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Judge rejects waste-station permit **Ownership change, rule waiver factor in**

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By Charlie Chapple
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A state judge Wednesday voided a St. Tammany Parish zoning permit for a solid-waste transfer station under construction north of Covington.

Judge Peter Garcia, in a ruling filed in state district court in Covington, also voided parish building and operating permits issued for the facility being built by IESI of Fort Worth, Texas, one of the nation's largest solid-waste companies.

The decision was a victory for the North West St. Tammany Civic Association, which sued the parish last month to stop the project along Louisiana 25, just north of Hard Hat Drive. Residents say the facility -- where garbage trucks would drive up a ramp inside a closed building to dump their loads onto larger trucks for disposal outside the parish -- amounts to having a garbage dump near their neighborhoods.

"It just goes to show you the power of the people," said Kit Friedrichs-Baumann, who helped lead the citizens effort. "We're extremely pleased with the judge's decision. . . . I guess we take a deep breath and get ready for the next fight."

The judge agreed with association attorney Alex Peragine that parish engineers illegally waived a traffic study required in the conditional-use zoning permit granted to Southeast Investments.

The waiver was granted after Southeast Investments told the engineering department that no more than six garbage trucks would use the waste station daily.

But under parish zoning codes, "this requirement is not waivable by the Zoning Commission nor by logical extension . . . any staff members or other departments," Garcia said in his ruling.

The permit is also null and void, the judge ruled, because Southeast Investments no longer owned the 11-acre site when the Zoning Commission granted an extension of transfer-station the permit in February.

Southeast Investments, headed by Slidell businessman Chris Jean, got the original conditional-use permit approved by the commission in November 2006. Southeast Investments then got the commission to extend the permit on Feb. 6 of this year.

Land records show that Southeast Investments sold the 11 acres on Nov. 7, 2007, to CAT-4 LLC, another company headed by Jean. Then on Dec. 27, 2007, CAT-4 sold the site to IESI. Jean remains a consultant for IESI, which has also acquired a regional garbage company, Coastal Waste Services, from Jean.

Assistant district attorney Neil Hall, who represents the parish in the lawsuit, said Wednesday that that parish is analyzing the decision and the parish's legal options. But Hall added that he agrees with the judge that the permit is void because Southeast did not own the property when the

extension was approved.

Because of agreement with the judge on that point, Hall said, the parish could decide not to appeal the decision. Hall emphasized that parish officials were unaware that Southeast Investments did not own the site when the extension was granted.

In the meantime, Hall said the parish will follow Judge Garcia's order "to rescind and cancel the conditional use permit . . . and any extensions thereof and any permits issued pursuant to the conditional-use permit."

Jeff Schoen, attorney for Southeast Investments, said the decision is being reviewed and has been forward to IESI officials. Although the companies were not named as defendants in the suit, the decision certainly affects them.

"We certainly respect the court's decision," Schoen said, but Southeast Investments "was never advised by anyone that anything else was needed" for the permit. The company was under the impression that the conditional-use permit could be transferred to another party, he said.

When asked about the change in ownership of the 11 acres, Schoen replied, "I do not believe the ownership issue has been fully litigated." He did not elaborate.

There was no opposition to the transfer station at meetings when the Zoning Commission granted the permit and later extended it. But residents say they were unaware of the project until recently.

Should a new permit be sought for the facility, residents will turn out in force to oppose it, Friedrichs-Baumann said. "There will be an uprising," she said.

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