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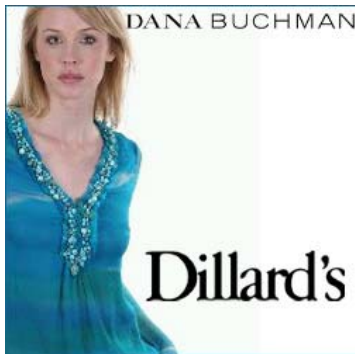
## The Times-Picayune

### Landfill to close for testing Nagin says it's history if hazards found

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**By Gordon Russell**  
Staff writer

Mayor Ray Nagin agreed Wednesday to close a controversial construction and demolition landfill in eastern New Orleans for 72 business hours to give environmental and community groups a chance to test the debris that has been dumped there and determine whether it poses hazards to nearby residents as well as to the adjacent Bayou Sauvage National Wildlife Refuge.

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More importantly, in the view of landfill opponents, Nagin promised to close the site if testing shows it to be "harmful" to nearby communities and to push the Army Corps of Engineers, which is supervising the removal of Hurricane Katrina debris, to allow nighttime hauling of construction detritus to other landfills outside the city.

"The shutdown will automatically end (after 72 hours), but we're not going to let (the landfill) go forward if we sense that there are any concerns from experts as far as it being harmful to the community," Nagin said. "If reports show that this material is toxic, we will shut it down."

He said the 72-hour period counts only the site's hours of operation, so the temporary closing likely will extend into next week. The landfill's schedule of operations was not available.

Nagin's actions came after a boisterous rally on the steps of City Hall by at least 200 people protesting the newly permitted Chef Menteur landfill, located near the Village de l'Est community in eastern New Orleans. During the rally, Nagin met with activists, ministers and neighborhood leaders in his office. The mood of the rally swung from hostile to jubilant as the results of the meeting were announced.

#### Hauling at night

If the corps agrees to Nagin's request that debris be moved at night -- a request landfill opponents support -- lawyer Joel Waltzer of the Louisiana Environmental Action Network said the need for a landfill in the city might be eliminated, or at least drastically reduced.

The change would let contractors bring the collected debris to a staging site during the day, then haul it to landfills outside the city at night, improving the efficiency of the operation and foregoing the need for landfills within the city. Proponents of the Chef Menteur landfills within the city argue that it is needed because of the cost and logistics of bringing debris to more distant disposal sites.

"We've been able to call out the true issue: How do we get the city cleaned up fast, in a manner that's environmentally safe?" Waltzer said. "And the answer is nighttime hauling to permitted landfills."

Whether the corps will agree to nighttime hauling to farther sites is unclear. Doing so almost certainly would drive up the cost of debris removal, now being financed completely by the federal government, because haulers are paid based on how far they have to lug debris. However, it's not clear how much the price would increase, because the federal

government has been unwilling to divulge precisely how much it is paying waste haulers.

The likely recipient of debris hauled at night would be the U.S. 90 construction and demolition landfill in Waggaman, which is farther from most points in the city than the Chef Menteur landfill.

Debris picked up in St. Bernard Parish, under a federally financed contract controlled by the parish and not the corps, has been hauled at night for months. Nagin said Wednesday, however, that he has asked the corps at least twice to approve nighttime hauling and that his request was denied because of "cost concerns."

Brenda Beasley, a corps spokeswoman, said late Wednesday that the agency had not received word of the mayor's request for nighttime hauling. Beasley said she could not say how the corps might react to the request.

#### Further investigation

While the corps considers the nighttime-hauling idea, Nagin said the city and various community groups would put together a "joint inspection team of experts" to investigate the landfill further.

Waltzer, who also attended the meeting, said the groups' aim would be to determine precisely what material is being deposited in the landfill, which opened about two weeks ago.

Construction and demolition landfills generally are viewed as more benign than those that accept household waste, and thus are subject to fewer environmental regulations. But Waltzer and other opponents note that the state expanded the definition of such debris in the wake of Katrina; it now includes mattresses, carpeting, furniture, treated lumber, painted wood and even asbestos-containing materials. They also worry that, as storm-damaged homes are torn down, waste that is even more hazardous than what is allowed under the less-stringent definitions will wind up at Chef Menteur.

The process "is designed to get the community comfortable that it is truly a C&D landfill," Nagin said.

The landfill dispute has raised questions about environmental justice because the site is near residential areas with a large presence of minorities. Village de l'Est is a mostly Vietnamese community, and much of eastern New Orleans is majority African-American. Representatives of the U.S. Justice Department and the Environmental Protection Agency's environmental justice section attended Wednesday's meeting, Waltzer said.

#### Trash 80 feet tall

If the Chef Menteur landfill remains open, it is projected to accept 6.5 million cubic feet of debris in a pile that could reach 80 feet high. The landfill received emergency approval in mid-April from the state Department of Environmental Quality and Army Corps of Engineers.

Before that, Nagin used his emergency authority to grant the landfill a zoning waiver. At the same time, the landfill's operator, Waste Management of Louisiana, granted the city a 22 percent share in the landfill's gross receipts. Nagin and Waste Management have denied that the revenue sharing was given in return for the mayor's zoning waiver.

Nagin's announcement Wednesday came a day after a state Senate committee approved a bill that could force landfills approved under emergency rules to close, if it is determined that the state has sufficient landfill capacity for the debris generated by Katrina.

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Staff writers Frank Donze and Bruce Nolan contributed to this report.

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