

Black residents file civil rights complaint over location of new Dothan landfill

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A group of black residents who live near Dothan's proposed landfill expansion claim the authorization of the location is discriminatory and is asking the Environmental Protection Agency to investigate the Alabama Department of Environmental Management, which approved the permit for the expansion.

The civil rights complaint was prepared Wednesday by Florida environmental attorney David Ludder on behalf of at least nine residents who claim the landfill expansion is discriminatory toward black residents because African Americans comprise 89 percent of the population within 1 mile of the proposed expansion and 79 percent of the population within 1.5 miles.

If the EPA decides to conduct an investigation and finds ADEM was discriminatory in permitting the landfill expansion, the complaint asks the EPA to halt financial assistance to ADEM.

The complaint cites EPA regulations that prohibit any entities it financially assists from administering programs which "have the effect of subjecting individuals to discrimination ..."

The 29-page complaint further states that ADEM first needs to show a substantial, legitimate interest that justifies its decision to permit the expansion. Second, even if that interest exists, it must show that an alternative would not have satisfied the interest without the alleged adverse impact on the minority population.

The landfill and the proposed expansion are located in east Dothan, not far from the Burkett Subdivision, just off Ross Clark Circle.

The names of the complainants are redacted on the complaint obtained by the Dothan Eagle.

The complaint claims the landfill expansion will cause the following adverse effects on the nearby population:



Dothan City Comparing Options for Future Garbage Needs

A dump truck carries dirt into the Dothan City landfill in this Dothan Eagle file photo.

- » Unpleasant odors
- » Increased population of flies that are bothersome and could carry infectious diseases
- » Increased population of buzzards that deposit droppings and may be carriers of infectious diseases
- » Increased population of rats, raccoons and opossums around the area that could be carriers of infectious diseases.
- » Increased noise
- » Decreased property values

A spokesperson for the Alabama Department of Environmental Management said the department has not officially received notice of the complaint and it would not be appropriate to comment at this time.

The city has hit several obstacles in the landfill expansion process that have delayed the matter.

- » The city committed to purchase 182 acres of land adjacent to the current landfill in October of 2012, but a discrepancy over closing details delayed the actual purchase until March of 2014.
- » A group of residents who live near the proposed expansion organized to fight the decision. Some in the group claimed former city officials had promised the next landfill would be built elsewhere.
- » The city's board of zoning adjustment declined to approve a zoning exception for the city that was believed to be needed to move forward with construction. The city appealed the decision to circuit court, where a judge ruled the city did not need zoning board approval to build the landfill.
- » Also, ADEM took a rare but not unprecedented step of holding a public hearing in June of 2013 to gather comments on the renewal of the city's solid waste permit.

District 1 Commissioner Kevin Dorsey and District 2 Commissioner Amos Newsome have consistently voted against resolutions connected to landfill expansion at the current site. Other commissioners have voted in favor of expanding at the current site.

A City of Dothan Public Works report stated other landfill alternatives were considered, but all were significantly more costly. Alternatives considered included the incineration of garbage, turning waste into energy, using a private landfill or garbage collection company and/or building the landfill at another site.

The city is currently hauling garbage to a landfill in Campbellton, Florida because the current landfill has reached capacity.