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Judge Denies State Motion to Terminate Temporary Restraining Order Regarding Asphalt Plant Case

Yesterday, Wednesday November 13, 2013, the Honorable Gary D. Witt, Presiding Judge of the Missouri Court of Appeals Western District Writ Division, denied a petition filed by the Missouri Department of Natural Resources that would have terminated a Temporary Restraining Order (TRO) issued by Circuit Court Judge Jack Grate on October 23, 2013. The Temporary Restraining Order prevents the Missouri Department of Natural Resources from issuing a permanent permit for the Ideker asphalt plant located near the I-49 and Mo150 interchange in Kansas City. Concerned Citizens for Air, Inc. (CCA) and the City of Grandview had sought the Temporary Restraining Order in filings in early October. Both organizations have expressed concern about emissions from the plant and their short and long-term health impact on nearby residents in Kansas City and the City of Grandview as well as two nearby elementary schools.

Commenting on Wednesday's action Kathy Sutoris, President of CCA said "The order today is an important hurdle that has been overcome and reaffirms CCA's commitment to protect the health of its members and of the citizens generally, who are affected by releases from the plant." Dennis Randolph, Grandview's Public Works Director, added "the Court of Appeals' Order makes it clear that the Court considered the premises set out by the Missouri Department of Natural Resources and denied the State's petition without further discussion or explanation."

"We are glad that both the Circuit Court and the Court of Appeals have prevented the Missouri Department of Natural Resources from rushing a new permit for the asphalt plant located near I-14 and Mo-150. Both CCA and the City of Grandview feel strongly that the potential harm to neighboring children is too great not to give the permit a careful review," said Bruce Morrison, an attorney from Great Rivers Environmental Law Center, representing the Concerned Citizens and the City.

Judge Grate has scheduled a hearing on the preliminary injunction for Thursday Nov. 21, at 3 pm in his courtroom. Judge Grate has also set a hearing on Ideker's request to intervene in the case for 10:30 am in the morning of the same day in Independence.

Great Rivers is a nonprofit public interest environmental law firm in St. Louis that provides free and reduced-fee legal services to those working to protect the environment and public health. Its web address is: www.greatriverslaw.org.