



Mobile's Proposed Southpoint Landfill Subject of Civil Rights Dispute; NAACP and Historic African-American Community File Civil Lawsuit Against Maricopa County Board of Supervisors.

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The unincorporated community of Mobile, Ariz., a historic town of primarily African-American landowners, in conjunction with the NAACP, filed a civil complaint in the U.S. District Court for the District of Arizona last week seeking unspecified damages against the Maricopa County Board of Supervisors for an alleged series of racially discriminatory zoning actions that have violated the civil rights of the community's residents and landowners.

According to plaintiffs' attorney Howard M. Shanker of The Shanker Law Firm, "This is a prime example of environmental racism. The board has unfairly discriminated against the community on the basis of race, 'purposefully and intentionally' making Mobile the industrial dumping ground for the county and state. The Mobile Community Council for Progress and the NAACP have joined forces with numerous individually named members of the community to ensure that justice is done. The plaintiffs in this case are seeking environmental justice. Mobile, Ariz., is no longer willing to sit back and bear the brunt of county and state decisions that have unfairly impacted this minority community."

The suit alleges the Board of Supervisors violated the Constitution and federal civil rights laws by passing a series of questionable zoning laws and land use ordinances that paved the way for Mobile, a town of about 100 residents and landowners, to be considered as the preferred destination for a string of environmentally undesirable projects. Over the years, those projects have included multiple landfills, a hazardous waste incinerator, an oil refinery, and most recently, a proposed 690-acre refuse lot, the Southpoint Landfill. If approved, the Southpoint Landfill would have garbage piled 185 feet high over a square mile, the equivalent of filling 31 buildings as tall as Bank One Ballpark with trash.

Janette Wipper, assistant general counsel, NAACP National Headquarters, stated, "This case explains the connection between environmental inequities and historical discrimination. According to government records, Mobile was established as a 'townsite ... intended strictly for negro settlement.' From that point forward decades of zoning and land-use decisions targeted Mobile for multiple industrial uses, including four major landfills, a hazardous waste facility and an oil refinery. This history not only explains where the zoning and land-use decisions challenged today originated, but also how those decisions continue to perpetuate the unconstitutional intent underlying them."

Mobile currently is home to three major landfills in Maricopa County -- the Butterfield Station (960 acres); the Sierra Estrella Landfill (315 acres); the Rainbow Valley Landfill (238 acres) -- and provides well over 44% of the landfill capacity for the entire county. The current need for a new landfill is questionable as the largest of the existing landfills, Butterfield Station Landfill, is not anticipated to exceed its capacity until 2020.

Last year, the Maricopa County Board of Supervisors voted to allow a Major Plan Amendment to the

County Area Plan that would re-designate approximately 690 acres from Rural and Open Space to Industrial. The zoning change enabled the county to issue a Special Use Permit for the Southpoint Landfill. On that day, only three members of the board cast an affirmative vote, less than the statutorily mandated two-thirds super majority, which would have required an additional person.

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