

Wallace landfill opponents move to dismiss federal lawsuit

By Patricia Burkett

BENNETTSVILLE, SC — The landfill opposition group that is the subject of a federal defamation lawsuit has filed a motion to have the lawsuit dismissed.

The North Carolina group MRR Southern LLC filed a federal lawsuit in Florence against Citizens for Marlboro County in 2010 seeking damages related to what MRR lawyers call a “smear campaign” launched against the company by the group.

The group adamantly has fought against the proposed 900-acre landfill in Wallace along the state line between the Carolinas since 2007, when MRR made its intentions known.

The so-called “megadump” would provide an outlet for trash collected along the East Coast. MRR was awarded a permit that would enable the Pee Dee to have more than double the capacity for waste removal than it needs.

According to a non-binding referendum vote in November 2009 on whether the dump should be built, 94 percent of Marlboro County residents opposed the idea.

MRR continued on with its objective to build the landfill and obtained a preliminary determination from the state Department of Health and Environmental Control that their plans were consistent with the Marlboro County Solid Waste Management Plan, according to federal court documents.

The lawsuit MRR filed against Citizens for Marlboro County alleges, among other things, that the group distributed misleading information which amounted to defamation and malice.

In court paperwork filed Monday, attorneys representing Citizens for Marlboro County asked for a summary judgment in the case, which would effectively dismissed it if granted.

The lawyers stated MRR could prove neither actual malice nor that statements made by the group were defamatory.

Many of those in the group said they have fought against the proposed megadump for several years and aren't discouraged by the lawsuit. They said they feel they have the opportunity to continue sticking up for what they believe in and protect their county.

“We really feel that it's an assault on the environment and an assault on the community because of the potential disastrous effects on the infrastructure of the community as well as the health and well being of its citizens,” member Meredith Russo said.

Other members agreed they feel the landfill could have dramatic impacts on property values and the way of life for Marlboro County residents

“We don't need other states' garbage,” Citizens for Marlboro County member Fred Nickoles said. “I'm quite sure that New York wouldn't want our garbage sent to them.”

Citizens for Marlboro County chairman Belvin Sweatt said he thinks MRR filed the lawsuit to try to deter residents from continuing to fight against the landfill, but those committed to the fight have no intention of giving it up.

“The purpose of this lawsuit that they brought against us was to teach us a lesson and to make sure that no other county group came up against them,” he said.

Citizens for Marlboro County member Jere Russo said he's thankful lawyers for the group filed the motion to dismiss the lawsuit. He said he and other residents are committed to keeping the megadump out of Marlboro County.

“They (MRR) are trying to beat us down and we have a group of citizens here in Marlboro County that are not going to quit,” he said. “We are going to go until the end. They think that they can beat us down and we're going to quit ... well, it's not going to happen.”

Both parties are expected to appear in federal court in Florence on March 24 when a judge is expected to make several decisions in the case.

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