

Residents file lawsuit against landfill

By John Richardson Navarre Press

Residents who have homes around the Coyote Landfill have had enough. On Monday in Santa Rosa Circuit Court, 83 named plaintiffs filed a lawsuit seeking monetary damages and equitable relief.

The residents and their attorney called a news conference at the home of Ralph Windham who, of the plaintiffs, lives closest to the landfill.

The smell from the landfill was still very apparent as Kirk McCombs, attorney for the plaintiff, spoke about the lawsuit.

"After the defendant files an answer to the suit, we expect to file for an injunction to halt the operations at this landfill," said McCombs, a Jacksonville attorney who specializes in environmental law. He is a member of the bar in five states.

The seven-count complaint alleges that Coyote has operated its facility with a cavalier indifference towards environmental compliance. According to the suit, the Florida DEP cited Coyote seven times for separate violations. The first count of the suit alleges that Coyote was negligent for some of the following reasons: Accepting and disposing of solid waste, which violates its permit. Disposing of solid wastes in water. Burning solid-waste material. Disposing of materials on the landfill fires. Fires continuing on and off for nine months. Failing to conduct contamination assessments. Failing to conduct initial groundwater monitoring. Chemicals from Coyote's operations leached into ground water. Count 2 of the complaint alleges Coyote discharged pollutants into the surface and groundwater. Count 3 alleges the landfill has become a private nuisance that interferes with residents using and enjoying their property.

Count 4 alleges trespass of smoke, odors, hydrogen sulfide, arsenic and benzene on to the plaintiff's property. Count 5 alleges negligence because Coyote was not in compliance with existing laws.

Count 6 alleges wanton misconduct by Coyote. Count 7 alleges Coyote failed to notify the plaintiffs when it released smoke, odors, hydrogen sulfide, arsenic and benzene and other substances.

Windham described what it has been like living so close to the landfill.

"After Hurricane Ivan, a truck would bring debris up this road every minute of the day," he said. "The smell reaches its peak from 11 p.m. until 1 a.m. I had started to drill a well, but when my neighbors were finding benzene in their water, I abandoned that idea. Now I water my tomatoes from the county water system. My water bills are \$70 a month, which makes those pretty expensive tomatoes."

Robert Grant told a similar story.

"I had a well that the DEP tested around February. They found 3.4 times the maximum safe level of benzene in the water. Two months later, they tested again; it was 21 times the maximum safe level. The water foams up out of the well, and the smell is terrible. We no longer can use the well water for anything." The smell from the landfill has caused Grant to duct-tape his windows.

Zeke Grieshop said that the foul odor is better in the morning compared to the evenings. "Gas is denser than air and doesn't heat up as much as air," he said. "There is also less wind at night, so the smell just lingers."

Grieshop owns a charter-boat business that he said has been damaged by the landfill.

"We are less than 1,500 feet from the East Bay. Customers go out from here and see dead trees, dead turtles and fish," he said. "We used to have an eagle's nest near the shore line. They have deserted this area. Who wants to catch fish in an area that smells

this bad and contains dead wildlife?”

Nan Kahren owns a registered daycare center.

“I have lost a lot of business,” she said. “Parents smell that odor, and they pull kids out of my care. I also have an upper-respiratory infection that I think is caused by the pollution here. A mother recently removed her child when he also developed an upper-respiratory infection.”

Brande Kempf from the Santa Rosa County Health Department said surveys had been distributed to the residents. Based on those responses, the health department feels there is probable cause to do future medical tests on the residents.

“We have the county commissioner’s support, and they have granted us the funds to do these tests as well as additional air-quality and well-water tests.”