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February 10, 2012

Stephen Miles
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Costa Mesa, CA 92626

Date: 4/10/12
Submitted in SD No2 WASTE Committee
Council File No: 10-1797
Item No.: 1
Deputy: Adam R. Lid

Subject: Amended Comments on the City of Los Angeles Bureau of Sanitation Board Report for February 13, 2012 Meeting re: "Authority to Implement an Exclusive Franchise Waste Hauling System in the City of Los Angeles"

Dear Mr. Miles:

I am a California Professional Geologist and Certified Hydrogeologist with over 15 years of consulting experience in environmental assessment. My practice focuses on providing assistance to communities on environmental compliance matters and as a consulting expert and expert witness for environmental litigation. I have extensive experience in the interpretation of data and the application of environmental regulations and regulatory guidance. I formerly served as the Senior Science Policy Advisor with U.S. EPA Region 9 in San Francisco where I advised the senior management on emerging water quality and waste issues. My CV is attached as Exhibit A hereto.

Our Office has reviewed the February 13, 2012 Bureau of Sanitation Board Report "Authority to Implement an Exclusive Franchise Waste Hauling System in the City of Los Angeles" (Board Report), the January 23, 2012 HF&H Consultants LLC "City of Los Angeles Solid Waste Franchise Assessment Final Report" (HF&H Report Exhibit B attached hereto), the AECOM January 2012 Report titled "Economic Impact Analysis

Waste Hauling Policy Framework in the City of Los Angeles” (AECOM Report Exhibit C attached hereto) and the Los Angeles County Disposal Association February 2012 Report titled “An Open Franchise System for Waste Collection and Recycling in Los Angeles: The Key to Cost Control and Quality Service” (LACDA Report Exhibit D attached hereto).

The Board Report precommits and selects an exclusive franchise in eleven collection areas for the collection of solid waste from commercial, industrial, institutional, and multifamily properties in the City of Los Angeles. Each exclusive franchise would be serviced by only one hauler. The proposed exclusive franchise will involve over 100,000 commercial accounts, 660,000 apartment units, and totals approximately two million tons of waste. The Board Report appears, at this early stage and with no competent environmental analysis, to be foreclosing other alternatives including a non-exclusive franchise.

We have concluded that there is a fair argument that this selected franchise design will negatively impact air quality, odorous emissions and traffic in the Northeast San Fernando Valley neighborhoods of Los Angeles, particularly Sun Valley, where truck trips will be concentrated.

The Board Report, the HF&H Report (pp. 4-11), the AECOM Report (pp. 11-25) and LACDA Report (pp. 4-6) illustrate the baseline current market share and destination of the solid waste collected in the City of Los Angeles. There is some diversity of waste destination countywide, but the disposal and transfer facilities in the City of Los Angeles primarily include:

- Waste Management (Sun Valley Bradley Transfer);
- Crown (Sun Valley Community Recycling Facility);
- Athens (Sun Valley American Waste); and
- Republic/Allied (Granada Hills Sunshine Canyon, Sun Valley and Wilmington Falcon).

The issue of waste destination (ie., where waste is transferred to and disposed of) is significant. The Board Report does not meaningfully address the fact that disposal and transfer locations will not exist within each of the proposed eleven collection areas, no matter how delineated. The City of Los Angeles does not have this Citywide waste infrastructure. To the contrary, within the City of Los Angeles these disposal

and transfer facilities are concentrated in the Northeast San Fernando Valley, as noted above.

In the exclusive franchise selected in the Board Report, the eleven exclusive collection areas will be huge in scope and tonnage collected – approximately 10,000 commercial accounts and 60,000 apartment units per collection area on average. More recycling and source separation as proposed in the Board Report will lead to more truck trips because each truck will be handling segregated sources. Currently, many trucks carry commingled sources. If a rigorous mandatory commercial recycling program is implemented, one truck cannot pick up multiple streams (*i.e.* greenwaste, trash, and recyclables). A separate truck will be needed for each of these streams and therefore more truck trips will result. Increased truck trips will result in increased emissions in and around the facilities that will transfer and dispose of this waste. Despite this, the Staff Report provides no valid analysis of truck trips, traffic impacts or vehicle emissions related to its selected exclusive franchise design or any other alternative. Staff Reports usually include a discussion of alternatives to inform officials before the agency takes action to foreclose any alternatives. But the Bureau of Sanitation fails to do that here.

We acknowledge that the Board Report states that truck trips will be reduced but there are absolutely no specifics provided in the Board Report that substantiate this claim. For example, the Board Report cites to and relies upon the new commercial collection program that is starting in San Jose (a City with approximately only 10% of the waste volume of Los Angeles). However, the San Jose CEQA Initial Study and Appendix A dated May 2011 (see attached Exhibit E) found that there would be an increase in both truck trips and vehicle miles under the proposed program there as a result of source separation and consolidating waste haulers. The San Jose Initial Study found that there will be an increase of more than 15,000 truck trips annually, citywide. It also found an increase of up to 444,407 vehicle miles traveled per year.¹ It concluded that the increase in vehicle miles traveled would likely result in an increase in CO₂e emissions.²

¹San Jose Initial Study p. 44, Appendix A p 6.

²San Jose Initial Study p. 44 and Appendix A pp 6-8.

Yet, none of this has been studied for the City of Los Angeles in the Board Report, even as the Board takes action to precommit and select a specific exclusive franchise design.

In particular, we estimate that an average of 60-80 solid waste collection vehicles (trucks) minimum will be required for each exclusive collection area. Only larger firms have truck fleets of this size. As noted in the Board Report, the HF&H Report, the AECOM Report and LACDA Report, smaller haulers who lack large truck fleets are at a competitive disadvantage. In this case, even if a few collection areas are small in size, the others necessarily must be bigger – this is a matter of common sense. Thus, there is a fair argument that the exclusive franchise will route more waste to the larger firms with sufficient truck fleets and transfer/disposal infrastructure capacity to exclusively haul the enormous amount of solid waste generated from an eleven area exclusive franchise.

This will significantly impact the destination of the City's waste transfer and disposal. Under the selected exclusive franchise for the eleven collections areas, increased waste shipments to the large firm facilities (particularly in the Northeast San Fernando Valley as identified above) will be made while shipments to other facilities more frequently used by the smaller haulers (including Sanitation District facilities in Los Angeles County, City of Los Angeles Transfer Station in Downtown Los Angeles, So. Cal Disposal in Gardena, Southland Disposal in East Los Angeles and Waste Connections in Antelope Valley) will be reduced.

We have concluded based on the data in the Board Report, the HF&H Report (pp. 4-11), the AECOM Report (pp. 11-25) and LACDA Report (pp. 4-6), the potential excess waste transfer and disposal flow to destinations in the Northeast San Fernando Valley could approach about 268,000 tons. Each refuse collection truck typically hauls 20 tons; as a result this amount to approximately 13,400 trucks, or 26,800 truck trips, annually. There is a fair argument that this will have significant and unstudied impacts, particularly since the proposed action is foreclosing a non-exclusive approach including smaller haulers that leads to a more equitable pattern of disposal destination. The increase in truck trips to these facilities will result in an increase in traffic, air emissions and other impacts, particularly in the Northeast San Fernando Valley. For example, odors will likely increase in and adjacent to the facilities because of the additional amount of solid waste that will be delivered and handled. Consistent with other

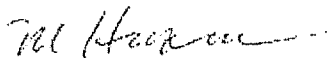
California Air District CEQA Guidance, land uses which include transfer stations should conduct an odor impact analysis using a screening distance of one mile around the facility.³ Yet, the Board Report completely disregards this issue of waste flow and disposal destination/infrastructure.

All this must be studied in the case of the City of Los Angeles before any decision on the eleven exclusive collection areas is made and before foreclosing a non-exclusive franchise option. In this circumstance, the Board Report selects a specific franchise design and forecloses alternatives including a non-exclusive franchise at this early stage with no competent environmental analysis. The Board Report does so even though there is a fair argument that an exclusive franchise for eleven collection areas will create increased truck trips in the Northeast San Fernando Valley while at the same time foreclosing a non-exclusive approach including smaller haulers that leads to a more equitable pattern of disposal destination.

This action is inconsistent with the dictates of CEQA. Before taking any such action, the Board must study this specific alternative under CEQA, in an EIR.

We believe that there is a fair argument that the proposed project would result in significant impacts in the City of Los Angeles including air quality, odor, and traffic. An EIR should be prepared that addresses these issues. Before action on any specific franchise design is selected, the EIR should study all alternatives, properly disclose these impacts and provide mitigation measures that can reduce these impacts to less than significant levels.

Sincerely,



Matt Hagemann, P.G., C.Hg.

Attachments.

³ Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines. pp. 3-4.