



## No vote needed under Alabama law for landfill approval

By Ben Raines

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In Alabama, all it takes to stop a landfill from being built is for local politicians to say no.

And about all it takes to get one approved is for local politicians to say nothing at all.

Under state law, cities and counties don't have to approve a landfill before the Alabama Department of Environmental Management can issue a final permit, though one public hearing is required.

"The unique thing about our solid waste program, before any permit application can be submitted to the Alabama Department of Environmental Management, it has to go through the local approval process," said Scott Hughes, an ADEM spokesman.

But local elected officials don't have to vote yes to move the process along, said Repton Mayor Terri Carter, who has been fighting a landfill project called Conecuh Woods since 2006. "The law states that if a new landfill is proposed and local governments don't do anything within 90 days, then the landfill is automatically approved," Carter said.

Landfills in Alabama are permitted to accept five times more garbage than is generated in the state each year, according to Press-Register calculations using EPA data. A recent national survey suggests that Alabama has the nation's cheapest landfill fees. Landfills have become steady sources of income in some of the state's poorest counties, accepting garbage from dozens of states, state records show.

The Conecuh Woods proposal would have put one of the state's largest landfills about 5 miles from Repton, Carter said. But the site is not in Repton, and no public hearing had been announced by Conecuh County officials when an anonymous caller tipped her to the proposal in December 2006, she said.

Yet, developers "told me they had done everything they needed to for approval, that it was all over and they were just waiting for their permit," Carter said of her first phone call with representatives from the landfill.

"They told me that everybody they needed to have on board was on board and then asked me what they could do for Repton."

It was then that Carter and a grassroots group -- Citizens for a Clean Southwest Alabama -- learned of the 90-day provision allowing landfill approval without a formal vote.

While Conecuh commissioners long ago went on record as opposing a landfill, Conecuh Woods developers have purchased new options on property in the area, Carter said.

Conecuh Woods officials did not respond to calls for comment.

Hughes said the 90 days doesn't begin until after a public hearing, which must be announced once in a legal notice published 30 to 45 days before the event.

State Sen. Wendell Mitchell, D-Luverne, has sponsored several bills in the last four years aimed at removing the automatic approval component of state law.

"Several years ago, a group came to me from Lowndes County stating that the commissioners there wanted to just turn their heads on a pending application" and let it be approved without a vote, Mitchell said Friday. "That sounded like an abrogation of duty."

Mitchell's attempts thus far have been derailed by lobbyists representing landfill companies, he said. He predicted those same interests would try to kill a new version of the bill filed Tuesday, co-sponsored by Sen. Marc Keahey, D-Grove Hill.

The new bill would alter current law so that failure to act on a proposal within 180 days would mean denial of the permit, not approval.

"It's not right for these lobbying groups to come in here and do citizens like this," Mitchell said. "People just want local officials to have to vote it up or down."

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