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\$30 million lawsuit against Uniontown landfill protesters dismissed

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By Dennis Pillion

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The owners of the Arrowhead Landfill in Perry County have agreed to withdraw a \$30 million lawsuit filed last April that alleged libel and slander against four Uniontown residents who have been vocal opponents of the landfill.



Crews compact municipal solid waste at the Arrowhead Landfill near Uniontown, Ala. on Tuesday, Oct. 11, 2016.

The activists, members of the group Black Belt Citizens Fighting for Health and Justice, pledged not to counter sue.

They were represented in the matter by attorneys from the American Civil Liberties Union.

Green Group Holdings, the landfill's ownership group, and the Black Belt Citizens group released a joint statement announcing the agreement Tuesday.

"[The Black Belt Citizens group] recognizes that Green Group has voluntarily withdrawn this lawsuit, and hopes this decision signals a new direction in the company's approach to community relations," the statement said.

"Green Group appreciates BBCFHJ's devotion to its community and its members' First Amendment right to engage in speech on matters of public concern, including the landfill's operations in Uniontown."

The joint motion to withdraw the claims was approved Tuesday morning by U.S. District Judge Callie Granade in Mobile.

The ACLU agreed in June to represent the defendants Esther Calhoun, Benjamin Eaton, Ellis Long and Mary Schaeffer, all members of BBCFHJ.

"It's a big relief," Eaton said by phone Tuesday. "Having something like that hanging over your head is not fun. It kind of keeps you thinking, worrying all the time, so we're glad to have that done with."

Mike Smith, a Tuscaloosa-based attorney representing Green Group, said the agreement reflected a commitment among the company's leadership to improved community relations after David Green took over as Green Group's president last year.

"The company made a decision that we didn't want to be fighting with our neighbors," Smith said. "We have new management in place and that new management wanted to try to upgrade our efforts within the community and it felt like this was a show of good faith in that regard."

Lee Rowland, a senior staff attorney at the ACLU, who led the defense said the settlement was a victory for the defendants First Amendment rights to speak out about their community.

"This is the end of an unfortunate chapter we wish had never been written," Rowland said Tuesday. "But the upshot here is that our clients' First Amendment rights were upheld."

"These four defendants are people who fight for health and justice in their community every day, and almost by accident they also became First Amendment heroes by fighting this lawsuit and the chill that it placed on their speech."

Arrowhead Landfill has long been opposed by some living in and around Uniontown, especially after the facility accepted more than 4 million tons of wet coal ash slurry from the TVA's Kingston spill in 2008.

Local activists in the Black Belt Citizens' group believed their health was put in jeopardy by storing the coal ash there, but landfill officials filed the lawsuit saying that members of the group made knowingly false statements in their opposition to the landfill.

Uniontown, in the heart of Alabama's Black Belt, is one of the poorest cities in the country. The U.S. Census Bureau estimated the median household income of Perry County for the years 2010-2014 to be \$25,528.

The lawsuit sought a total of \$30 million, citing statements made by members of the group to the media, as well as postings on the group's web site and Facebook page.

As part of the agreement to withdraw that lawsuit, the landfill provided a letter from a consulting engineer stating Arrowhead's design met all applicable standards with the Environmental Protection Agency's coal ash rules.

Green Group agreed to provide notification on their web site and in a written posting at Uniontown City Hall if any contracts are signed to bring additional coal ash to the landfill.

The defendants in the lawsuit agreed to post copies of the agreement on their web site. The full joint statement is embedded below.