

## U.S Supreme Court Denies Hearing in Murray Georgia Landfill Case After Spending \$385,000

By Mark Millican

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CHATSWORTH — Murray County government has prevailed in a lawsuit filed against it that worked its way to the U.S. Supreme Court. By refusing to hear the case, the U.S. Supreme Court let stand a decision by the Georgia Supreme Court in Murray's favor on a landfill issue.

In 2004, the R&J Murray company filed suit in Murray County Superior Court against the county after former sole commissioner Tyson Haynes refused to write a letter to the state recommending that R&J be allowed to build a 398-acre landfill. Santeq Environmental of Cleveland, Tenn., had already been given permission to build a landfill north of R&J Murray's proposed site. Permitting for collecting solid waste is through the Georgia Environmental Protection Division, which requires such letters from the appropriate local government.

Superior Court Judge Jack Partain ruled the permitting letter must be issued. Murray County appealed to the state Supreme Court, which returned the case to Superior Court to be reheard.

Murray County maintained that the proposed landfill would interfere with its solid waste management plan. R&J Murray contended the non-authorization violated the U.S. Constitution's prohibition against discrimination against interstate commerce. The county's attorney, Stephen O'Day, relying on state law, argued an additional landfill would cause too much waste to be concentrated in one section of the county.

The state Supreme Court agreed with O'Day and sent the case back to Superior Court, where Partain issued a decision in line with the state Supreme Court ruling. R&J Murray appealed to the state Supreme Court, and eventually the U.S. Supreme Court.

"That was the last straw for them," O'Day said of R&J Murray. "Both the Georgia Supreme Court and the U.S. Supreme Court have affirmed that counties have the broad discretion and the responsibility to determine what is best for their counties under their solid waste management plans."

Current sole commissioner Jim Welch, who inherited the lawsuit, said the county spent \$358,000 defending it. He announced the U.S. Supreme Court's decision at his Sept. 2 meeting.

"It went to Superior Court twice, the Georgia Supreme Court twice, and the U.S. Supreme Court twice," he said. "It was a five-year deal."

Haynes, now the mayor of Chatsworth, believes the county was right to fight the lawsuit.

"I'm glad the county got final resolution," he said. "But it's sad the county had to spend that much money to defend itself."

Welch agrees that it was the right move to make considering the circumstances.

"The key to fighting it was that (R&J Murray) was looking at hauling trash in here from places like New Jersey and elsewhere," he said. "It wouldn't even have been trash collected in Murray County, they were going to bring it in from the outside."

Robert Hoyland, attorney for R&J Murray, said, "I don't really have a comment — once it goes to that level you can't appeal any higher. That's it."