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LAND USE ENTITLEMENTS □ MUNICIPAL ADVOCACY

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May 3, 2010

VIA HAND DELIVERY AND EMAIL

The Honorable Planning & Land Use
Management Committee of the
Los Angeles City Council
200 N. Spring Street, Room 350
Los Angeles, CA 90012-4801

Re: Waste Management/ Council File 10-0468; CPC 2007-3888 CU-ZV-SPR
(Item No. 12 on the Committee's May 4, 2010 Agenda)

Dear Committee members:

As you know, we represent Waste Management, which is seeking to develop a state-of-the-art, LEED Gold-certified material recycling facility, transfer station, and expanded green and wood waste recycling facility at its Sun Valley Recycling Park site, which is the location of the now-closed Bradley landfill (the "Project"). The Project will (a) retain and create 240 well-paying jobs, (b) immediately invest approximately \$35 million in the construction of the new facility, (c) generate over \$30 million annually in indirect and direct revenues to the Sun Valley economy, and (d) generate up to \$1.5 million of annual Host Fees that can be used to fund public benefits including environmental, public health, education and employment improvements, further environmental justice, and further offset and reduce Project impacts.

We are writing on behalf of our client to provide additional information requested by the Committee at its April 27, 2009 meeting.

A. Green and Wood Waste Recycling Facility.

1. No Variance is Needed for the Green Waste Recycling Facility, but Waste Management is Still Seeking One to Avoid Possible Confusion in the Future.

After extensively reviewing the legislative history of the City's green waste regulations, Hearing Examiner Frank Quon concluded in his December 17, 2009 Staff Recommendation Report:

The subject variance request is no longer necessary due to the latest interpretation of the City Council records. This is due to a recently discovered interpretation letter by the

The Honorable Planning & Land Use
Management Committee
May 3, 2010
Page 2

Chief Zoning Administrator to the City Council during the adoption of a code amendment in 1994. The letter and attached documents provides research, which indicates that the 1994 code amendment requiring the enclosure of green waste facilities had been intended for the M2 zone only. Other such uses that were already in operation at the time are not subject to this requirement and can continue based on non-conforming rights. Further, green waste facilities within the M3 zones are not intended to be subject to the enclosure requirement. Because there were already 6 such uses in operation (with the subject property/use as one of the uses) *the Bradley green waste facility is not required to be enclosed* as the report to council (dated August 24, 1994) indicates. The letter brings compelling clarity to the code amendment and provides staff with a better understanding of its original intent. (Emphasis added.)

Notwithstanding this finding, Waste Management is continuing to seek a variance to avoid any possibility of confusion in the future.

2. **Current Measures Control Green Waste Odors Effectively.**

The green waste recycling facility is located within the Sun Valley Recycling Park's 148- acre site and is virtually enclosed on four sides. It is not adjacent to or near any other residential, commercial or industrial streets or uses. It processes material from the City's residential green waste collection program utilizing a state-of-the art multi-layered, redundant system of misters and 23-foot tall surrounding and screened fences to control green waste odors. (See attached photo.) In addition, green waste is never disposed of at the site; rather, it is ground into finer grade mulch, loaded onto trucks, and transported out of the region to distant facilities. **By law, in no case is the material on-site longer than 48 hours, and most material leaves the site in less than 24 hours of its arrival.**

Due to the effectiveness of ongoing mitigations, SCAQMD has received only one complaint in 2010 relative to Waste Management at the Sun Valley Recycling Park site; it was about gnats in the now closed landfill, unrelated to the green waste, and not about odor. In 2009, there was only one odor complaint that was possibly due to the green waste operation. Based, however, on the location of the complaint and the direction of the wind that day, the source is likely to have been another company located in Sun Valley. The SCAQMD utilizes a complaint-based system to enforce odor regulations (SCAQMD Rule 402); thus the very low number of complaints is directly related to the effectiveness of Waste Management practices to totally control potential odor impacts.

The Honorable Planning & Land Use
Management Committee
May 3, 2010
Page 3

Hearing Examiner Frank Quon visited the facility. As set forth in the December 17, 2009 Staff Recommendation Report: “On staff’s field visit, no noticeable odors were detected directly adjacent to the facility, nor several yards away.” (Emphasis added.)

3. Increasing the Capacity of the Green Waste Recycling will not Result in Increased Odors.

The “footprint” of the green waste processing operation will not increase; any future materials will be processed in exactly the same location and in exactly the same space as is used currently – within the virtually enclosed area that is fully surrounded by 23-foot tall screened fences equipped with a misting system. Importantly, no green and wood waste material processed at the site is disposed of at the site; nearly all material is sent to distant, off-site composting and processing locations within 24 hours under existing and contemplated future permits.

When odors do result from green waste, they are caused by decomposition (composting). Composting occurs if green material is allowed to remain in stockpiles for an excessive period of time. Composting does not occur during processing on conveyors, or through screening and grinding equipment. It also does not occur if material is moved in a timely manner. Odor generation, therefore, is a function of the length of time material is stored in stockpiles, and not a function of the overall quantity of material received. Minimizing the period of time that material is stored in stockpiles on-site prevents the material from composting and generating excessive odors.

The Solid Waste Facilities Permit, which was issued by the City of Los Angeles Environmental Affairs Department (EAD), governs the facility's operations. It prohibits the site from allowing green material to compost. As part of the regular EAD inspections, the inspector must verify that no composting is spontaneously occurring. Efficient and timely processing and removal of green material, therefore, is both an effective mitigation of odors regardless of the quantity received, and an existing permit requirement. Therefore, increasing the throughput at the facility will not result in increased odors.

4. The Green Waste Recycling Facility Cannot Feasibly Be Fully Enclosed.

It is not feasible to fully enclose or cover the green waste recycling facility, which is located on top of the former, unlined portion of the “Bradley East” landfill. The unstable fill (i.e., trash) is subject to ongoing settlement. The City Department of Building and Safety has established combined static and seismic settlement limits for the use of conventional foundations of 1.5 inches for total settlements and 0.75 inches for differential settlements and for the use of

The Honorable Planning & Land Use
Management Committee
May 3, 2010
Page 4

mat foundations of 3 inches for total settlements and 1.5 inches for differential settlements. These standards cannot be met by construction over landfilled areas and/or boring pylons or foundations deep into formerly placed waste. Instead, Waste Management would need to excavate the refuse in order to achieve a suitable foundation. In this case, such an excavation would include the removal of the protective final cap of the closed Bradley East Landfill, disconnection and removal of extensive sections of the landfill's gas collection and control system, and the removal and transfer of previously placed waste at depths greater than 40 feet below ground level. Thus, many tons of waste would need to be hauled off to another landfill, with resulting traffic, noise, air quality and odor impacts on the surrounding area.

Hearing Examiner Frank Quon consulted with the City Department of Building & Safety on this issue. He noted in his December 17, 2009 Staff Recommendation Report:

According to staff's inquiry with the Department of Building and Safety officials, excavation (down to stable soil) and recompaction of the soil would likely be required to achieve a suitable foundation in order to construct a building. Due to the extensive grading [and refuse removal] needed feasibility of constructing a conventional building is questionable. Therefore, an enclosed building for the Green Waste recycling activity would present a hardship situation for the applicant.

It has been suggested that the facility could be covered or enclosed with a tent-like structure. However, such a structure, which would need to be up to three acres in size and 45 feet in height. In any event, it is not necessary as the existing measures already effectively control odors from the facility.

5. **Other Similar Facilities are not Enclosed.**

Similar green waste chipping and grinding facilities in the City of Los Angeles, including a facility operated by the City of LA, are not covered or fully-enclosed. Most of these facilities do not employ a misting system. Not one of these facilities employs a comprehensive odor mitigation system like Waste Management's.

6. **The City Needs the Green Waste Recycling Facility.**

The green/wood waste recycling operation is vital to the City and the Bureau of Sanitation, as this facility presently processes approximately 40% of the material collected by the City's curbside green waste program. The City must recycle this material to achieve its Zero Waste goal.

The Honorable Planning & Land Use
Management Committee
May 3, 2010
Page 5

Currently only one other facility has a contract with the City to accept green waste - Community Recycling, which is just down the street from the Project site. No other existing facility in the City has sufficient capacity to accept any appreciable quantities of additional green waste for recycling. Therefore, if Waste Management cannot accept additional green waste, such waste would likely end up two blocks away, at Community Recycling, which is not equipped to adequately handle more material and has not implemented a state-of-the art odor mitigation system.

B. Agencies With Regulatory Oversight Over the Project.

The Project is highly regulated by the City and a number of other governmental agencies. We have attached a list of these agencies.

C. “No Fly Zone” for Trucks in Residential Neighborhoods

At the April 27, 2010 PLUM Committee meeting, Chairman Reyes requested that Waste Management look into additional measures to keep Project trucks out of residential neighborhoods. We have attached a draft condition for your consideration.

Please contact us if you require any additional information.

Very truly yours,



Dale J. Goldsmith

cc: Councilmember Tony Cardenas
City Attorney
Frank Quon
Waste Management



Sun Valley Recycling Park: Commitment to Environmental Protection

Waste Management is committed to ensuring our compliance with stringent government regulations and oversight. We believe doing so protects the health of our employees and the community. We are always looking for new and innovative ways to operate our facility that will result in greater protection for human health and the environment.

We work closely with the following agencies to comply with regulations and procedures that are specified in our operating permits. Our facility is subject to regular inspections by local, state and federal regulatory agencies, including the following:

Local Oversight

Agency	Responsibility
South Coast Air Quality Management District	Title V permit covers all equipment and operations emissions Regulates air quality emissions from WM truck fleet and closed landfill and odor complaints
City of Los Angeles Environmental Affairs Department (also called "EnvironmentLA") (serves as Local Enforcement Agency)	Ensures compliance with state and county laws related to waste disposal and recycling
City of Los Angeles Bureau of Sanitation	Oversight over contract between Waste Management and the City of Los Angeles to handle curbside green waste generated by LA residents
Department of City Planning	Clears conditions, assures compliance with mitigation monitoring program
Los Angeles Department of Building & Safety	Issues building and pressure vessel permits
City of Los Angeles Department of Public Works, Bureau of Engineering	Issues A and B Permits, accepts bonds and other security, accepts dedications
City Council District No. 6	Oversees disbursement of Host Fees
City Attorney	Assures compliance with Green Waste Recycling Measure per Settlement Agreement
LAFD	Administers CUPA Consolidated Permit/Hazardous Waste Materials

State Oversight

Agency	Responsibility
Department of Resources Recycling and Recovery (CalRecycle) formerly the California Integrated Waste Management Board)	Solid Waste Facility Permit oversight and enforcement Manages and tracks waste generated in California; ensures compliance with AB 939 to divert 50% of waste
California Department of Toxic Substances Control	Regulates hazardous waste to ensure these materials are not improperly disposed of and protects public and environment from toxic harm
California Environmental Protection Agency	Oversight responsibility to improve environmental quality and protect public health and California's natural resources
California Air Resources Board	Regulates diesel emissions from trucks and sets the standards for emissions from operating and closed landfills
State of California Water Resources Control Board – Los Angeles Region	Sets region-wide water quality standards and water discharge requirements and monitors runoff
California Division of Occupational Safety & Health	Issues annual T-1 trench/excavation permit

Federal Oversight

Agency	Responsibility
US Environmental Protection Agency	Develops and enforces environmental regulations, including developing standards for environmental justice-related issues
Federal Communications Commission	Grants radio station authorization

No Fly Zone” for Heavy Duty Trucks in Residential Neighborhoods. Prior to issuance of the first building permit for the subject project, the applicant shall submit to the Department of City Planning a Sun Valley Heavy Duty Truck Route Plan developed in consultation with Council District No. 6. This Plan shall include the following components:

a. The applicant shall provide formal written notification within 90 days of the opening of the TS/MRF to all third party haulers that includes the following:

i. A detailed narrative and maps of the allowed heavy duty truck routes, including information on designated routes to and from the freeways. All haulers shall be instructed to use these routes exclusively. Driving through residential neighborhoods shall be strictly prohibited, except for haulers picking up trash, recyclables or green waste from homes or other customers in the neighborhood;

ii. Penalties if the applicant determines that a hauler has not complied with the plan’s prohibition against driving through residential neighborhoods, including 30 and 60-day suspension of privileges to utilize the facility and a permanent ban for repeat violators;

iii. Requirements that all haulers comply with City of Los Angeles restrictions on the use of heavy trucks (see LAMC Section 80.35 et seq., “Restricted Use of Certain Streets”);

iv. Emphasis on safe and defensive driving techniques; and

v. Requiring compliance with all speed limits and posted traffic signs.

b. The applicant shall install, at its cost, additional signage in the vicinity of the subject site, especially at or near intersections, to direct drivers to the facility via the designated routes.

c. All of the applicant’s contracts with third party haulers shall include the following provisions:

i. All heavy duty trucks coming to facility shall be CARB-compliant, including being retrofitted with Diesel Oxidation Catalysts or Diesel Particulate Filters, operating on alternative fuels, or employing other CARB compliant engine technology that would result in equivalently reduced emissions.

ii. All trucks shall pay the Host Fee in accordance with Condition No. A.16 a. and b.

iii. The truck company shall ensure all drivers coming to the facility are complying with the Sun Valley Heavy Duty Truck Route Plan, including complying with all required routes, speed limits and other requirements for traveling on Sun Valley roads.

d. All drivers will be provided – on an on-going basis – with printed materials (in English and Spanish) that outline the drivers’ responsibility to:

- i. Comply with all City ordinances regarding heavy trucks avoiding residential streets;
 - ii. Comply with all speed limits in the Sun Valley area; and
 - iii. Travel to/from the freeway according to designated routes.
- e. For the first 90 days that the after the TS/MRF is open and operating, the applicant shall post an additional bilingual staff person in the scale house whose responsibility will be to discuss with drivers the importance of complying with the Sun Valley Heavy Duty Truck Route Plan. This staff person shall also notify all drivers that deviation from the Plan will result in suspension of privileges to use the facility and that repeat violators may be permanently banned.