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## FOREWARD - In Remembrance of Former South Carolina Governor Carroll A. Campbell, Jr.

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**IN REMEMBRANCE OF  
FORMER SOUTH CAROLINA GOVERNOR  
CARROLL A. CAMPBELL, JR.**

Former Governor Carroll A. Campbell, Jr. served the State of South Carolina from 1987 to 1995. During that time, Governor Campbell guided the State toward new development and improved the lives of many South Carolinians. An important part of his service was directed at protecting South Carolina's environment. When the students at the University of South Carolina School of Law decided to begin a publication dedicated to the discussion of environmental issues affecting the State, Governor Campbell offered his full support. In the fall of 1991, the students at the School of Law published the first issue of the South Carolina Environmental Law Journal. To express his support, Governor Campbell penned a thoughtful foreword, emphasizing the need for such a publication and calling on readers to recognize the importance of environmental issues to the State.

On December 7, 2005, Governor Campbell passed away in Columbia, South Carolina. He left behind an impressive legacy that will continue to affect the citizens of this State for years to come. The current staff of the Southeastern Environmental Law Journal<sup>1</sup> would like to honor Governor Campbell's dedication to the protection and conservation of South Carolina's natural resources. Below, we have covered some highlights of Governor Campbell's term that directly impacted South Carolina's environment. Following this account of the Governor's contributions, we have reprinted the original foreword that Governor Campbell authored and that was published in Volume 1, Issue 1 of this publication. We hope that this account of Governor Campbell's service will highlight the importance of his support of our publication. We are grateful for his continued advocacy of the importance of conservation, preservation, and protection of South Carolina's precious natural resources.

*South Carolina's Wetlands*

South Carolina's wetlands are a diverse and critical resource. Across the state, "there are more than 11,000 miles of freshwater rivers and streams and

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<sup>1</sup> In 2003, the *South Carolina Environmental Law Journal*, in an effort to expand the scope of discussion of environmental issues, changed its name to the *Southeastern Environmental Law Journal*.

approximately 200 miles of world-famous coastline.”<sup>2</sup> An important part of these aquatic resources are wetlands, which cover nearly 350,000 acres in the State.<sup>3</sup> The wetlands are critical to the surface water and groundwater supply, and they provide habitat for a significant amount of flora and fauna.<sup>4</sup>

Governor Campbell recognized that South Carolina’s aquatic habitats are a valuable resource. He embraced a policy of “no net loss” of South Carolina’s wetlands in 1990.<sup>5</sup> At a fundraising reception for Governor Campbell, then-President George H.W. Bush noted, “this State is special. . . . That’s why Carroll [Campbell] has already acted against helter-skelter coastal development. He’s protected the precious beaches of this State. And that’s why he put together a fair, a reasonable wetlands policy, one that strives for no net loss.”<sup>6</sup> Though South Carolina has yet to achieve its goal of “no net loss” of the State’s wetlands,<sup>7</sup> Governor Campbell initiated a conservation effort that was nonexistent before his term.

### *Hazardous Waste Dumping*

During his service, Governor Campbell also fought to protect South Carolina from becoming a nuclear waste dumping ground. Campbell’s involvement in the waste dumping wars has had a lasting impact on South Carolina’s waste dumping policies. In July 1989, Governor Campbell signed an executive order that limited the amount and type of out of state waste, which may be shipped into South Carolina.<sup>8</sup> Among other things, the order “capped the amount of waste any one state can bury annually in South Carolina . . . .”<sup>9</sup> Earlier the same year, Campbell closed one of the State’s landfills to other states that refused to bury the waste within their own borders.<sup>10</sup> Campbell indicated that his July order was meant to encourage South Carolina’s neighboring states to develop a regional policy regarding

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<sup>2</sup> Cale Jaffe, *An Uneasy Rebirth for the Clean Water Act: How Changes in Federal Case Law Impact “Isolated” Wetlands in South Carolina*, 16 S.C. LAW. 36 (March 2005) (citing PETER LAURIE & DAVID CHAMBERLAIN, *SOUTH CAROLINA AQUARIUM GUIDE TO AQUATIC HABITATS OF SOUTH CAROLINA* 1 (Univ. of S.C. Press 2003)).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* (citing LAURIE & CHAMBERLAIN, *supra* note 2, at 132-34).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* (citing President George H.W. Bush, Remarks at a Fundraising Reception for Gov. Carroll A. Campbell, Jr. in Columbia, South Carolina (May 11, 1990), *available at* <http://bushlibrary.tamu.edu/research/papers/1990/90051107.html>).

<sup>7</sup> Caffé, *supra* note 2, at 36.

<sup>8</sup> S.C. Exec. Order No. 89-25 (July 6, 1989).

<sup>9</sup> *Current Developments: South Carolina, South Carolina Moves to Cut Waste Dumping, but Clears North Carolina, Florida Shipments*, 20 ENVTL. REP. (BNA) 542 (July 14, 1989).

<sup>10</sup> *Id.*

hazardous waste treatment and disposal.<sup>11</sup> Specifically, the order barred any one state from sending more than 35,000 tons of waste per year to South Carolina and required that the waste sent to South Carolina must be pre-treated to reduce its volume and toxicity.<sup>12</sup>

Shortly thereafter, South Carolina entered into a regional agreement with Alabama, Kentucky, North Carolina, and Tennessee that provided for various waste dumping requirements in those states.<sup>13</sup> When North Carolina refused to comply with the agreement's requirements, Campbell sent a sharply worded letter to then-Governor of North Carolina, James G. Martin.<sup>14</sup> Though the hazardous waste wars have continued to cause political debate in South Carolina, Governor Campbell's initiative forced neighboring states to take South Carolina's resistance to becoming a dumping ground seriously.

### *Beachfront Management Act*

In June 1998 the General Assembly passed the Beachfront Management Act<sup>15</sup> (BMA) to control coastal development and conserve South Carolina's coastal resources. The Act later served as the focal point in a major Supreme Court case in which a South Carolina developer's plans to build along the coastline were brought to an abrupt end under the Act.<sup>16</sup> The BMA stands as a major development in South Carolina environmental policy and as a model for other coastal states as it promotes wise use of the State's beachfront and establishes a 40-year policy of gradual retreat from the shoreline.<sup>17</sup> A year

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<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Joi Elizabeth Peake, *South Carolina Loses a Battle in the Hazardous Waste Wars: Using the Dormant Commerce Clause to Invalidate South Carolina's Hazardous Waste Laws in Envtl. Technology Council v. Sierra Club*, 76 N.C. L. REV. 650 (1998).

<sup>14</sup> *Id.*; see also Letter from Carroll Campbell, Jr. to James G. Martin (Dec. 17, 1990), in Record at Joint Appendix 673, *Hazardous Waste Treatment Council v. South Carolina*, 945 F.2d 781 (4th Cir. 1991) (warning Governor Martin, "It is unfortunate that North Carolina has chosen not to abide by its agreement to shoulder the burden for their own wastes and to share their capacity with the agreement states. Hopefully, North Carolina and her industries are prepared to suffer the consequences of this irresponsible decision by the Council of State.").

<sup>15</sup> S.C. CODE ANN. §§ 48-39-10-48-39-360 (2004).

<sup>16</sup> See *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992).

<sup>17</sup> S.C. CODE ANN. § 48-39-260(b). In general, § 48-39-260 provides:

In recognition of its stewardship responsibilities, the policy of South Carolina is to:  
(1) protect, preserve, restore, and enhance the beach/dune system, the highest and best uses of which are declared to provide:

(a) protection of life and property by acting as a buffer from high tides, storm surge, hurricanes, and normal erosion;

after the Act's passage, Hurricane Hugo,<sup>18</sup> South Carolina's worst natural disaster to date, ravaged the coastline and interior of the state. Hugo caused catastrophic economic and environmental damage,<sup>19</sup> and Governor Campbell again deftly led the State during this time of crisis.

*The following is a reprint of the original foreword that Governor Campbell authored and that was published in Volume 1, Issue 1 of this publication.*

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- (b) a source for the preservation of dry sand beaches which provide recreation and a major source of state and local business revenue;
  - (c) an environment which harbors natural beauty and enhances the well-being of the citizens of this State and its visitors;
  - (d) natural habitat for indigenous flora and fauna including endangered species;
- (2) create a comprehensive, long-range beach management plan and require local comprehensive beach management plans for the protection, preservation, restoration, and enhancement of the beach/dune system. These plans must promote wise use of the state's beachfront to include a gradual retreat from the system over a forty-year period;
  - (3) severely restrict the use of hard erosion control devices to armor the beach/dune system and to encourage the replacement of hard erosion control devices with soft technologies as approved by the department which will provide for the protection of the shoreline without long-term adverse effects;
  - (4) encourage the use of erosion-inhibiting techniques which do not adversely impact the long-term well-being of the beach/dune system;
  - (5) promote carefully planned nourishment as a means of beach preservation and restoration where economically feasible;
  - (6) preserve existing public access and promote the enhancement of public access to assure full enjoyment of the beach by all our citizens including the handicapped and encourage the purchase of lands adjacent to the Atlantic Ocean to enhance public access;
  - (7) involve local governments in long-range comprehensive planning and management of the beach/dune system in which they have a vested interest;
  - (8) establish procedures and guidelines for the emergency management of the beach/dune system following a significant storm event.

<sup>18</sup> Hurricane Hugo hit Charleston, South Carolina on September 21, 1989.

<sup>19</sup> See, e.g., Federal Emergency Management Agency, Region IV, *Hugo: Recollections of a Storm*, [http://www.fema.gov/regions/iv/1999/r4\\_44.shtm](http://www.fema.gov/regions/iv/1999/r4_44.shtm) (last visited Jan. 31, 2006).

**FOREWORD**  
**BY GOVERNOR CARROLL A. CAMPBELL, JR.**

South Carolina is fortunate to have an abundance of natural beauty. From the sandy beaches and marshes of the Lowcountry and the Grand Strand to the forests, farmlands, and scenic rivers of the Pee Dee, Midlands and Upstate, we are blessed with a wide diversity of natural resources which enhance the quality of our lives. As our State's population and economy continue to grow, we must ensure that our citizens have a clean and safe environment.

In addressing issues such as air and water quality, beach erosion, and the handling of solid, hazardous, and nuclear wastes, we must engage in careful planning and responsible management. The challenge is to protect our environment while utilizing our natural resources in beneficial ways.

In order to ensure the preservation of our natural bounty and the wise growth of our state, we must continue to have environmental laws which are effective and which adapt to new discoveries and the risks associated with technological changes in our society. In addition, the State must fully enforce those laws to ensure the health and safety of our citizens. It will take more than laws, however, to protect our environment. As citizens, we all must work together to preserve our precious natural resources.

I commend the Environmental Law Society of the University of South Carolina School of Law for its leadership in establishing the *South Carolina Environmental Law Journal*. I am confident that the *South Carolina Environmental Law Journal* will serve as a valuable forum as we discover and develop new ways to preserve our State's natural resources and protect our citizens.

A handwritten signature in black ink, appearing to read 'Carroll A. Campbell, Jr.', is positioned above the printed name and title.

Carroll A. Campbell, Jr.  
Governor

