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The Times-Picayune

St. Tammany is sued over permit for waste site **Citizens group says regulations governing zoning not followed**

Tuesday, September 23, 2008

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A newly formed citizens group is suing St. Tammany Parish, contending that the parish illegally issued a zoning permit for a solid-waste transfer station north of Covington.

In a suit filed in state District Court in Covington, the Northwest St. Tammany Civic Association is seeking a court order to rescind the conditional-use permit, issued almost two years ago, and to stop construction of the facility in an industrial park along Louisiana 25, just north of Hard Hat Drive.

The suit, which lists 14 residents as plaintiffs, contends the parish violated several provisions of its zoning codes and ordinances in approving the permit. Named as defendants are the Parish Council, Zoning Commission and parish Planning Director Sidney Fontenot.

Assistant District Attorney Neil Hall, legal adviser for the council and commission, declined to comment Monday, saying he had just received a copy of the suit that morning. But he said the parish plans to vigorously defend against the lawsuit.

A hearing on the suit is scheduled today at 2 p.m. before Judge Peter Garcia. Hall was trying to get the hearing postponed to give the parish more time to prepare its defense, but at the close of the business day Monday the hearing had not been changed.

The citizens group was formed recently after residents became aware of plans by IESI of Fort Worth, Texas, to build and operate a "nonprocessing transfer station," where garbage trucks drive up to a ramp inside an enclosed building and dump their loads onto larger trucks, which carry the solid waste to a landfill outside the parish for disposal.

About 100 angry residents, at a meeting last month, said the transfer station amounts to a garbage dump near their neighborhoods and vowed to mount an organized effort to fight the facility.

The ire of the residents sparked Parish President Kevin Davis to ask for a legal report on the permit to ensure parish procedures had been properly followed. In a four-page memo to Davis, dated Sept. 10, Hall strongly indicated they had been.

The parish Zoning Commission, in November 2006, approved a conditional-use permit for Southeast Investments, headed by Slidell businessman Chris Jean, to operate the solid-waste station on an 11-acre parcel within the 25-acre Highway 25 Industrial Park, owned by another company that Jean heads.

In February, the commission granted Southeast Investments a one-year extension of the permit. Jean since has sold a regional garbage company, Coastal Waste Services, and the transfer station site to IESI, one of the nation's largest solid-waste companies. Jean remains a consultant for IESI, the company said.

There was no opposition at the Zoning Commission meetings when the permit was approved and extended. But residents say they didn't know about the permit request and only recently became aware of the project.

Last month, IESI got a building permit to construct the transfer station and another permit from the parish Department of Environmental Services to operate the site. The state Department of Environmental Quality does not require the facility to have a state permit.

Approval of the permit, the suit contends, violated several provisions of parish zoning codes and should not have been approved because:

-- A waste transfer station is not a permissible conditional use of the property, which is zoned intermediate industrial.

-- A mandatory traffic impact study required for the facility was not done.

-- Conditional-use permits that detract from public welfare and safety and adversely affect nearby properties are prohibited. And the commission acted "arbitrarily and capriciously" in granting the permit.

The suit also contends that the permit is void because the codes state that conditional uses are not transferable.

Hall has previously noted that codes, in full, state: "Conditional uses are not transferable. Once the use has ceased activity, a new permit must be acquired to occupy the site or reactivate the previous use."

He said a conditional use permit can be transferred to another party as long as the allowed use remains the same or has not ceased.

A spokesman for IESI said recently that the company hopes to have the transfer station operating by the end of the year. He said plans call for only Coastal Waste Services -- which provides garbage pickup for Mandeville, Covington, Abita Springs and businesses in southwestern St. Tammany -- to use the facility.

When the conditional-use permit for the station was extended early this year, the Zoning Commission waived the requirement for the traffic study after Southeast Investments stated that only six trucks would use the facility daily.

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