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2 **LOCAL ENFORCEMENT AGENCY**
3 **FOR THE CITY OF LOS ANGELES**
4

5 In the Matter of:)
6) LEA RESPONSE TO COMMUNITY
7 COMMUNITY RECYCLING AND) RECYCLING AND RESOURCE
8 RESOURCE RECOVERY, INC. aka CROWN) RECOVERY, INC. AKA CROWN
9 DISPOSAL CO., INC. (CRRR)) DISPOSAL, INC. (CRRR) APPEAL TO
10 9143 TO 9189 De Garmo Avenue and 11256) THE INDEPENDENT HEARING PANEL
11 West Pendleton Street, Sun Valley, CA 91352) AND CRRR'S STATEMENT OF ISSUES
12) IN THE MATTER OF CEASE AND
13) DESIST ORDER COMMUNITY
14) RECYCLING-06-01
15)
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21 **CHRONOLOGY OF FACTS AND EVENTS**
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- 23 1. The City of Los Angeles Environmental Affairs Department, Local Enforcement Agency
24 ("LEA") has authority to act in the capacity of enforcement agency (EA) for this Facility
25 pursuant to Public Resource Code (PRC) §43200 et seq., and is so acting.
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27 2. COMMUNITY RECYCLING AND RESOURCE RECOVERY, INC. aka CROWN
DISPOSAL CO., INC. (CRRR), is located at 9143 TO 9189 De Garmo Avenue and
11256 West Pendleton Street, Sun Valley, CA 91352.

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3. CRRR has been operating a permitted 1,700 ton per day transfer station and resource recovery facility for mixed municipal solid waste which is sorted for recyclables, and which remaining solid waste is transported off-site for disposal.

4. CRRR has been conducting a non-permitted green material sorting, and wood chipping/grinding operation (approximately 1500 tons per day) on non-permitted property adjacent to the permitted transfer station.

5. CRRR has also been conducting a non-permitted construction and demolition waste processing operation (approximately 200 tons per day) on non-permitted property adjacent to the permitted transfer station.

6. CRRR has also been conducting a non-permitted solid waste processing operation (foodwaste), specifically., supermarket trim and cull material) approximately 500 tons per day, and other non-source separated mixed waste) on non-permitted property adjacent to the permitted transfer station.

7. CRRR has also been conducting a non-permitted solid waste processing operation, specifically, the City of Los Angeles Bureau of Sanitation's Food Waste Collection / Recycling Pilot Program, on non-permitted property adjacent to the permitted transfer station.

8. CRRR has also been conducting other non-permitted transfer station operations on non-permitted property adjacent to the permitted transfer station.

1 9. Foodwaste (Putrescible Waste) processing regulations (Title 14 California Code of
2 Regulations Sections 17400 et seq.) came into effect on September 30, 2002.

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4 10. Compostable materials handling regulations (Title 14 California Code of Regulations
5 Sections 17850 et seq.) came into effect on April 4, 2003.

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7 11. On July 10, 2003, the State of California Office of Administrative Law approved the
8 Phase I regulations for the permitting of construction demolition and inert waste
9 processing facilities, and filed them with the Secretary of State. The regulations were
10 effective on August 9, 2003.

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12 12. The regulations allowed existing facilities to obtain a “temporary registration permit” to
13 enable continuing construction and demolition waste processing operations as it was
14 going through the permitting process. CRRR choose not to utilize this temporary permit
15 for construction and demolition waste processing but choose to continue to pursue a large
16 volume transfer processing facility.

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18 13. Construction and demolition and inert debris transfer/processing regulations (Title 14
19 California Code of Regulations Sections 17380 et seq.) came into effect on August 9,
20 2003.

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22 14. On May 10, 2004, the City of Los Angeles City Attorney’s office filed a complaint for
23 unfair business practices and nuisance (Case No. BC315282) in the Superior Court of the
24 State of California, County of Los Angeles.

25
26 15. On September 10, 2004, the State Legislature enacted AB 2159 (Reyes)--*Solid Waste*
27 *Facilities: Orders*--AB 2159 specified that the prohibition on operating a solid waste

1 facility without a permit includes the operation of a solid waste facility without a required
2 solid waste facilities permit or the operation of a solid waste facility outside the permitted
3 boundaries specified in a solid waste facilities permit. This bill required an enforcement
4 agency to issue a cease and desist order to a person who owns a solid waste disposal site,
5 who is disposing of solid waste, who is operating a solid waste facility, or who is engaged
6 in solid waste handling activities, if the enforcement agency finds that the person does
7 not hold a full solid waste facilities permit authorizing that activity or is not authorized to
8 engage in that activity. The bill required the order issued by an enforcement agency to
9 require the cessation of all activities for which a permit is required until the permit or
10 other authorization is obtained.

11
12 Public Resources Code Section 44002 states the following:

13
14 (a) (1) No person shall operate a solid waste facility without a solid waste facilities
15 permit if that facility is required to have a permit pursuant to this division.

16 (2) The prohibition specified in paragraph (1) includes, but is not limited to,
17 the operation of a solid waste facility without a required solid waste facilities
18 permit or the operation of a solid waste facility outside the permitted boundaries
19 specified in a solid waste facilities permit.

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21 (b) If the enforcement agency determines that a person is operating a solid waste
22 facility in violation of subdivision (a), the enforcement agency shall immediately
23 issue a cease and desist order pursuant to Section 45005 ordering the facility to
24 immediately cease all activities for which a solid waste facilities permit is
25 required and desist from those activities until the person obtains a valid solid
26 waste facilities permit authorizing the activities or has obtained other
27 authorization pursuant to this division.

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2 16. Starting January 2005, PRC 44002, the LEA was expected to comply with the Public
3 Resources Code Section 44002 requirements and initiate "cease and desist" enforcement
4 proceedings on unpermitted operations requiring a solid waste facilities permit.
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6 17. On October 28, 2004, the City of Los Angeles LEA issued a Cease and Desist Order (No.
7 04-03) that required CRRR to cease and desist from violating PRC Section 44002 and all
8 other applicable State Minimum Standards, and to require submission of an application
9 for a master solid waste facility permit covering all operational areas.
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11 18. On December 13, 2004, CRRR and the City of Los Angeles City Attorney's Office filed
12 a Stipulation for Entry of Final Judgment (Case No. BC315282) in the Superior Court of
13 the State of California, County of Los Angeles.
14

15 19. In the Stipulation for Entry of Final Judgment (Case No. BC315282), CRRR agreed to
16 submit an application within 120 days from the date of entry of the stipulated judgment
17 for a permit to construct and maintain improvements in their facility and their operations.
18

19 20. The LEA is also required to incorporate other local land use conditions into the solid
20 waste facilities permit which may not be required by the State Minimum Standards for
21 solid waste facilities permit. The stipulated judgment (Stipulation for Entry of Final
22 Judgment (Case No. BC315282)) requires CRRR to incorporate into both the technical
23 document (Transfer Processing Report), and also in the permit application itself
24 conditions of the stipulated judgment and other previously agreed upon conditions
25 resulting from prior enforcement actions (October 2004 Cease and Desist Order).
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1 21. During June, July, August, September, October, and November 2006, the LEA conducted
2 inspections of the CRRR facility and found that CRRR is still conducting construction
3 and demolition and inert waste processing operations in the non-permitted areas, and
4 PRC Section 44002 specifically requires immediate cessation of operations occurring on
5 the non-permitted areas of the CRRR facility until CRRR can obtain an appropriate Solid
6 Waste Facility Permit, and that the LEA may not allow the non-permitted operations to
7 continue while it tries to obtain a permit.

8
9 22. During June, July, August, September, October, and November 2006, the LEA conducted
10 inspections of the CRRR facility and found that CRRR is still conducting solid waste,
11 specifically food waste (e.g., putrescibles, food waste from the supermarket trim and cull
12 program, and the City of Los Angeles Bureau of Sanitation Food Waste
13 Collection/Recycling Pilot Program), processing operations in the non-permitted areas,
14 and PRC Section 44002 specifically requires immediate cessation of operations occurring
15 on the non-permitted areas of the CRRR facility until CRRR can obtain an appropriate
16 Solid Waste Facility Permit, and that the LEA may not allow the non-permitted solid
17 waste operations to continue while it tries to obtain a permit.

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19 23. During June, July, August, September, October, and November 2006, the LEA conducted
20 inspections of the CRRR facility and found that CRRR is still conducting wood waste
21 grinding/processing operations in the non-permitted areas, and PRC Section 44002
22 specifically requires immediate cessation of operations occurring on the non-permitted
23 areas of the CRRR facility until CRRR can obtain an appropriate Solid Waste Facility
24 Permit, and that the LEA may not allow the non-permitted operations to continue while it
25 tries to obtain a permit.

1 24. During June, July, August, September, October, and November 2006, the LEA conducted
2 inspections of the CRRR facility and found that CRRR is still processing solid waste,
3 specifically, greenwaste with over one percent contamination, and PRC Section 44002
4 specifically requires immediate cessation of solid waste operations occurring on the non-
5 permitted areas of the CRRR facility until CRRR can obtain an appropriate Solid Waste
6 Facility Permit, and that the LEA may not allow the non-permitted operations to continue
7 while it tries to obtain a permit.

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9 25. During June, July, August, September, October, and November 2006, the LEA conducted
10 inspections of the CRRR facility and found that CRRR is still processing solid waste,
11 specifically, street sweepings, and PRC Section 44002 specifically requires immediate
12 cessation of solid waste operations occurring on the non-permitted areas of the CRRR
13 facility until CRRR can obtain an appropriate Solid Waste Facility Permit, and that the
14 LEA may not allow the non-permitted operations to continue while it tries to obtain a
15 permit.

16
17 26. The LEA issued a Cease and Desist Order to CRRR on November 9, 2006 for violation
18 of Public Resources Code Sections 44002 and 44005 and California Code of Regulations,
19 Title 14, Section 18304.3(a), operating a solid waste facility without a valid permit.

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21 27. CRRR filed a petition and a Statement of Issues on November 22, 2006 to request a
22 hearing with the Independent Hearing Panel to appeal the Cease and Desist Order issued
23 by the City of Los Angeles Local Enforcement Agency.

24
25 28. Upon the receipt of the request to convene the Independent Hearing Panel to hear the
26 appeal of the Cease and Desist Order, the Cease and Desist Order is stayed until a final
27 determination on the validity is made by the Independent Hearing Panel. The LEA will

1 not enforce the Cease and Desist until the final determination is made by the Independent
2 Hearing Panel, provided that the continuing operations do not pose a threat to public
3 health and the environment.

4
5 29. CRRR submitted a Five Year Permit Review on June 23, 2006. The Transfer Processing
6 Report (TPR) has incorporated the current non-permitted operations into a single
7 proposed master permit that would encompass the entire operations. The TPR has been
8 deemed incomplete and incorrect by the City of Los Angeles LEA on December 26,
9 2006.

10
11 30. As of December 31, 2006, CRRR does not have an existing valid solid waste facilities
12 permit for the processing of, greenwaste materials, foodwaste, construction and
13 demolition waste materials and/or mixed municipal solid waste in the non-permitted
14 areas.

15
16 31. As of December 31, 2006, the City of Los Angeles LEA has not received a complete and
17 correct Solid Waste Facilities application that incorporates the improvements agreed to in
18 the stipulated judgment.

1 **LEA RESPONSE TO STATEMENT OF ISSUES REGARDING**
2 **THE APPEAL OF CEASE AND DESIST ORDER NUMBER**
3 **COMMUNITY RECYCLING - 06-01**
4

5 1. Cease and Desist Order is an appropriate LEA enforcement action.
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7 a. The City of Los Angeles Local Enforcement Agency (LEA) contends that the Cease
8 and Desist Order is the proper and is a valid enforcement tool for operations that are
9 not authorized by a current solid waste facility permit, and that the Cease and Desist
10 Order is valid and is a valid enforcement tool for unpermitted facilities operating
11 without a solid waste facilities permit.

12
13 b. On September 10, 2004, the State Legislature enacted AB 2159 (Reyes). This bill
14 required an enforcement agency to issue a cease and desist order to a person who
15 is operating a solid waste facility, if the enforcement agency finds that the person
16 does not hold a full solid waste facilities permit authorizing that activity. The bill
17 required the order issued by an enforcement agency to require the immediate
18 cessation of all activities for which a permit is required until the permit or other
19 authorization is obtained. (see Attachment)

20
21 c. The legislation also removed the Stipulated Order as an enforcement tool for
22 Local Enforcement Agency to utilize with facilities that operated without a solid
23 waste facilities permit, and left no alternatives. As a result of the legislation, the
24 following codes were adopted:
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1 d. Public Resources Code Section 44002 states the following:

2 (a) (1) No person shall operate a solid waste facility without a solid waste
3 facilities permit if that facility is required to have a permit pursuant to
4 this division.

5 (2) The prohibition specified in paragraph (1) includes, but is not limited
6 to, the operation of a solid waste facility without a required solid waste
7 facilities permit or the operation of a solid waste facility outside the
8 permitted boundaries specified in a solid waste facilities permit.

9
10 (b) If the enforcement agency determines that a person is operating a solid
11 waste facility in violation of subdivision (a), the enforcement agency shall
12 immediately issue a cease and desist order pursuant to Section 45005
13 ordering the facility to immediately cease all activities for which a solid
14 waste facilities permit is required and desist from those activities until the
15 person obtains a valid solid waste facilities permit authorizing the
16 activities or has obtained other authorization pursuant to this division.

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18 e. Starting January 2005, PRC 44002, the LEA is expected to comply with this
19 requirement and initiate "cease and desist" enforcement proceedings to
20 unpermitted operations requiring a solid waste facilities permit. Those facilities
21 that had not initiated permitting ("in the pipeline") did not have the right to appeal
22 a cease and desist order.

23
24 f. The LEA could have issued a Cease and Desist Order as early as September 30,
25 2002 when the foodwaste processing regulations (Title 14 California Code of
26 Regulations Sections 17400 et seq.) came into effect.

27

- 1 g. The LEA could have issued a Cease and Desist Order as early as August 9, 2003,
2 when the construction and demolition waste processing facility permit regulations
3 went into affect. The LEA choose to work cooperatively with CRRR for receiving a
4 permit application.
- 5
- 6 h. The LEA could have also demanded complete cessation of CRRR's compostable
7 materials handling regulations (Title 14 California Code of Regulations Sections
8 17850 et seq.) came into effect on April 4, 2003.
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- 10 i. The LEA could have also demanded complete cessation of CRRR's construction
11 and demolition waste processing operations on January 1, 2005, when PRC 44002
12 required that all enforcement agencies to issue cease and desist orders to unpermitted
13 operations at facilities without a valid solid waste facilities permit.
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- 15 j. The LEA is required to demand complete and immediate cessation of CRRR's
16 mixed municipal solid waste processing operations on January 1, 2005, when PRC
17 44002 required that all enforcement agencies to issue cease and desist orders to
18 unpermitted operations at facilities without a valid solid waste facilities permit.
- 19
- 20 k. The CIWMB takes a very "black and white" view of the regulations, and has
21 continually demanded that the City of Los Angeles LEA issue a Cease and Desist
22 Order since January 2005, the effective date of PRC 44002).
- 23
- 24 l. The CIWMB staff's position is that CRRR should not be allowed to operate a
25 construction and demolition processing facility without a permit, regardless of the
26 reasons that no permit was obtained. The position of CIWMB staff is that there
27 will be no operations allowed once the Cease and Desist Order is issued.

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2 m. The CIWMB staff's position is that CRRR should not be allowed to operate a
3 foodwaste processing facility without a permit, regardless of the reasons that no
4 permit was obtained. The position of CIWMB staff is that there will be no
5 operations allowed once the Cease and Desist Order is issued.

6
7 n. The CIWMB staff's position is that CRRR should not be allowed to operate a
8 solid waste processing and transfer facility without a permit, regardless of the
9 reasons that no permit was obtained. The position of CIWMB staff is that there
10 will be no operations allowed once the Cease and Desist Order is issued.

11
12 o. A more than reasonable time has passed for CRRR to submit a complete/correct
13 permit application since the effective dates of the various regulation related to
14 construction and demolition waste, food waste, and greenwaste processing, the
15 October 2004 Cease and Desist Order, and the stipulation for Entry of Final
16 Judgment (December 2004). CRRR continues to process mixed solid waste,
17 construction and demolition waste, and other wastes on unpermitted property.

18
19 p. CRRR has been processing mixed municipal solid waste on the unpermitted
20 property adjoining the permitted part of CRRR. The volume of the solid waste
21 processed is in violation of the permitted tonnage of the existing
22 permitted/adjoining site. At no time did CRRR have a valid CIWMB / LEA
23 permit to process mixed solid waste in the adjoining unpermitted site. .

24
25 q. Evidence before the LEA based on its inspections in June, July, August,
26 September, and October 2006, showed that CRRR is continuing to take mixed
27 solid waste materials, i.e., street sweepings, food waste, non-source separated

1 materials, and other mixed solid waste (materials that do not meet the California
2 Integrated Waste Management Board's "three part test")

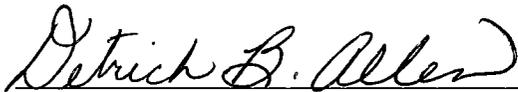
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4 r. The LEA issuance of a Cease and Desist for an unpermitted operation that
5 requires a solid waste facility permit is proper; it is required by the statute and
6 regulations.

7
8 2. The CRRR request for an interim operating agreement to allow continued operations
9 during the time necessary to obtain the necessary permits for the unpermitted area.

- 10
11 a. The LEA's position is that the LEA should not enter into an interim operating
12 agreement to allow continued non-permitted operations to receive and process
13 mixed solid waste on the unpermitted property.
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15 b. If directed by the Independent Hearing Panel, the LEA will enter into an interim
16 operating agreement will allow continued limited recycling operations for a)
17 source-separated clean greenwaste (with less than 1% contamination), b) source-
18 separated construction and demolition waste, c) source-separated woodwaste, and
19 d) source separated supermarket trim and cull recycling program.
- 20
21 c. The interim operating agreement must provide detailed operational limitations
22 and conditions for continued operations, and must also provide for a schedule,
23 with specific milestones, in which CRRR shall meet permitting deadlines or be
24 subject to liquidated damages and/or penalties.
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- d. Direct CRRR and the LEA to develop a mutually agreeable schedule with milestones for the completion of the permitting and environmental documentation requested by the LEA and the City.
- e. If needed, continue the proceedings for a period of 60 days or until a mutually agreed upon schedule for any additional informational requests needed by the Independent Hearing Panel to enable making a final determination on the Cease and Desist Order.

This Response to CRRR's request for an Independent Hearing Panel proceeding and to their Statement of Issues is issued as of the date set forth below.



Detrich B. Allen, General Manager

Environmental Affairs Department, City of Los Angeles



Date

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2 **ATTACHMENTS**
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4 **1. Construction and Demolition Waste Rulemaking History:**
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6 At its January 22-23, 2002, meeting the Board directed staff to begin the formal rulemaking
7 process for Phase I by publishing a notice for a 45-day comment period. A 45-day comment
8 period for Phase I ran from May 31, 2002 through July 15, 2002. Staff conducted public
9 workshops on July 22 in Sacramento and July 31 in Diamond Bar to solicit comment on the
10 proposed Phase I regulations. The Board held a public hearing for Phase I on August 12, 2002.
11 At its September 17, 2002 meeting the Board directed staff to make specified changes to the
12 Phase I regulation text and return to the November 12, 2002 Permitting and Enforcement
13 Committee meeting with a request for direction to initiate an additional comment period on the
14 changes. At its November 12, 2002 meeting the Permitting and Enforcement Committee directed
15 staff to make specified changes to the Phase I regulation text and return to the December 2, 2002
16 Permitting and Enforcement Committee meeting with a request for direction to initiate an
17 additional comment period on the changes. The Committee directed staff to make further
18 changes and bring the revised regulation text to the December 10-11, 2002 Board meeting with a
19 request for direction to initiate an additional comment period on the changes. At its December
20 10, 2002 meeting the Board directed staff to make specified changes to the Phase I regulation
21 text and initiate a 15-day comment period on the changes. The comment period ran from
22 December 20, 2002 through January 3, 2003. At the January 14, 2003 Board meeting staff was
23 directed to make specified changes to the Phase I regulation text and initiate a second 15-day
24 comment period on the changes. The comment period ran from January 24 through February 10,
25 2003. At the March 18, 2003 Board meeting staff was directed to make specified changes to the
26 Phase I regulation text and initiate a third 15-day comment period on the changes. The comment
27 period ran from March 22 through April 7, 2003.

1 At its April 8, 2002 meeting the Permitting and Enforcement Committee directed staff to begin a
2 45-day comment period for the Phase II regulations. The comment period ran from January 17
3 through March 3, 2003. The Board held a public hearing at the April 7, 2003 Permitting and
4 Enforcement Committee meeting.

5 At its April 9, 2003 meeting the Board adopted Phase I regulation text. On July 10 the State of
6 California Office of Administrative Law approved the Phase I regulations, which are effective on
7 August 9, 2003.

8 At its July 7, 2003 meeting the Permitting and Enforcement Committee directed staff to begin an
9 additional 15-day comment period for changes to the Phase II regulations. The comment period
10 ran from July 9 through July 24, 2003. At its August 4, 2003 meeting the Permitting and
11 Enforcement Committee directed staff to begin a second 15-day comment period for changes to
12 the Phase II regulations. The comment period ran from August 13 through August 28, 2003.

13 On July 10, 2003, the Office of Administrative Law approved the Phase I regulations (with some
14 modifications) and filed them with the Secretary of State. The regulations were effective on
15 August 9, 2003.

16 17 **2. Statutory History of AB 2159**

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19 On September 10, 2004, the State Legislature enacted AB 2159 (Reyes)--*Solid Waste Facilities:*
20 *Orders*--AB 2159 specified that the prohibition on operating a solid waste facility without a
21 permit includes the operation of a solid waste facility without a required solid waste facilities
22 permit or the operation of a solid waste facility outside the permitted boundaries specified in a
23 solid waste facilities permit. This bill required an enforcement agency to issue a cease and desist
24 order to a person who owns a solid waste disposal site, who is disposing of solid waste, who is
25 operating a solid waste facility, or who is engaged in solid waste handling activities, if the
26 enforcement agency finds that the person does not hold a full solid waste facilities permit
27 authorizing that activity or is not authorized to engage in that activity. The bill required the order

1 issued by an enforcement agency to require the cessation of all activities for which a permit is
2 required until the permit or other authorization is obtained.

3
4 Public Resources Code Section 44002 states the following:

5
6 (a) (1) No person shall operate a solid waste facility without a solid waste facilities
7 permit if that facility is required to have a permit pursuant to this division.

8 (2) The prohibition specified in paragraph (1) includes, but is not limited to, the
9 operation of a solid waste facility without a required solid waste facilities permit or the
10 operation of a solid waste facility outside the permitted boundaries specified in a solid
11 waste facilities permit.

12
13 (b) If the enforcement agency determines that a person is operating a solid waste facility
14 in violation of subdivision (a), the enforcement agency shall immediately issue a cease
15 and desist order pursuant to Section 45005 ordering the facility to immediately cease all
16 activities for which a solid waste facilities permit is required and desist from those
17 activities until the person obtains a valid solid waste facilities permit authorizing the
18 activities or has obtained other authorization pursuant to this division.

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20 **3. Statutory History of Putrescible Waste Transfer Processing Regulations**

21
22 The Office of Administrative Law approved the regulations and filed them with the Secretary of
23 State on September 30, 2002. The regulations became immediately effective.

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25 At its January 24, 2001 meeting the Board directed staff to initiate an emergency rulemaking
26 process to clarify that the Board's current standards for transfer/processing operations and
27 facilities apply to the transfer/processing of putrescible wastes.

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The Board adopted emergency regulations at its February 20-22 meeting. Following this action, the Board received feedback from parties concerned about the potential impacts of the emergency regulations.

In response to the feedback received staff brought the regulations back to the Board for re-evaluation at its April 24-25, 2001 meeting, the Board directed staff to make changes to the regulations and then submit to the Office of Administrative Law with a request for a delayed effective date (length to be determined) as an emergency rulemaking.

Board staff conducted informal public workshops for the purpose of soliciting feedback on proposed regulations on July 16 and 17, 2001. These workshops initiated the regular rulemaking process for making the regulations permanent.

The Office of Administrative Law approved the emergency regulations, including a 180-day delayed effective date, and filed them with the Secretary of State on August 13, 2001. The emergency regulations are effective as of February 13, 2002.

At the September 11-12, 2001 Board meeting staff was directed to initiate a 45-day public comment period for the proposed permanent regulations (August 2001 version). The 45-day public comment period ran from March 1 through April 15, 2002. The

Board conducted a public hearing and directed staff to begin an additional 15-day comment period at the May 14, 2002 Board meeting. The 15-day comment period ran from May 20, 2002, through June 4, 2002.

1 The Board adopted permanent regulations on June 19, 2002. The Office of Administrative Law
2 also approved the regulations and filed them with the Secretary of State on September 30,
3 2002. The regulations became immediately effective.

4 5 6 **4. Statutory History of Compostable Materials**

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8 The effort to place these facilities and operations into the regulatory tiers structure continued
9 through winter 1999-2000, with informal scoping sessions. Public workshops held during
10 September 1999 focused on odor monitoring and enforcement at compostable organic materials
11 handling sites, as well as on regulatory concepts for the revision of compostable organic
12 materials handling regulations.

13
14 During July and August 2000, in eight venues throughout the state, the Board held workshops to
15 discuss proposed revisions to the regulations. Staff analyzed the information gathered at the
16 workshops and in November 2000 revised the draft regulations accordingly. In December 2000,
17 Board staff solicited feedback from an external working group and, in January 2001, revised the
18 regulations based on this feedback. The Board discussed issues related to this package at its
19 February 20-22, 2001 meeting. At its April 24-25, 2001 meeting the Board directed staff to
20 solicit further stakeholder input and return to the August 14-15, 2001 meeting for consideration
21 of approval to begin a 45-day comment period.

22 At the August 14-15, 2001 Board meeting staff was directed to initiate a 45-day public comment
23 period for the proposed text (July 2001 version) of the regulations. The comment period ran from
24 March 29 through May 13, 2002. The Board conducted a public hearing at its May 14, 2002
25 meeting.

1 At its August 12, 2002 meeting the Permitting and Enforcement Committee directed staff to
2 initiate a 15-day comment period for changes to regulatory text (July 2002 version). The
3 comment period ran from August 29 through September 13, 2002.

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5 At its October 7, 2002 meeting the Permitting and Enforcement Committee directed staff to
6 begin a second 15-day public comment period for changes to regulatory text (October 2002
7 version). The comment period ran from October 11 through October 26, 2002.

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9 The Board adopted the regulations at its November 19-20, 2002 meeting. The Office of
10 Administrative Law approved the regulations on April 4, 2003. The regulations became
11 immediately effective.

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**DECLARATION SUPPORTING THE FACTS AND FINDINGS OF THE
CEASE AND DESIST ORDER
TO RESTRICT WASTE PROCESSING AND RECYCLING OPERATIONS AT
COMMUNITY RECYCLING AND RESOURCE RECOVERY, INC. FACILITY**

I, Detrich B. Allen, General Manager, declare under the penalty of perjury that the stated facts and findings of the foregoing Order are known to me to be correct, based either on my personal knowledge or on information and belief.

Detrich B. Allen

Detrich B. Allen, General Manager
Environmental Affairs Department
City of Los Angeles

1-10-07

Date