Council takes steps to have consent judgment amended

After convening to executive session during Tuesday's meeting of Hattiesburg City Council, council members took unspecified action toward the city's plan to have amended a consent judgment issued by Gulf Restoration Network regarding wastewater treatment issues.

Because the matter is still in litigation, officials could not disclose what that action was, but Council President Carter Carroll said it may be January before the city goes to federal court over the matter.

The plan to ask a judge to change the terms of the judgment was formulated during a Nov. 22 council meeting, when council members voted 4-1 to authorize Jackson firm Watkins & Eager PLLC to "protect the best interests of the City and its citizens by taking all necessary action to obtain relief from, or to modify" the terms of the judgment. Ward 2 Councilwoman Deborah Delgado, participating via teleconference, provided the sole vote against the measure.

Jackson attorney Keith Turner, who is representing Hattiesburg in the matter, said the judgment — which was brought forth in a 2012 lawsuit filed by GRN — basically seeks to force Hattiesburg to build a $130 million mechanical plant to treat its wastewater. The problem with that, Turner said, is that venture might not be necessary, given that the city's lagoons have been meeting current levels on a permit issued by the Mississippi Department of Environmental Quality.

"Over the past several months, the city has shifted its direction in trying to have the lagoons continue to operate to save dollars — to be able to continue with that system without having to spend (unneeded money) on alternatives," Turner said after the Nov. 22 meeting. "As part of that, there's a consent judgment from the federal court that is controlling what the city does.

"We have attempted to go back to GRN and renegotiate that with them ... to whatever the MDEQ requires of us, whatever legal requirements would satisfy them. Unfortunately, GRN is uncooperative and didn't want to negotiate those terms — they wanted to leave it as it was. So our goal now will be to go back to court and ask the court to consider the facts and circumstances on why the current consent judgment needs to be modified or withdrawn."
In December 2015, council members voted 4-1 to go with a land application system so the city would be in compliance with permit levels established in August 2015 by the MDEQ. That decision changed abruptly in September, when council voted to go with a mechanical plant instead, saying land application was no longer a viable option.

The city already had faced two sets of $1,500-per-day fines after missing a court-ordered deadline to have design plans for a new system finalized and submitted to not only the appropriate state and federal agencies for approval, but also to the U.S. District Court that is overseeing the GRN suit.

During a recent meeting with MDEQ and GRN officials, a new timeline was agreed to, on the basis that the city's lagoons have mostly met permit limits for the last 12 months or so. That, in turn, gave city officials a chance to step back and look a little closer at the lagoons as a sole wastewater treatment system.

"The lagoons are complying now, and the goal is to continue with that," Turner said at the November meeting. "Now, we don't know what the future holds on permits and limits and conditions. But right now we hold a five-year permit (from MDEQ), and, yes, we believe that the current conditions allow us to comply with that permit for the next five years."

In other action Tuesday, council members:

•Voted 5-0 to adopt a resolution naming the former Hattiesburg Grocery Company Complex on Klondyke Street in honor of William T. Russell, to be known as the William T. (Bill) Russell Jr. Complex. The building is currently being renovated and will serve as temporary home to Hattiesburg Police Department until officers and staff move into their permanent facility at the upcoming Public Safety Complex.

Russell, who sold Hattiesburg Grocery Company in 2002 upon his retirement, donated the building to the city for the police department's use.

•Voted 5-0 to execute an LED lighting proposal with Mississippi Power Co. to upgrade lighting around the playground area at Kamper Park for a net increase of $105.97 in the city’s monthly account.

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