

# Judge Denies Landfill Permit

For close to four years, residents of Gray Court have fought to keep North Carolina-based MRR Highway 92 LLC from building a landfill near their homes in rural Laurens County.



After forming a coalition called Engaging and Guarding Laurens County's Environment, their vigorous fight won a significant court battle when an administration law judge rejected a permit to build the new landfill in Gray Court, saying the company proposing the landfill did not sufficiently demonstrate it was needed.

The state Department of Health and Environmental Control had issued a permit 15 months ago to MRR Highway 92 LLC to build on 140 acres near Interstate 385 along the shores of Lake Martin, which provides drinking water to parts of Laurens County.

Jeff Nichols said the citizens group remains “cautiously optimistic” that further court appeals will fail after Judge Ralph Anderson ruled in their favor.

DHEC issued the permit citing its guidelines that the company had provided a “demonstration of need” because state law allows two landfills within a 10-mile radius and there was only one landfill within that radius — Curry Lake landfill.

Anderson ruled that the company failed to show a true “demonstration of need” because the proposed site sits four miles from the Curry Lake facility and 11 miles from Greenville County's Twin Chimneys landfill. Republic Landfill, also in Greenville County, is 14 miles away.

Since area landfills use 32.9 percent of annual capacity, the company's data “does not reflect a need for another landfill in the area,” Anderson wrote in his order. Tommy Lavender, the attorney representing the company, said MRR planned to appeal to the state Court of Appeals. “We're trying to argue that it meets all of the criteria of the demonstration of need in the regulations,” Lavender said.

The citizens group fought the landfill permit process since February 2006, when MRR Highway 92 first submitted a demonstration of need to DHEC. “There isn't a need in this regional planning area in Laurens, Greenville or Spartanburg because we've got enough capacity to handle all of our waste that's been generated in all of those counties,” said Amy Armstrong, an attorney with the nonprofit South Carolina Environmental Law Project, which represented the residents. Armstrong said they were “very confident” in Anderson's decision. “We don't think that there was any other choice for him to make,” Armstrong said.