

REAL PEOPLE—REAL STORIES

Seeking Environmental Justice

Holly Springs, NC (Wake County)

OVERVIEW

The mostly Black neighborhoods of the Holly Springs area have received a disproportionate share of Wake County's landfills for more than three decades. For five years, residents of these communities, as well as newer, more affluent communities nearby, fought in court against the siting of a tenth permitted solid waste facility. Although the North Carolina Supreme Court allowed the county to proceed with the construction and operation of the landfill, the two sides reached a settlement in 2003 that provided some protections to the community. The new landfill will open in 2007.

THE COMMUNITY

Holly Springs was founded in the early 1800s and incorporated in 1876. The town remained small throughout much of the next century, as World War I and the Depression limited prosperity, and many young people left in search of employment opportunities. A 1984 study found that Holly Springs lacked modern housing, grocery stores, schools, health care, and employment, and about one-fourth of the residents were living in poverty. In 1987 the town constructed a sewer system, which provided the necessary infrastructure to attract industry and spur growth. In 1990, Holly Springs had a population of 908 people, and 78% of the residents were Black. Between 1990 and 2000, Holly Springs' population grew to 9,192 people; many of these newcomers were wealthy and White. By 2000, Black residents made up only 19% of the total population.

The Holly Springs area makes up about 1% of the total land area of Wake County but 13% of the county's landfills have been sited there. The Holly Springs area is the location of ten permitted solid waste facilities (including three closed facilities and the new facility) on eight sites. These include construction and debris landfills and a waste transfer station. Nine (90%) of these are located within predominantly Black communities. Two of the three inactive landfills received hazardous waste while they were operational.

"Every one of [the landfills] has been in minority neighborhoods. Holly Springs has had enough."

– Mayor of Holly Springs
in 1998 newspaper
article

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THE PROPOSED LANDFILL

Wake County proposed the South Wake Solid Waste Management Facility in the 1980s. The new facility would occupy 471 acres and would border a low and middle class Black neighborhood. All of Wake County's municipal waste would be sent to the facility by 2008, with one garbage truck entering the landfill per minute for 20 years. The facility was projected to open in 1998, but the date was postponed due to litigation and community opposition.

Wake County initiated a site feasibility study in 1988 and by 1991 had purchased 311 acres for the facility. County officials believed that the site's dense clay, low property values, and sparse population made it an ideal landfill site and that proximity to a water table formations and a fault line (the site of land movements such as earthquakes) would not pose a problem.



Municipal Solid Waste landfill in North Carolina

In 1991, county and Holly Springs officials began meeting about the landfill. In 1994, Wake County forgave a prior loan and provided financial help so that Holly Springs could further develop its sewer system. In exchange, Holly Springs agreed to treat 50,000

gallons daily of leachate (water that seeps through a landfill and is contaminated by its waste).

The Department of Environment and Natural Resources approved the landfill site application in 1995. In 1997, the Holly Springs Town Council approved Wake County's solid waste management plan, including the proposed new Holly Springs landfill location.

Although Wake County had been talking to the Holly Springs Town Council for several years about the landfill, many Holly Springs residents first learned of the plans in 1998. They called on the Town Council to block the landfill construction. The Council agreed and voted to rescind (cancel) its approval.

However, by that time, Wake County had spent \$7 million on property purchases and site preparation. In 1999, Wake County Commissioners voted to continue pursuing a permit to build the new facility. Two months later, the Holly Springs Town Council voted against suing Wake County over the proposed landfill. The county received the state permit for the landfill in 1999.



Wake County, North Carolina.

Source: Wikimedia.org

WHAT HAPPENED?

Two different groups of residents from Holly Springs communities organized their communities and brought lawsuits to block the proposed landfill. Jerry Franks, a resident of Easton Acres (a predominantly Black community close to the proposed landfill site), went door to door to inform community members of the plan to build the new landfill. In addition, Residents Against the Landfill (RAL), a group with many newer residents of Holly Springs, also began protesting the landfill’s placement in Holly Springs.

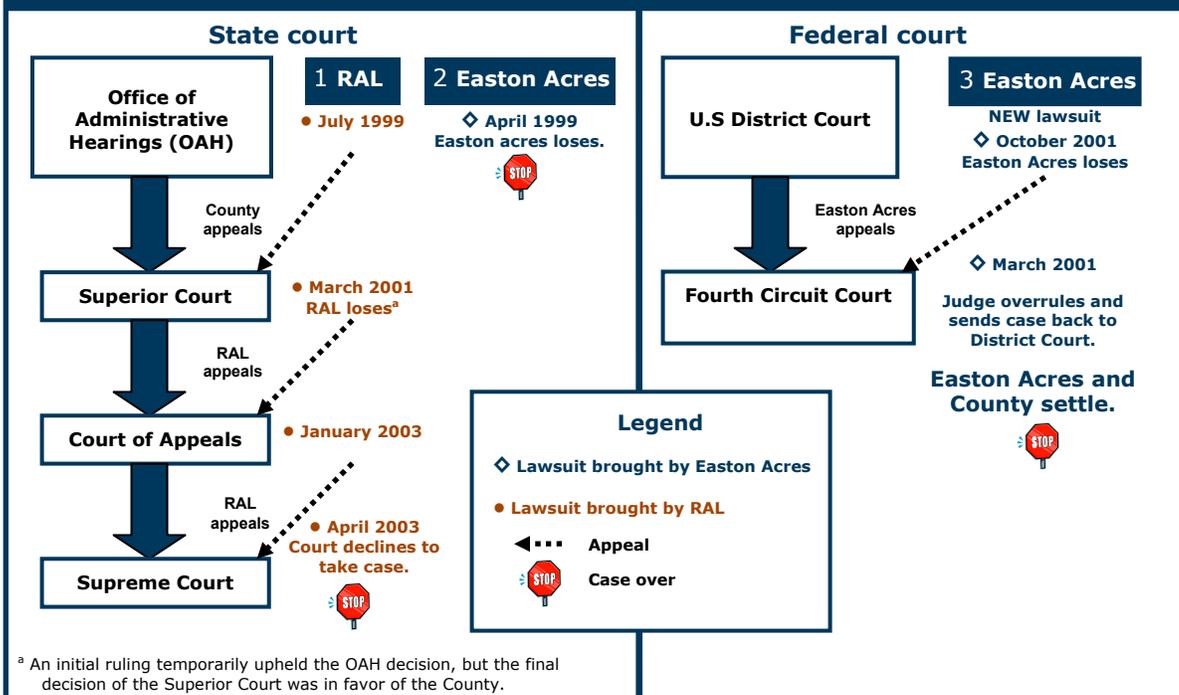
RAL Lawsuit. A Holly Springs resident who was also an attorney filed an appeal in state court on behalf of RAL for 60 residents. The group claimed that Wake County misrepresented the new landfill as an expansion of an existing landfill and that a former commissioner benefited from the sale of land for the landfill, violating state law. The appeal also claimed that the county violated a North Carolina statute because the proposed landfill was within one mile of an existing landfill, yet there had been no public hearing or demographic assessment. The judge ruled that the permit for the landfill was illegal because Wake County did not fulfill the required procedures. After several rulings, a Superior Court judge ruled in March 2001 that DENR should reissue a permit to Wake County for the landfill, and DENR complied one week later.

Residents took the case to the State Court of Appeals, but in 2003, the court upheld the county’s right to build the landfill. The Holly Springs Board of Commissioners

“We’re a small group of people who have been trying to deal with a county. It’s been a very long, hard fight. But I still feel very strongly. I would do it again.”

–Community member in 2003 newspaper article

Summary of Three Lawsuits in Holly Springs Case



WHAT HAPPENED? (continued)

petitioned the State Supreme Court for review, but the court declined to review the previous court's ruling. This meant the end of RAL's attempt to block the landfill with a lawsuit. Wake County was allowed to build the new landfill in Holly Springs.

Easton Acres Lawsuit. On the same day that RAL began its lawsuit in 1999, Jerry Franks filed a state appeal of the permit for the landfill and asked the state to stop the landfill construction. The appeal was based on the lack of socio-demographic studies, investigations of alternative sites, and public hearings prior to the selection or approval of a landfill site that is within one mile of another landfill. The same judge that ruled in favor of RAL refused to stop the landfill construction.



Municipal Solid Waste landfill in North Carolina

Between 2000 and 2003, Franks, along with LaVerne Cofield and the Easton Acres Residents Association, filed a federal case against Wake County, the Wake County Board of Commissioners, and the state Department of Environment and Natural Resources (DENR). When they lost in district court, residents took the case to the Fourth Circuit Court of Appeals, where the judge overruled the previous decision and sent the case back to the District Court.

In 2003, the Easton Acres group reached a settlement with DENR, Solid Waste Management, and the Wake County Board of Commissioners. Wake County agreed to maintain a vegetative buffer between the landfill site and the Easton Acres community and promised that it would not construct any more landfills within 5 miles of the community. An Easton Acres resident will serve on the Wake County Solid Waste Technical Advisory Committee.

The settlement became effective in 2003. In 2006, Wake County Commissioners voted to move forward with the new landfill, as per the settlement agreement. The landfill is scheduled to open in late 2007 and expected to remain open for 25 years.

This is part of a series of stories about how communities in North Carolina have faced environmental justice concerns. Sources include articles from *The News & Observer* (Raleigh, NC) and interviews with community members. A longer version with references is available on our website. Published December, 2006.



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