

No ruling on dump investor list release

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No ruling was made Thursday after a four-hour hearing on complaints stemming from a massive proposed landfill near the town of Repton.

Attorneys for the town of Repton, grassroots group Citizens for a Cleaner Southwest Alabama, Escambia County and Orange Beach were seeking to have judge Burt Smithart enforce a previous ruling that would force Conecuh Woods LLC to turnover the names of investors in the massive \$283 million project. Atmore and Brewton are also plaintiffs in the lawsuit.

The plaintiffs also sought a summary judgment to have the Conecuh County Commission's approval of the project voided, while attorneys for Conecuh Woods argued that the entire Repton/CCSA case should be dismissed.

Smithart didn't make a ruling Thursday, and it's unclear when the ruling will be made available.

Smithart did notify Bert Jordan, an attorney for Conecuh Woods, during court that he expects his order related to the investors' names to be followed.

CCSA Attorney David Ludder said the group has several concrete interests that would be affected by the placement of a landfill about a mile outside of Repton. Those interests include a decrease in property value, odor, noise and possible damage.

Jordan called the procedural interests speculative.

Ludder added that the decision by Conecuh County Commissioners on a 3-2 vote should be deemed insufficient because parts of the proposed landfill are shown to be in a wetlands area, which is against state regulations.

Ludder added that the host fee agreement wasn't made public and was also not properly adopted.

"The public should've had an opportunity to comment on that," Ludder said.

Jordan said the language in the state statute referring to landfills in wetland areas uses the word "should" and therefore doesn't make it mandatory. He added, referring to the host fee agreement, that the document was available when it was done the day of the meeting.

"The statute doesn't say the hearing has to be postponed and the document was available when it was done,"

Jordan said. "He's asking you to join in the political fray."

Ed Hines, an attorney for Escambia County, called the approval of the project a "gross error."

"The entire process has been flawed," Hines said.

Jordan said that SA Timberlands, which owns property adjacent to the land where the proposed landfill would sit, isn't a party to the case and therefore the plaintiffs' case should be dismissed.

Ludder argued that SA Timberlands is a member of CCSA and the organization is allowed to represent its members.

A ruling on the case, which is the latest chapter in the nearly seven-year battle over the landfill, could come in as early as a week.



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