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FRIDAY, OCTOBER 6, 2006

Judge orders work on lock to stop

Katrina puts project in new light, he says

By Mark Schiefelstein
Staff writer

The Army Corps of Engineers must halt all work on widening the Industrial Canal lock in New Orleans until it reconsiders the project's environmental impact, a federal district judge ruled Tuesday.

"The court finds that the corps failed to take a 'hard look' at the environmental impacts and consequences of dredging and disposing of the canal's contaminated sediment and should revisit the project in light of recent catastrophic events," U.S. District Judge Eldon Fallon wrote in his opinion, referring to the effects of Hurricane Katrina.

The ruling was hailed as a victory by Pam Dashiell, president of the Holy Cross Neighbor-

See LOCK, A-9

Nagin awards he

Garbage trucks will use robotic arms

By Michelle Krupa
Staff writer

In perhaps the largest City Hall contracts ever awarded to minority-owned firms, Mayor Ray Nagin handed deals Thurs-

day totaling \$25 million to two African-American-owned trash haulers, the only two companies that bid to provide robot-assisted trash pickup across most of New Orleans.

Though Nagin insisted that user fees will not increase under the deals, the contracts reflect a price increase of nearly 40 percent compared with the current \$18 million citywide contract held by Waste Management, which originally

called for twice garbage pickup 250,000 household was revised after flood to provide a service to about 10 for the same price.

Nagin said the contracts, which go into 2 to 100,000 households, include new technology to keep the city clean.

See TRASH,

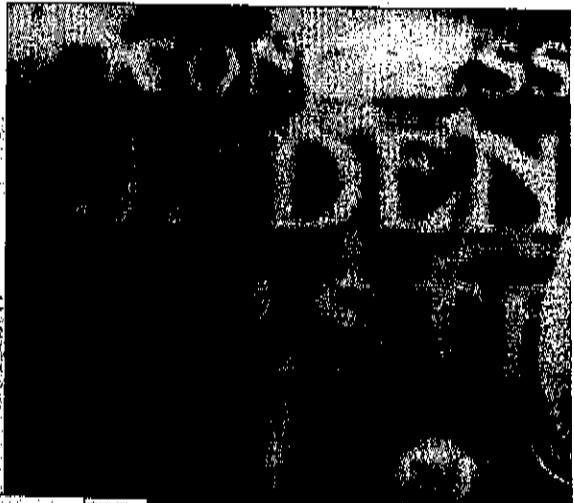
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House speaker vows he won't resign post

By Charles Babington
The Washington Post

WASHINGTON — The House ethics committee launched a wide-ranging investigation into Congress

► Republicans say Democrats' efforts to impeach



WASHINGTON

Jobs depend on project, port warns

Lock, from A-1

hood Association, which filed the lawsuit asking that the project be reviewed. The neighborhood group, concerned about disruptions from the \$764 million construction project, had worked against it in tandem with environmental groups concerned about contamination of the waterway.

"What I hope is that they will not go forward at all with the Industrial Canal project," Dashiell said, "and that they would reassign the money to hurricane protection, upgrading the levees, infrastructure replacement, repair of the sewer system. That would be ideal."

Dashiell said that if the corps decides to reassess the environmental effects of the project with an aim at restarting construction, the project should also go through an independent peer review.

"That's one of the bedrocks of recent calls for corps reform, and that absolutely has to happen," she said.

Port criticizes ruling

The Port of New Orleans, which owns the lock and leases it to the corps, urged the corps to take whatever legal or environmental steps necessary to restart the project.

"The ruling will further delay

a project that is vital to the national commerce that flows on the Intracoastal Canal from Texas to Florida, and to New Orleans maritime businesses located in the port's Inner Harbor," said a statement issued by port officials.

"The Gulf Intracoastal Canal Association estimates that for every 24 hours that the lock is closed, the nation's transportation industry loses \$500,000," the statement said. "Before Katrina, about 9,000 direct and indirect jobs relied on deepwater shipping to the port's Inner Harbor, and the lock replacement project is essential to retaining those jobs in the long term."

The corps will comply with Fallon's order to stop work on the project, but it hasn't decided whether to appeal the decision, said Kathy Gibbs, spokeswoman for the agency's New Orleans District. That decision will be made in coordination with the Department of Justice, she said.

The corps has studied modernizing the lock, which allows ships and barges to enter the Industrial Canal from the Mississippi River, since the 1960s.

At that time, navigation delays were common because of a high volume of traffic in the lock and because the St. Claude, Chalborne and Florida avenue

bridges over the canal are not opened for ship traffic during morning and afternoon rush hours.

In March 1997, the corps completed work on an environmental impact statement that looked at three alternatives: doing nothing, replacing just the St. Claude bridge with one high enough not to block shipping, and building a wider, deeper lock.

The existing lock is 75 feet wide, 640 feet long and 31½ feet deep. The corps decided on building a new lock that would be 110 feet wide, 1,200 feet long and 36 feet deep, and also would require the dredging of a temporary bypass channel during construction. The work would require the dredging and disposal of 3 million cubic yards of sediment and soil.

Release of toxins

In its environmental statement, the corps acknowledged that some toxic materials, including heavy metals and polychlorinated aromatic hydrocarbons, or PAHs, would be uncovered during the dredging.

The plan was to dispose some of the material along the Mississippi River-Gulf Outlet as part of a wetlands-building project, mitigating the effects of the new lock construction, and to dispose some of the more con-

taminated material in a dredging disposal area protected by berms, also along the MR-GO.

The Holy Cross Neighborhood Association, later joined by the Gulf Restoration Network and the Louisiana Environmental Action Network, filed suit to stop the corps in 2003, arguing that the hazardous waste could be released during the dredging and its disposal and could endanger Lake Pontchartrain and the areas where it would be deposited along the MR-GO.

In 2004, Fallon agreed to suspend the lawsuit to let the corps test the sediment further. But in February of this year, Fallon reopened the case after the corps notified him that it planned to restart construction. The Holy Cross group then told Fallon that residents were returning to the community after Katrina and could still be exposed to the toxic materials.

On March 22, the project opponents again asked Fallon to stop work on the project, arguing that a new issue to consider was whether the corps plan for containing hazardous wastes could withstand hurricanes, in light of the devastation caused along the MR-GO by Katrina.

A new reality

Fallon, who was appointed to the bench in 1995 by President

Clinton, ruled against the corps' request that he only consider information contained in the agency's official record of decision, predating the storm.

"The effects of Hurricane Katrina have exposed the inadequacy of the corps' planning and analysis," Fallon wrote. "Moreover, in the year since Hurricane Katrina, local circumstances have drastically changed: the future of the MR-GO is in doubt; the location, height and significance of the levees are being re-evaluated; and priorities are shifting from the transportation needs of the community to the restoration of basic infrastructure."

To ignore those facts is to ignore reality, Fallon said, adding that before Katrina, the disposal site the corps was to use was surrounded by the levees next to the MR-GO, and a National Science Foundation report found there were 17 breaches in those levees.

Even the corps recognizes that circumstances have changed, Fallon said, referring to a decision this month to dispose of contaminated sediment dredged from another part of the canal in a landfill approved for the disposal of industrial wastes.

"The corps' current actions suggest that it may have already abandoned the position it

seeks to defend in this case,"

Fallon said. "In any event, Hurricane Katrina has exposed the inadequacies of the EIS and raised questions about the importance and priority of the whole project."

Fallon was careful to limit his ruling to requiring an environmental reassessment. The National Environmental Policy Act does not require the corps to base a final decision on such a project solely on whether it is damaging to the environment, he said. It only requires that the environmental issues be properly addressed.

Aaron Viles, a spokesman for the Gulf Restoration Network, praised the ruling.

"It's been a bad idea economically since the beginning, and considering the wide range of more important projects facing the corps today, this project should long ago have been deauthorized," he said.

Little work, other than the corps sediment testing program, has been conducted on the project during the past two years. Congress authorized only \$10 million for the project in fiscal year 2005, and the Bush administration requested no money for the project in its fiscal year 2006 budget.

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Monthly charges aren't to change

between \$3 million to \$4 million, a price he said his administration, presumably through a reallocation of existing tax dollars, is willing to shoulder for "unprecedented levels of service," including global-positioning systems to track garbage trucks and satellite-linked bar codes to locate missing trash bins.

But compared with the city's current \$18 million-per-year

hours, their pockets are going to be burning deep."

Nagin also touted the deals for their opportunity to employ local workers. Even with the use of mechanized arms to unload the contents of uniformly designed trash bins, three sanitation workers, including a driver, still will be needed for every garbage truck, rendering the service "semi-automated."

Woods said the trucks are

Orleans' oldest neighborhoods. But he said the robotic arms will not reach over parked cars or other obstacles to collect the bins; instead, workers will place them within easy reach.

Metro Disposal will try to hire local workers, particularly former Regional Transit Authority workers who recently were laid off, Woods said.

City officials plan to kick off an informational campaign in

sites across the city to register and to choose a trash-can size — 30, 60 or 95 gallons — which the city's contractors will provide at no charge, White said.

Many questions

White said she expects to set the by November several questions about how the new service will work, including what price contractors will charge resi-

dents who want to have their

Though the two haulers awarded Thursday are the first new contractors to handle the city's trash-collection agreement in two decades, they have been mainstays on the deal for several years. Under the most recent extension of the city's garbage contract with Waste Management, Richard's Disposal Inc. handled 19.5 percent of the work; Metro Disposal

Inc. was awarded the