

Motion seeks dismissal of IT waste permit hearings

By **TIM TALLEY**
Advocate staff writer

The need for a proposed commercial hazardous waste treatment plant south of Baton Rouge has not been proven, and permit hearings for the plant should be dismissed, the Louisiana Attorney General's Office said Tuesday.

Assistant Attorney General John Sheppard filed a motion to involuntarily dismiss the hearings after officials of the IT Corp. rested their case to build the \$135 million waste treatment plant along the Mississippi River.

Hearing officer George Cramer, head of the groundwater protection division of the state Department of Environmental Quality, took the motion under advisement until after IT's opponents have presented their case against the proposed plant.

A coalition of environmental groups

challenged IT's permits in a lawsuit they filed in state district court and forced state environmental officials to re-convene hearings that concluded with issuance of the permits for the waste plant in 1981.

The final witnesses for both sides are expected to testify on Wednesday.

The attorney general's office intervened in the IT hearings "as a public trustee" when the hearings re-convened in September. A motion filed by the agency said its involvement was needed to guarantee that the state's natural resources are protected.

Sheppard, who heads the attorney general's environmental division, said evidence produced by IT did not meet guidelines laid down in a landmark state Supreme Court ruling on the proposed plant's operating permits.

The high court said that state environmental agencies must have a

cost-benefit analysis of the environmental and non-environmental factors to show that issuance of the permits is compatible with environmental protection, Sheppard said.

Sheppard said IT had not demonstrated a need for the hazardous waste plant, which the company has billed as the world's largest. IT also failed to rebut presumptions arising from a number of state court rulings that selection of the proposed Ascension Parish plant site was based on availability and not suitability, he said.

Environmental groups have argued that the site, located in the Burdise community near the historic Houmas House antebellum home, is not suitable and will result in groundwater contamination and other problems.

They also have charged that IT's waste treatment plant is not needed

because existing waste facilities already can do the job.

Environmentalists produced several witnesses Tuesday who testified about how the proposed plant might affect the region's cultural resources.

Jonathan Fricker, director of the Louisiana Division of Historic Preservation, said his agency is responsible for investigating the impact industrial sites have on historic structures.

Sheppard questioned Fricker on the impact petrochemical plants have on historic structures, such as Houmas House.

"If we have not been as prudent as we should have been, is that any reason to continue acting imprudently?" Sheppard asked.

"No, of course not," Fricker said.

Responding to more of Sheppard's questions, Fricker said public opinion has been focused on historic

preservation in the past decade and that historic structures are needed to study the past and give the region character and identity.

"This is not a forum for Mr. Sheppard's views on life," said IT attorney Charles McCowan. "It sounds like Mr. Sheppard is running for office."

"That sounds like a good idea to me," said attorney Steve Irving, who represents environmentalists opposed to IT's plant.

The Rev. Henry Gautreaux Jr., pastor of the St. Joseph Catholic Church in Grosse Tete, said artifacts from the Houmas Indians, a south Louisiana tribe that occupied the Burdise area before it was settled by Europeans, have been discovered on and around IT's property. The artifacts include skeletal remains, beads and pottery.

"There's no doubt that the Great Houmas Village was on this site," he

said. "It would be tragic if there was not an opportunity, at least, to investigate further."

Richard Weinstein, an archaeologist with Coastal Environments, took issue with an archaeological survey of the site performed for IT by Heartfield, Price and Greene, Inc. in 1980.

The survey said the property could be the site of the historic village. But Weinstein said it lacked detailed historical research and analysis of the findings of researchers.

"There were some questions about the adequacy of it," Weinstein said. He said he would like a more detailed analysis of the IT property, including sub-surface digs.

Complaint leads to weekend inspection of Rollins by DEQ

By **STEVE CULPEPPER**
Advocate staff writer

A weekend complaint from a resident living near the Rollins Environmental Services plant resulted in an inspection on Sunday by the state Department of Environmental Quality.

Someone called the DEQ hotline number on Sunday and reported smoke escaping from the hazardous waste disposal company's "mix barn," the building in which ash from the incinerator or kiln is mixed with a substance to solidify it for landfill.

Joey Hebert of the DEQ went to Rollins and found steam escaping from the mix barn stack, he said.

"The complaint was smoke coming from the solidification building," he

said. "There was smoke coming out of the building's scrubber stack. The air inside the building is sent through a scrubber to filter out particles. And there were some sort of particulate coming out of the scrubber."

Hebert said the "smoke" was actually steam, created when water was mixed with hot kiln ash. Also, cement kiln dust, which is mixed with the ash and water to create a solid, was being blown out of the building by the wind, he said.

"The problem was there was a real hot load that had just come out of the incinerator, generating a lot of steam," Hebert said. "There was a sort of stiff north wind and the door was open and it was stirring up the dust inside there."

They tried to cool the load down and it wouldn't cool off so after an hour of

that they closed it down and put a lid on the solidification tank inside the building," he said.

Mike Higgs, environmental affairs manager for Rollins, said that the mix barn was never shut down.

Higgs said the kiln ash, stored in steel bins, had some "residual heat in the center. So when we put that down in there with the water, it generates some steam. I came down here (on Sunday) and that's what I saw," he said.

The Rollins spokesman said the scrubber system, which removes particles from the steam which escapes through the stack, is cleaned weekly and was working properly.

"The shift supervisor told Joey (Hebert) that the scrubber system is cleaned out weekly and that he would

have it looked at in the morning to see that everything was working properly, and it was," Higgs said.

He said there was "some steam, no odor. There might have been a little bit of particulate, but it was mostly just steam," which is "not considered hazardous," he said.

Hebert said he prepared a report and sent it to the heads of the DEQ's hazardous waste division and its air quality division.

Tom Patterson of the hazardous waste division said he was reviewing Hebert's report on the incident.

In November, DEQ Secretary Paul Templett made a surprise inspection of the Rollins plant after receiving a telephone complaint from a resident who lives near the plant.

Templett said he found odors emanating from several areas inside the plant. That incident still is under review from the DEQ.

Woman sues agency

JACKSON, Miss. (AP) — The Governor's Office of Criminal Justice Planning has been sued by a Jackson woman who contends she was not promoted because she is black.

The lawsuit, which provides only one side of a legal argument, was filed Monday in U.S. district court in Jackson.

Verna R. Jones contends in the document that she was denied a promotion in 1987 on the basis of race.

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Agency elimination recommended

By **Capitol news bureau**

Gov. Buddy Roemer said Tuesday he wants to abolish the state agency that oversees several financial aid programs for college and vocational-technical students and put the work in the hands of private business.

Roemer said a group he appointed to look into the Governor's Special Commission on Education Services has recommended the agency be eliminated.

Roemer appointed the panel after the state inspector general issued a report citing mismanagement by top officials of the agency.

"One of the recommendations I've gotten verbally, not yet in writing, is to do what a number of other states have done and privatize it," Roemer said at an impromptu news conference. "It gives better service to the students and more sure funding for the universities. And, the federal government agrees with that."

Roemer said he expects to get the written report by the end of December and plans to move quickly after that on the final recommendations.

In his report to Roemer, state inspector general Bill Lynch cited abuses of payroll and contracts and "general mismanagement" by top officials at the commission.

Lynch said commission executive director Sunny Terrell should be removed as head of the agency.

Lynch said that because the commission did not make timely payments of grant awards during the 1987-88 school year, many vocational-technical school students were forced to drop out of school.

Lynch said the commission did not violate regulations, but noted that by federal law all payments must be made by Dec. 31.

Lynch also said Terrell and grant director Mona Durham were given pay raises not authorized by the commission, and recommended the raises be rescinded and the raises repaid.

He also reported that most of the 17 members of the governing board do not attend meetings, and that business had been conducted even though a quorum was not present.

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