

Flow Control/Municipal Ordinance: Shreveport, Louisiana, Judicial Action Filed Alleging Waste Haulers' Failure to Use Designated Landfill



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The City of Shreveport, Louisiana ("Shreveport") filed a September 30th judicial action in the 1st District Court/Caddo Parish against six waste haulers alleging a failure to utilize a designated landfill.

The pleading is styled:

Petition for Breach of Shreveport City Code Ordinance 74-52 et seq. Breach of Contract, Damages, and Request for Preliminary and Permanent Injunctions ("Petition")

The *Petition* was filed against the following entities:

- Live Oak Environmental, LLC
- Waste Connections Bayou, Inc.
- Bayou Belle Waste, Inc.
- Louisiana Environmental Services, LLC
- Get Rid of it America Corp
- Waste Options, LLC (collectively "Waste Haulers") Referenced in the *Petition* is legislation enacted by Shreveport referred to as "flow control."

A local government's directing the movement or disposition of refuse or waste is often denominated "flow control." Flow control describes a scenario in which local government utilizes a law or regulation to direct one or more types of solid waste to a particular disposal, processing, transfer, landfill, or other facility.

The subject is often a subject of debate among local government, waste management, transportation companies, recycling facilities, and environmental groups. Many flow control disputes have been addressed by the courts.

The Shreveport *Petition* cites Code of Ordinances 74-53 as requiring that:

... any person who hauls waste from any place of business for hire within the city limits of Shreveport to obtain a permit from the City.

It further cites 74-52.1 as requiring (with limited exceptions) that:

... all persons required to obtain a permit pursuant to Sec 74-53 "shall dispose of" all solid waste only at Woolworth Road Landfill.

The Woolworth Road Landfill ("Woolworth Landfill") is owned by Shreveport.

Shreveport states that every private hauler that hauls waste within its city limits enters into a contract with Shreveport. It alleges that the contract requires that the Waste Haulers dispose of all waste collected within the city limits of Shreveport at the Woolworth Road Regional Solid Waste Facility (i.e., the designated landfill).

The *Petition* alleges that in 2015 Shreveport observed a decrease in revenues at the Woolworth facility. Such revenue decreases were alleged to be a result of the Waste Haulers diverting waste in violation of Shreveport's flow control ordinances and breach of contracts. The Waste Haulers are alleged to have "conducted a pattern of activity to willfully and intentionally "divert" waste and the revenues from the waste collected within the city limits of Shreveport to a landfill other than the Woolworth Landfill.

The relief sought by the *Petition* includes damages, along with a preliminary and permanent injunction, of the alleged referenced activity.

A copy of the *Petition* can be downloaded [here](#).