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Judge says 'no' to 'dump'

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It was a bittersweet day Tuesday for Repton Mayor Terri Carter, the members of Citizens for a Clean Southwest Alabama (CCSA) and many others in and around Repton as they won their lawsuit filed to stop the Conecuh Woods landfill just four days after the death of the driving force and a founding member of CCSA.

Judge Burt Smithart entered his order Tuesday afternoon, granting Repton, Carter, CCSA and nearly a dozen other municipalities from around Southwest Alabama's motion for summary judgment and ending the 6-1/2-year battle over the proposed landfill. In his order, Smithart says the Host Government Approval by the Conecuh County Commission of the landfill application is set aside and declared null and void, and the development and fee agreements executed by then commission chair Wendell Byrd are also null and void.

"The plaintiffs and intervenors have conclusively proved that they have suffered and will continue to suffer injuries and the threat of injuries from violations of procedures and standards that were designed to protect their concrete interests," Smithart's ruling says. He goes on to say the statement of consistency issued by the Alabama-Tombigbee Regional Commission is set aside, and ruled in favor of the plaintiffs on every claim. Each party to pay their own legal costs.

Conecuh Woods Manager Jimmy Stone said he respectfully disagrees with Smithart's decision to overturn the approval of the Conecuh Woods application. "Due to the continuing uncertainties surrounding the Alabama legislature's moratorium, Conecuh Woods is evaluating the business decision

whether or not to pursue its investment in the landfill development project and green energy park in Conecuh County," Stone said. "Conecuh Woods notes that the Conecuh County Commission went beyond the requirements for the review of the application, including appointing a citizens advisory committee that recommended approval of the project, and conducting an additional engineering public hearing. In fact, if the Commission had done nothing at all beyond holding the required public hearing, the project would have been automatically approved even without a vote.

"Conecuh Woods is unusual in that we chose to go beyond the federal and state requirements in our commitment to the environment, and to dedicate millions of dollars of our earnings to Conecuh County for schools, roads and further economic development."

Stone said it has been an honor to be able to present the Conecuh Woods development to Conecuh County, and thanked everyone who took an interest in the project and expressed their opinions, with "special gratitude for the hospitality and many lasting friendships that developed over the years."

The order comes on the heels of the unexpected death of Dr. June Serravezza. She was chair of CCSA's education committee, and spent hours researching and working to teach the public about how landfills work and what the group contends are the dangers of the facilities. She was 68.

"We are excited about the outcome of this case," CCSA Public Relation Volunteer Jo Evers said. "It has been a long-hard fight that comes to an end with a very emotional victory. June worked tirelessly with all of us and we are just sad that she will only be here in spirit to celebrate. But we know she is celebrating; her love for life was contagious and she will truly be missed."

She and husband Don Smith were "driving forces" behind the grassroots organization, Evers said.

Serravezza passed away at her home Friday, August 2. A 'Celebration of Her Life' will be held Saturday, Aug. 10 at 6 p.m. at her home.

Carter said it is hard to celebrate the court victory while still reeling from Serravezza's death.

"At a time when we should be ecstatic, we were overjoyed but numb all at the same time," Carter said. "Losing one of our most prominent dump opponents just days before the ruling was difficult for our community and difficult to receive such joyous news. I am sure June is rejoicing with us just can't physically see her.

"On behalf of the Town of Repton, we are thankful to God and all those in our region who stood united for what was morally right and for a brighter future for the generations to come. And we thank Judge Smithart for upholding the law and allowing justice to be served. I personally want to thank everyone for exercising personal responsibility and for loving your neighbor."

Carter has said since the beginning she received an "anonymous call" in early December 2006 telling her there was an industry looking at Repton and the town wouldn't like it. "I finally talked that person, Greg Albritton, into letting me make his name public this morning," Carter said Wednesday. "We owe everything to Greg for letting us know ahead of time. If he had waited or stayed quiet, this would have been passed and there would have been nothing we could do about it."

The proposed landfill, which was to be among the largest in the nation, was to be constructed just off State Highway 41, between Repton and Range. The landfill plan was sited on a 5,100-acre tract of land and consisted of 1,600 acres of disposal cells. The landfill would accept waste from all 26 states east of the Mississippi River and from Louisiana by rail and over the road.