

What's next in Hattiesburg's wastewater plans?

Haskel Burns, American Staff Writer 10:51 p.m. CDT June 11, 2016



(Photo: American file photo)

The long road to a solution for Hattiesburg's wastewater dilemma continues to wind through court-ordered deadlines, daily fines and a new zoning ordinance, as the proposed land-application system has left a community divided.

Most recently, Hattiesburg City Council members accepted a lease for 600 acres of land owned by the Forrest County School District to use as spray fields for the land-application system. Bi-annual payments of \$40,000 will be made on the 30-year lease, which offers a 25-year renewal.

That parcel of 16th Section land comprises a small amount of the 5,000 acres near Camp Shelby in Forrest County — in addition to another 3,000 acres of Lamar County land — that Hattiesburg officials seek to secure for the system.

"The biggest part right now is acquiring the land parcels for the project," said Keith Turner, attorney for the City of Hattiesburg. "That's what we're moving toward right now, is to get the land parcels all finalized. So the 16th Section land is one of the parcels, and then we'll have other parcels that'll be coming forward over the next several weeks."

That school district land is located in Township 3 North, 12 West. [Petal School District](#) has 41 students living in that township, while Forrest County School District has 36 students living in that township.

Because of that, Forrest County has to share the proceeds of the lease with Petal School District, proportionate to the number of students located in the township. Petal School District will get about \$42,600 per year, while Forrest County will get about \$37,400 per year.

Forrest County is going to keep its proceeds in a 16th section account and eventually use the money it earns to fund two-thirds of a new teacher's salary and benefits. Petal School District will keep its proceeds in a 16th Section account and use the money as approved by the school board.

But the Lamar County Board of Supervisors may have something to say if and when Hattiesburg tries to secure the proposed Lamar County fields, which would tentatively be located near Tatum Camp Road. In early March, supervisors unanimously adopted an ordinance that would prevent spray field application on parcels of land larger than 55 acres, and also would necessitate spray fields of any size to be approved by the board.

Although City Council later opposed the ordinance, Lamar County Administrator Jody Waits said the county hasn't formally received any action on Hattiesburg's part.

"The ordinance is in effect," he said. "As of right now, the City of Hattiesburg, nor anyone wishing to operate a spray field on their behalf, has come before our planning commission to request any zoning variances or any compliance with our ordinance."

"Our position is still that anyone wishing to do so would have to come before our planning commission, requesting variances, and all those would have to stand up in agreement with our ordinance. Anyone who doesn't do that, we will take all steps necessary to make sure they are in compliance with our ordinance and zoning."

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It wouldn't be the first roadblock in the land application project, as various appeals and petitions have been filed protesting everything from increased water and sewage rates associated with the system to the absence of Hattiesburg residents' vote on the matter.

And there were the daily fines, which hit the city for \$1,500 a day. That began Sept. 1 after the city missed its 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 a suit brought by Gulf Restoration Network, an environmental advocacy organization based in New Orleans.

Those fines officially came to a halt Jan. 13, after council chose land application over a mechanical system and submitted those plans to the Mississippi Department of Environmental Quality, but they still will cost the city about \$201,000.

And the hit in the wallet may not be over quite yet, as the city is now looking at even more \$1,500-per-day fines after missing a May 1 deadline to begin construction on the new system. With those fines starting May 1, the city would now owe about \$64,500 on this newest set of penalties.

"Had we been able to purchase any of the land, that would have begun our construction," City Council President Kim Bradley said. "But, yes, we are in a fining position right now because we did not meet that deadline. We've made the court aware, we've made the Gulf Restoration Network's attorneys aware of where we are, along with the MDEQ. We hope to have this resolved in the month of June."

But Turner said officials are hopeful to meet future deadlines — which include May 2018 dates for finishing construction and having the system operational — and are working with MDEQ to put a halt to the current fines.

"And without going into the legal arguments, we're talking with MDEQ about exactly what 'start construction' means, and we think that we'll be able to get those penalties (for missing May 1) turned off pretty soon," he said. "The goal for MDEQ is not to penalize the city — it's to get Hattiesburg moving along, which is what we're doing."

"So when we demonstrate that, we believe that MDEQ will be satisfied to turn off that penalty also. We were working with them before May 1 to try to work out a solution that complies with the order, that satisfies the laws, but also takes the pain of Hattiesburg having to pay penalties."

Land application also has received some opposition from concerned-citizens groups, including The Hattiesburg Watchdogs. Earlier this year, group member Robert Abrams filed in court a petition that may allow residents to have a vote on payment methods for the treatment system, if general obligation bonds are chosen as payment.

But Ward 3 Councilman Carter Carroll said the type of bonds — whether that be general obligation bonds or water and sewer revenue bonds — has not been chosen, and a timeline has not been set to do so.

"If those (general obligation) bonds are going to be used to pay off the wastewater system, then we would have to have a vote on that before it would be done," he said in an earlier story. "If we don't use those types of bonds, it means nothing."

Abrams has declined on several occasions to discuss the matter with the Hattiesburg American.

In January, officials from Groundworx, LLC, withdrew the company's applications for conditional use permits for spray fields on Tatum Camp Road in Lamar County, placing in the city's hands responsibility for construction and operation of the system. Groundworx officials have not returned calls seeking comment.

In April, Hattiesburg City Council members voted 4-1 to establish new rates for water and sewer service to help pay for the treatment, which is expected to run somewhere in the neighborhood of \$120 million.

The new rates went into effect May 1, and water and sewer rates will increase again incrementally after that, with hikes beginning Sept. 1, 2017, and Sept. 1, 2018.

Council had previously attempted in February 2014 to raise rates, but Mayor [Johnny DuPree](#) vetoed the measure, saying the increases were too much for too many residents to bear and insisting that additional streams of revenue needed to be sought to mitigate any rate increase.

"I still feel we can't afford to do that percentage of rate hikes, and time hopefully will prove that we don't need to make those kind of rate hikes," DuPree said. "We are increasing rates because all of us realize that we have to increase rates in order to do what the courts have declared that we have to do.

"Whether it's mechanical or spray fields, that's a must, especially in light of the fact that we haven't been able to get any grants..., although we continue to try to receive grants. My hope is that the increases that we'll have to engage won't be as steep as the ones that were proposed a few years ago."

Wastewater Timeline

2001: A contract signed by Hattiesburg officials agreed to take USA Yeast's untreated waste effluent for no extra fee. The company had been allowed for almost a decade to discharge up to 800,000 gallons per day of untreated waste into the city's South Lagoon.

2005: In the wake of [Hurricane Katrina](#), the South Lagoon's aerators were without power for nearly two weeks. According to a report on the lagoon system, the lack of aeration, coupled with the untreated waste and a large buildup of sludge, began the significant odor problems for the lagoon.

2011: The volume of high-strength industrial waste eventually led to an order from the Mississippi Department of Environmental Quality, fining the city for violating effluent limits in the lagoon's discharge. The order fined the city \$32,500 for the violations and set a deadline for the city to have identified a wastewater solution that will bring it in compliance. The order set May 31 as a deadline for the city to "decide upon an engineering solution for ... effluent limit compliance, whether that be the construction of a new mechanical treatment plant, the retrofitting of the existing lagoon system, or other options as recommended."

May 2013: Council voted to pursue a land-application process to disperse treated wastewater over a more conventional mechanical system.

November 2013: Council unanimously voted to begin contract negotiations with a newly created company, Hattiesburg-based Groundworx, LLC, to design, create and operate the land-application system.

January 2014: Council voted 4-1 to enter into a contract with Groundworx, an agreement signed by Mayor Johnny DuPree on Jan. 21. The contract called for the company to issue up to \$142 million in bonds for the design and construction of the system. Over 30 years, the city would provide the money to pay off those bonds.

February 2014: To meet those obligations, council voted 3-2 to amend an ordinance that would lead to sharp hikes — 150 percent in the first year alone — in sewage rate charges that comprise a portion of residents' water bills. On Feb. 27, DuPree vetoed the ordinance, saying the increases were too much for too many residents to bear and insisting that additional streams of revenue needed to be sought to mitigate any rate increase.

June 2014: Groundworx sued the city in Forrest County Chancery Court, claiming breach of contract.

August 2014: Council voted to allow DuPree to terminate the Groundworx agreement.

January 2015: Chancery Court Judge M. Ronald Doleac ruled that the contract between the city and Groundworx violated due process clauses in both the federal and state constitutions. Doleac ruled that the agreement that would have built the wastewater system was declared unconstitutional, making moot the \$6 million breach of contract suit against the city.

June 2015: Council voted to instruct its consultant, Neel-Schaffer Inc., to officially work up a request for land-application systems that would take partially-treated wastewater and spray it over acres and acres of fields. This move came after the city conducted an engineering evaluation while looking into a mechanical option.

Sept. 2015: \$1,500-per-day fines began for the city for missing a deadline to have plans submitted for a new wastewater system.

December 2015: City Council voted 4-1 to implement a land-application system, which is expected to run in the neighborhood of \$120 million. Ward 2 Councilwoman Deborah Delgado provided the sole vote against the measure.

January 2016: The daily fines stopped after Hattiesburg officials submitted plans for the land-based system to the MDEQ. Officials from Groundworx withdrew the company's applications for conditional use permits for spray fields on Tatum Camp Road, and placed responsibility to the city for construction and operation of the system.

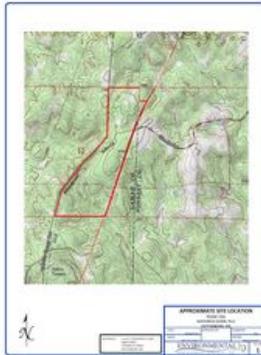
Proposed spray field sites

The land application process

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Proposed spray field location in Forrest County (Photo: Map courtesy of the City of Hattiesburg)



Proposed spray field site in Lamar County (Photo: Courtesy of the City of Hattiesburg)



Proposed spray field site in Lamar County (Photo: Courtesy of the City of Hattiesburg)



Proposed spray field site in Lamar County (Photo: Courtesy of the City of Hattiesburg)



How land application works (Photo: Courtesy of the City of Hattiesburg)