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## 'We are the pay toilet of the nation'

### Out-of-state garbage making South Carolina a waste destination

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Three years ago, Tom Wood, a widower, former teacher and Navy veteran, moved to a remote spot in Marlboro County, hoping to live out his days in peace.

Now, he's smack in the middle of a fight over what would be one of the state's largest landfills ever — just a few miles from his home.

"This is a crying shame. It'll hurt property values and stink things up," said Wood, 68. The retiree is one of hundreds of people across the state fighting a little-noticed trend: the creation of giant landfills for household waste, much of it from other states.

Huge landfills are on the rise in South Carolina. The nation's three largest garbage haulers — Waste Management Inc., Republic Services and Allied Waste Industries — have moved in, often under other names.

The Legislature never approved a policy allowing the state to become a garbage mecca.

But, with the approval of the state Department of Health and Environmental Control, South Carolina has become an East Coast destination dump.

The state buries far more garbage than it produces and is reserving space for even more.

South Carolina last year buried 4.8 million tons of its own garbage and an additional 1.7 million tons of out-of-state garbage. It could have buried more: DHEC has authorized state landfills to accept 9.9 million tons per year.

But if garbage landfills were to grow to the maximum allowed by law, they could bury 42 million tons per year — almost nine times what South Carolinians now put in the ground.

The state doesn't earmark specific space for S.C. garbage. But landfill representatives say their excess capacity, authorized by DHEC, is for the state's future.

The companies' futures also are assured. They make millions importing other states' household garbage. And if built, three landfills proposed in the past two years — in Marlboro, Williamsburg and Cherokee counties — could considerably increase what South Carolina buries.

"We are the pay toilet of the nation," said Sen. John Courson, R-Richland. He said the growing acceptance of out-of-state garbage reminds him of how the state once embraced the nation's radioactive and hazardous waste.

The "toilet" is expanding.

Marlboro's mega-dump — as critics call it — would take in up to 1.4 million tons of garbage a year, much by rail from out of state.

Landfill industry defenders point out that South Carolina's regulations have their limits, that aside from Cherokee and Marlboro, only one more large landfill can be built from scratch under newer, 2000 regulations.

The catch? The regulations, written by DHEC and approved by state lawmakers on DHEC's recommendation, also allow existing landfills to expand. That means small dumps can be swapped for giant landfills.

A swap was what was proposed in Williamsburg County.

For years, DHEC has allowed Williamsburg to operate an outdated, unlined landfill as the poor, rural county considered how to build a modern, safer landfill. The dump takes in 18,000 tons a year.

Before county leaders changed their minds last month, Williamsburg had agreed to partner with MRR Southern of Raleigh in a 600-acre modern landfill. For the first five years, the landfill would have had a 1-million-ton annual capacity. Later, with County Council approval, MRR could have imported up to 2.3 million tons per year.

That 2.3 million tons was the amount allowed by DHEC under its definition of "need." "Need" is loosely defined as what's necessary for county residents, plus all residents of nearby counties, even if just a portion of a county is within 75 miles of the landfill.

That means, if landfills are close enough to each other, a county's garbage can be counted twice — even three times — toward different landfills' capacities.

#### COMING IN FROM ELSEWHERE

The companies here are from Arizona, Texas and Florida.

MRR is the latest arrival, proposing the landfills in Marlboro and Williamsburg counties after North Carolina passed laws that make it difficult to start new landfills in that state.

DHEC officials have not formally informed lawmakers of the influx of out-of-state trash, and there has been no broad discussion of whether the trend is good policy.

Few foresaw the trend.

In 1991, the Legislature passed a solid waste and recycling law designed to limit garbage buried by encouraging cities and counties to close their outdated landfills in favor of fewer, modern regional ones. But neither the 1991 law nor DHEC's supporting regulations limited the number of landfills or the total amount buried each year in the state.

Large landfills sprang up, the size of which South Carolina had never seen. With them came out-of-state trash.

Today, the state is one of only 11 that import at least 1 million tons of garbage each year from other states, according to the Congressional Research Service.

And the amount is increasing.

In 2001, the state imported 579,000 tons; in 2003, 1.2 million tons; in 2005, 1.5 million tons; in 2007, 1.7 million tons, according to DHEC and the Congressional Research Service.

DHEC in 2000 helped write new regulations aimed at limiting the number of landfills. That's why only one more new landfill can be built from scratch after these:

In Cherokee County, Waste Management, of Texas, wants to build a new mega-landfill it said would replace its large landfill in Spartanburg County. The company has not formally filed for a DHEC permit.

MRR's proposal to take over Williamsburg County's landfill was scuttled in October, at least for now, after hundreds of residents protested at a County Council meeting. DHEC has given preliminary approval.

The Marlboro County proposal also is from MRR. The county is in one of the two corners of the state where a new landfill can be built, without a swap.

MRR spokesman Dan Moore said that while the landfill's potential intake is 1.4 million tons annually, what's buried at first would be far less.

"It doesn't reflect at all what our business plan is," said Moore, who represents MRR in Williamsburg and Marlboro counties. "It takes time to get waste under contract and get it to the site."

MRR, which has connections to Raleigh's large D.H. Griffin construction and demolition companies, is developing landfills here, rather than North Carolina.

The tough N.C. laws made it "a natural progression" to expand into South Carolina, Moore said.

North Carolina might protest anyway. County commissioners in Richmond County, just across the border from the Marlboro site, last month voted to ask their state attorney general to explore suing South Carolina over the landfill.

The S.C. landfill's entrance would be in North Carolina.

DHEC chief Earl Hunter said he wants to make sure South Carolina can handle its own waste and not overbuild.

Hunter said he would have to learn more about North Carolina's tightening of its regulations before commenting.

#### SMILING FACES?

South Carolina's motto is "Smiling Faces. Beautiful Places."

But critics say, more and more, the state's face is pocked with landfills.

Garbage now isn't buried under ground, as many people might think. It's "buried," or stacked, above ground, creating large mounds of trash with fresh dirt covering each day's deposits.

There is no limit on how high garbage can be stacked as long as a landfill's base is broad enough. Trash mountains in Lee and Spartanburg counties now are among the tallest artificial structures there. People give them names, such as "Mount Trashmore."

In South Carolina, the trash tapestry involves DHEC, money, pollution and politics:

Nine other states now use South Carolina as a garbage dump. Last year, those states were New York, Massachusetts, New Jersey, Delaware, North Carolina, Tennessee, Georgia, Florida and Virginia. North Carolina, the leader, dumped 628,262 tons of trash here, followed by Massachusetts (366,054), New York (417,196), and New Jersey (168,215). In those states, dumping fees are high. It's cheaper to ship garbage to South Carolina.

Waste companies hire the state's top legal and political talent to represent their interests.

Waste Management is represented by both the McNair Law Firm, founded by the late Gov. Robert McNair, and the politically connected Nexsen Pruet firm, whose attorneys include Columbia Mayor Bob Coble, former DHEC attorney Tommy Lavender and former state Department of Revenue director Burnet Maybank. The company also has hired Clemson University trustee and former Lt. Gov. Bob Peeler to help out in Cherokee County.

MRR is being helped by former Gov. Jim Hodges' consulting firm. It also has retained the lobbying firm run by the well-connected Richard Davis of Columbia.

South Carolina's poorer, rural counties with slim tax bases, such as Williamsburg, sometimes welcome the trash companies, who give the counties free garbage service and "host fees" for accepting out-of-state waste. Lee, Union and Anderson counties partner with large landfill operators. Even well-off counties such as Spartanburg and Richland have "host-fee" arrangements with big waste firms.

Landfills cause pollution, economic blight and loss of land for development, critics charge. They say land values decline near landfills because no one wants to live there, and stench and noise from hundreds of garbage trucks hurt quality of life and property values.

Some offenses can be quantified. In Spartanburg County, one company is paying residents a yearly "stink fee" to compensate for the 400-plus heavy trucks that pass by daily, said the residents' attorney, Gary Poliakoff.

"Sometimes it's a stench for hours, up to a mile out," he said.

#### COST OF CONTROVERSY

DHEC board members in August approved tighter landfill regulations set to go to the Legislature in 2009 for approval.

The 42-million-ton ceiling would be cut to 29 million tons. That's still six times what South Carolinians now bury.

State Rep. Dennis Moss, R-Cherokee, had asked the board for a moratorium on new sites. He didn't get it. But the

board did ask the agency's staff to work with interested parties to study the state's tangled regulations.

Garbage companies, like any business, have a right to a profit, DHEC board vice chairman Edwin Cooper said later.

"But we'd rather focus on a more sustainable kind of commerce than putting garbage in the ground," he said.

As the regulations are written, residents, and sometimes counties, have to go to court if they want to stop the big landfills.

In some cases, DHEC has tried to stop landfills. But more often, the agency has ended up on the companies' side in court.

To fight DHEC and the waste companies can take years, and thousands of dollars, even if residents win in the end.

Residents who have done battle say it's a quality-of-life issue.

Thousands of people in Spartanburg County, for example, took on DHEC and their own County Council to stop Waste Management from opening a huge landfill. DHEC had approved it.

The approval "surprised me," said former Wofford College president Joe Lesesne, a board member of the conservationist group Upstate Forever.

Lesesne's group and others spent tens of thousands of dollars over four years before DHEC reversed its position. Spartanburg County Council then narrowly voted against partnering with the company, killing the deal.

In a nonbinding referendum in June, 94 percent of Marlboro County voters declared their opposition to the proposed MRR landfill. The county is not partnering with the company and is against the landfill; it sends its garbage to Lee County.

In Marlboro County, MRR has met requirements set by law and has preliminary approval from DHEC to open. The county is appealing in the state's Administrative Law Court.

"The more I look at this," anti-landfill Marlboro activist Wood says, "the more I realize we're fighting one hell of a giant."

Moore, MRR's spokesman, said he knows controversy accompanies landfills. "They're all going to be appealed," he said.

Meanwhile, after changing its mind about partnering with MRR, Williamsburg County is in a bind.

DHEC in the near future is expected to order the county to close its unsafe landfill. The county has no replacement.

County officials thought they were doing the right thing.

"Our primary objective was to control our own waste destiny," said County Supervisor Stanley Pasley.

Anti-landfill activist Lesesne thinks of destiny, too.

"There has to be a better future for South Carolina than it turning into a dump for other states," Lesesne said.

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