenty of capacity.

To view a full size map, please click on the image above.

Council put the landfill on the agenda for the meeting on March 20. We learned that a contract with Waste Management was being prepared and would be voted on at that meeting. The deal would be done in a matter of days. We certainly didn't give up but it looked very bleak.

And then on March 16, we started hearing reports that Mr. Britt was having serious doubt about the entire project. With each passing hour, the reports became more encouraging. A special

meeting of the solid waste committee (the four pro-landfill members) was scheduled for the next day at 8:30 a.m.

After the meeting, which was held in executive session, the four emerged to announce that the project was dead! Not just that the vote would be delayed or that Council wanted a better offer, but that there would be no landfill. No more discussion – end of the story. The official explanation was that the draft contract was unacceptable, but no one doubts that our campaign had a lot to do with it. The Council finally listened to their constituents and for that, they should be commended.

It was an amazing victory for the people of Spartanburg County and for Upstate Forever. With your continued support, we can build on this success and play an even greater role in protecting and improving the county's quality of life.