

Reso.

2007-0348

INTRODUCED BY: BRIAN A. FABRE, COUNCILMAN, DISTRICT II

RESOLUTION NO. 5482

A resolution requesting the assistance of the Mayor of New Orleans to help St. Charles Parish maintain the integrity of its Zoning Code by removing the Killona Landfill from its list of eligible landfills accepting regulated asbestos-containing materials and asbestos containing waste materials.

- WHEREAS,** asbestos has been recognized in the medical and scientific communities as a carcinogen and has been directly linked to potentially causing certain cancers in human beings; and,
- WHEREAS,** the Special Use Permit issued by St. Charles Parish to the former owner-operator of that landfill located in this Parish now known as the TLA-Killona C & D Landfill (the "Killona Landfill") did not authorize that landfill to accept for disposal regulated asbestos-containing materials ("RACM") or asbestos containing waste materials ("ACWM"); and,
- WHEREAS,** the Zoning Code of the Parish of St. Charles dated 1981, as amended to date, does not authorize the Killona Landfill to accept for disposal either RACM or ACWM, and,
- WHEREAS,** the City of New Orleans has recently advertised for bids for the demolition and disposal of RACM and ACWM which will be generated within the immediate future as a result of the demolition of structures located in that City; and,
- WHEREAS,** the owner-operator of the Killona Landfill is now actively soliciting for disposal in its landfill located in St. Charles Parish the RACM and ACWM which will be generated by the City of New Orleans, all as shown by that written solicitation attached hereto as Exhibit "A", which written solicitation has been sent to more than 200 potential customers, and,
- WHEREAS,** any acceptance of RACM or ACWM by the owner-operator of the Killona Landfill would constitute a flagrant violation of the Special Use Permit given to the owner-operator of that landfill by St. Charles Parish and be in obvious violation of this Parish's Zoning Ordinance.

NOW THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby request the assistance of the Honorable C. Ray Nagin, Mayor of the City of New Orleans, to help St. Charles Parish maintain the integrity of its Zoning Code by removing the Killona Landfill from its list of eligible landfills to accept RACM and ACWM which is generated within the City of New Orleans.

BE IT FURTHER RESOLVED, that a copy of this resolution be immediately forwarded to Honorable C. Ray Nagin, Mayor of the City of New Orleans, and the members of the New Orleans City Council along with a copy to Mike McDaniel, Secretary of the Louisiana Department of Environmental Quality.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: MARINO, FAUCHEUX, HILAIRE, FABRE, RAMCHANDRAN, WALLS,
BLACK, MINNICH
 NAYS: NONE
 ABSENT: DUHE

And the resolution was declared adopted this 5th day of November, 2007, to become effective five (5) days after publication in the Official Journal.

Killona Landfill

CHAIRMAN [Signature]
 SECRETARY [Signature]
 DLVD/PARISH PRESIDENT November 6, 2007
 APPROVED [Signature] DISAPPROVED _____

PARISH PRESIDENT [Signature]
 RETD/SECRETARY November 7, 2007
 AT 10:45 A.M. RECD BY [Signature]