



## DEPARTMENT OF ENVIRONMENTAL QUALITY

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**For Immediate Release**

Aug. 11, 2006

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### **DEQ receives concurrence from Nagin administration regarding Chef Menteur site**

BATON ROUGE – New Orleans City Attorney Penya M. Moses-Fields sent the Department of Environmental Quality a letter on Aug. 10, stating the city's position regarding the continued use of the Chef Menteur landfill. The letter, which the department considers as clarifying the city's continued concurrence, led to Waste Management asking State District Judge Janice Clark on Friday to drop a lawsuit it filed against DEQ.

The judge ruled that lawsuits filed by environmental groups and citizens are important and that those suits will be heard in due time. However, she said, for now Waste Management is to continue with the status quo and the facility may be used as authorized by DEQ.

The landfill, located 16600 Chef Menteur Highway in New Orleans East, was originally opened in April. The city sent DEQ a site request form together with an emergency order as concurrence to use the landfill to dispose of construction and demolition debris that was generated in Orleans Parish by Hurricanes Katrina and Rita. After investigating the site to determine it was environmentally sound, DEQ approved the site to take C&D waste.

In mid-July, Nagin said he would not renew his emergency order. In a press release, the mayor's office indicated that the facility would be closed August 14. DEQ's practice is to obtain concurrence from local government before authorizing a facility to manage hurricane-generated debris. The landfill was slated to shut down on Aug. 14 because, without the city's OK, the state would revoke Waste Management's emergency authorization to operate the Chef Menteur landfill. However, Waste Management sued the department saying DEQ did not have authority to revoke the permit without cause.

The city's Aug. 10 letter clarified their position with three points.

1. The mayor's decision to not renew his executive order should not be construed as an expression of his administration's opposition to DEQ's permitting of the operation of the site.
2. The written agreement between the city of New Orleans and Waste Management and the Emergency Disaster Cleanup Site Request provides the Nagin administration's position. In accordance with the Katrina Debris Management Plan (LDEQ, Sept. 28, 2005, revised Oct. 14, 2005), the Emergency Disaster Cleanup Site Request form executed by the mayor on February 14, 2006 establishes a "request by the local government" for DEQ "to determine the appropriateness" of the site for use as a debris management site. The request form identified 16600 Chef Menteur Highway as a "pre-approved C&D Area." In addition, the agreement between the City and Waste Management specifically provides in Condition 6 that: "The City, under its emergency powers, hereby approves Waste Management's proposed Chef Menteur Landfill as an emergency C&D disposal site, and the city has signed the applicable approval forms promulgated by DEQ evidencing its approval for such use."
3. The Nagin administration believes that DEQ is justified in its findings, recommendations and conclusions contained in DEQ's "Justification for Utilization of Chef Menteur C&D Disposal Facility for the Disposal of Hurricane-Generated Debris."

DEQ issued a statement today saying, "It's DEQ's practice, based on existing laws and regulations, to work with local governments to approve sites to handle all sorts of hurricane-related debris. We have followed this practice to approve more than 400 sites. Now, with the letter from Mayor Ray Nagin's office, DEQ will remain consistent with its practice and will not revoke the emergency authorization for Waste Management to operate the Chef facility. The landfill is technically sound, meets requirements and is in close proximity to some of the most devastated areas of Orleans Parish. This site is needed to clean up New Orleans in a timely, environmentally sound manner."