

INDEPENDENT HEARING PANEL  
LOCAL ENFORCEMENT AGENCY  
CITY OF LOS ANGELES

IN THE MATTER OF:

COMMUNITY RECYCLING AND  
RESOURCE RECOVERY, INC., AKA  
CROWN DISPOSAL CO., INC. (CRRR)

9143 TO 9189 DE GARMO AVENUE AND  
11256 WEST PENDLETON STREET,  
SUN VALLEY, CA 91352

CASE NO. BC 329314

INDEPENDENT HEARING

JANUARY 25, 2007

KELLI C. NORDEN  
CSR 7200  
17900

*kna*

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# TRANSCRIPT OF PROCEEDINGS

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2 LOCAL ENFORCEMENT AGENCY  
3 CITY OF LOS ANGELES  
4  
5

6 IN THE MATTER OF: )  
7 )  
8 )  
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10 COMMUNITY RECYCLING AND )  
11 RESOURCE RECOVERY, INC., )  
12 AKA CROWN DISPOSAL CO., )  
13 INC. (CRRR) )  
14 )  
15 )

16 9143 TO 9189 DE GARMO )  
17 AVENUE AND 11256 )  
18 WEST PENDLETON STREET, )  
19 SUN VALLEY, CA 91352 )  
20 )  
21 )

22 INDEPENDENT HEARING

23 200 NORTH SPRING STREET, ROOM 1050  
24 LOS ANGELES, CALIFORNIA

25 11:26 A.M.

THURSDAY, JANUARY 25, 2007

KELLI C. NORDEN, CSR NUMBER 7200

1 LOS ANGELES, CALIFORNIA, THURSDAY

2 JANUARY 25, 2007

3 11:26 A.M.  
4

5 PANELIST HENSHAW: PLEASE BE  
6 ADVISED THAT THESE PROCEEDINGS WILL BE TRANSCRIBED  
7 AND STATE YOUR NAME FOR THE RECORD BEFORE YOU  
8 SPEAK.

9 THE HEARING PANEL MEMBERS ARE  
10 IDENTIFIED HERE. I'M PATRICIA HENSHAW.

11 PANELIST DAKE: I'M GLEN DAKE,  
12 LANDSCAPE ARTIST IN LOS ANGELES.

13 PANELIST TSO: SHARON TSO, CHIEF  
14 LEGISLATIVE ANALYST'S OFFICE.

15 PANELIST HENSHAW: THE AGENDA FOR  
16 THIS MEETING WAS POSTED IN COMPLIANCE WITH THE  
17 RALPH M. BROWN ACT, WHICH MEANS THAT THE LOCAL  
18 ENFORCEMENT AGENCY HAS SENT NOTIFICATIONS OF THIS  
19 MEETING TO INTERESTED PARTIES FOR THIS FACILITY.

20 BE SURE TO REGISTER YOUR ATTENDANCE  
21 TODAY AND INDICATE IF YOU WOULD LIKE TO BE ON THIS  
22 LIST.

23 THESE PROCEEDINGS ARE INFORMAL, AS  
24 DEFINED BY SECTION 11445.10 OF THE GOVERNMENT  
25 CODE. MYSELF RESERVES THE OPTION OF THIS HEARING

1 PANEL:

2  
3 PATRICIA HENSHAW  
4 GLEN DAKE  
5 SHARON M. TSO  
6  
7

8 FOR COMMUNITY RECYCLING:  
9 FRED GAINES, ESQ.  
10 JOHN RICHARDSON  
11  
12

13 FOR THE L.E.A.:  
14 WAYNE TSUDA  
15 DAVID THOMPSON  
16 KEITH PRITSKER, ESQ., DEPUTY CITY ATTORNEY  
17 CHRISTOPHER WESTHOFF, ESQ., ASSISTANT CITY ATTORNEY  
18  
19  
20  
21  
22  
23  
24  
25

1 TO BECOME FORMAL, SHOULD THE NEED ARISE.  
2 FOR THOSE WHO ARE SPEAKING, WOULD  
3 YOU PLEASE RISE AND RAISE YOUR RIGHT HAND. REPEAT  
4 AFTER ME.

5 I SWEAR THAT THE STATEMENTS I WILL  
6 BE MAKING TO THE PANEL ARE THE TRUTH AND NOTHING  
7 BUT THE TRUTH.

8 (SPEAKERS SWORN IN.)

9 PANELIST HENSHAW: OKAY.

10 MR. DAKE: I BELIEVE YOU.

11 PANELIST HENSHAW: THE PUBLIC WILL  
12 HAVE THE OPPORTUNITY TO COMMENT AT THE APPROPRIATE  
13 TIME IN THE AGENDA. PLEASE LIMIT YOUR COMMENTS TO  
14 TWO MINUTES AND TRY NOT TO REPEAT WHAT OTHERS HAVE  
15 SAID BEFORE YOU.

16 IF YOU WISH TO SPEAK, PLEASE  
17 COMPLETE AND SUBMIT A SPEAKER CARD TO ANY OF THE  
18 L.E.A. REPRESENTATIVES. THANK YOU.

19 OKAY. LET'S HAVE INTRODUCTIONS OF  
20 THE PARTIES INVOLVED.

21 MR. TSUDA: I BELIEVE YOU WOULD  
22 WANT TO INDICATE THAT THESE ARE INFORMAL  
23 PROCEEDINGS.

24 PANELIST HENSHAW: I DID, WITH THE  
25 GOVERNMENT CODE. I WENT THROUGH THAT.

# TRANSCRIPT OF PROCEEDINGS

<p>1 MR. TSUDA: SORRY.</p> <p>2 MY NAME IS WAYNE TSUDA. I'M THE</p> <p>3 DIRECTOR FOR THE CITY OF LOS ANGELES L.E.A.</p> <p>4 PROGRAM AND WITH ME IS DAVID THOMPSON, SUPERVISOR</p> <p>5 FOR THE L.E.A. PROGRAM.</p> <p>6 MR. PRITSKER: KEITH PRITSKER,</p> <p>7 DEPUTY CITY ATTORNEY, LEGAL COUNSEL FOR THE L.E.A.</p> <p>8 MR. WESTHOFF: CHRIS WESTHOFF,</p> <p>9 ASSISTANT CITY ATTORNEY, LEGAL COUNSEL TO THE</p> <p>10 INDEPENDENT HEARING PANEL.</p> <p>11 MR. RICHARDSON: JOHN RICHARDSON,</p> <p>12 VICE PRESIDENT, COMMUNITY RECYCLING.</p> <p>13 MR. GAINES: FRED GAINES, LAW</p> <p>14 OFFICES OF GAINES &amp; STACEY, COUNSEL TO COMMUNITY</p> <p>15 RECYCLING.</p> <p>16 PANELIST HENSHAW: OKAY. NOW WE'RE</p> <p>17 ON TO AGENDA ITEM NUMBER 5, FACTS AND TIMELINES.</p> <p>18 MR. TSUDA: WAYNE TSUDA.</p> <p>19 I'M GOING TO PROVIDE A SUMMARY.</p> <p>20 FOR THOSE PEOPLE WHO ARE IN ATTENDANCE THAT ARE</p> <p>21 HERE FOR THE FIRST TIME, I WANTED TO GO OVER THE</p> <p>22 BACKGROUND OF THE L.E.A. AND OUR FUNCTION.</p> <p>23 THE L.E.A. IS A STATE MANDATED</p> <p>24 LOCAL PROGRAM. IT IS CERTIFIED AND PERIODICALLY</p> <p>25 REVIEWED BY THE WASTE BOARD. THAT'S THE</p>	<p>1 JUST TO SUMMARIZE THE PERMIT</p> <p>2 HISTORY OF THE COMMUNITY RECYCLING, COMMUNITY</p> <p>3 RECEIVED ITS FIRST SOLID WASTE FACILITY PERMIT TO</p> <p>4 OPERATE A TRANSFER STATION IN 1977 AND I BELIEVE</p> <p>5 THAT WAS FOR 1,500 TONS PER DAY. THAT WAS A TIME</p> <p>6 THAT PRECEDED US AS BEING THE L.E.A. SO WE HAD</p> <p>7 SKETCHY RECORDS AT THAT POINT.</p> <p>8 THE LAST PERMITTED REVISION WAS IN</p> <p>9 1998 AND EXPANDED FACILITIES -- THE TRANSFER</p> <p>10 STATION PERMIT FROM 1,500 TONS PER DAY TO 1,700</p> <p>11 TONS PER DAY.</p> <p>12 COMMUNITY WILL FILL YOU IN ON MORE</p> <p>13 OF THE DETAILS OF THEIR RECYCLING PROGRAM, BUT</p> <p>14 COMMUNITY HAD BEEN CONDUCTING A PROCESSING</p> <p>15 OPERATION ON AN ADJACENT PROPERTY TO THEIR</p> <p>16 PERMITTED FACILITY.</p> <p>17 THE PERMITTED FACILITY WAS FOR</p> <p>18 SOLID WASTE AT 1,500 TONS PER DAY -- I'M SORRY --</p> <p>19 1,700 TONS PER DAY AND THE RECYCLING OPERATION</p> <p>20 THAT WAS OCCURRING NEXT DOOR DID NOT REQUIRE A</p> <p>21 PERMIT. THOSE OPERATIONS WERE EXEMPT UNTIL AUGUST</p> <p>22 OF 2003.</p> <p>23 WE -- JUST TO GIVE YOU AN IDEA OF</p> <p>24 WHAT THE CURRENT AVERAGE TONNAGE THAT WENT THROUGH</p> <p>25 THAT FACILITY IS, AS I MENTIONED, SOLID WASTE IS</p>
<p>1 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD AND</p> <p>2 THAT IS A CAL E.P.A. AGENCY AND IT HAS STATEWIDE</p> <p>3 RESPONSIBILITY FOR MANAGEMENT OF SOLID WASTE AND</p> <p>4 RECYCLING PROGRAMS.</p> <p>5 THE L.E.A.'S MAIN FUNCTION IS</p> <p>6 PERMITTING, INSPECTION AND ENFORCEMENT FOR</p> <p>7 LANDFILLS, TRANSFER STATIONS AND CERTAIN RECYCLING</p> <p>8 FACILITIES, LIKE CONSTRUCTION, DEMO, INERT</p> <p>9 FACILITIES, WOOD WASTE, INCLUDING COMPOSTING.</p> <p>10 WE ENFORCE STATE LAWS AND</p> <p>11 REGULATIONS; HOWEVER, WE ARE A CITY PROGRAM. WE</p> <p>12 ARE CITY EMPLOYEES.</p> <p>13 THE FUNCTION OF THE INDEPENDENT</p> <p>14 HEARING PANEL IS TO RESOLVE DISPUTES BETWEEN THE</p> <p>15 L.E.A. AND OPERATORS ON PERMITS OR ENFORCEMENT</p> <p>16 ACTIONS OR HEAR APPEALS FROM AGGRIEVED PARTIES ON</p> <p>17 PERMITS AND ENFORCEMENT ACTIONS.</p> <p>18 IN THIS CASE, THE L.E.A. HAS ISSUED</p> <p>19 A CEASE AND DESIST ORDER TO COMMUNITY RECYCLING</p> <p>20 AND COMMUNITY RECYCLING HAD RESPONDED BY</p> <p>21 REQUESTING THIS INDEPENDENT HEARING PANEL APPEAL.</p> <p>22 AND DURING THE APPEAL PROCESS, THERE IS A STAY ON</p> <p>23 THE OPERATIONS OCCURRING AT THE FACILITY.</p> <p>24 I'M SORRY. STAY OF THE CEASE AND</p> <p>25 DESIST.</p>	<p>1 1,700 TONS PER DAY; THERE'S LITTLE OVER A THOUSAND</p> <p>2 TONS PER DAY IN CONSTRUCTION, DEMO AND INERT</p> <p>3 WASTE; GREEN WASTE, APPROXIMATELY 1,500 TONS PER</p> <p>4 DAY; WOOD WASTE, 150; AND FOOD WASTE, 300 TONS PER</p> <p>5 DAY.</p> <p>6 IN JULY OF 2003, THE WASTE BOARD</p> <p>7 ENACTED REGULATIONS REQUIRING THESE TYPES OF</p> <p>8 RECYCLING FACILITIES TO BE PERMITTED. OPTIONS</p> <p>9 AVAILABLE FOR EXISTING FACILITIES WERE TO APPLY</p> <p>10 FOR A TEMPORARY REGISTRATION PERMIT AND EVENTUALLY</p> <p>11 APPLY FOR A FULL PERMIT OR DIRECTLY APPLY FOR A</p> <p>12 FULL PERMIT AT THAT TIME.</p> <p>13 COMMUNITY RECYCLING CHOSE TO APPLY</p> <p>14 FOR A FULL PERMIT RATHER THAN THE TEMPORARY</p> <p>15 REGISTRATION PERMIT. IN SEPTEMBER 30 OF 2002, THE</p> <p>16 FOOD WASTE PROCESSING REGULATIONS CAME INTO</p> <p>17 EFFECT. IN APRIL OF 2004, COMPOSTABLE MATERIALS</p> <p>18 HANDLING REGULATIONS CAME INTO EFFECT.</p> <p>19 THE REGULATIONS WERE ENACTED</p> <p>20 REQUIRING FULL PERMIT AND COMMUNITY RECYCLING HAS</p> <p>21 BEEN PURSUING C.E.Q.A. DOCUMENTATION AND PREPARING</p> <p>22 THEIR PERMIT SINCE THAT TIME.</p> <p>23 IN TERMS OF ENFORCEMENT HISTORY,</p> <p>24 THE L.E.A. HAS BEEN INSPECTING THE TRANSFER</p> <p>25 STATIONS ON A ROUTINE BASIS TWICE MONTHLY, AND AS</p>

# TRANSCRIPT OF PROCEEDINGS

1 A RESULT OF THE RECYCLING ACTIVITIES OCCURRING ON  
2 A FORMER LANDFILL SITE, WE HAVE BEEN INSPECTING  
3 THOSE RECYCLING OPERATIONS FOR THE SAME PERIOD OF  
4 TIME.

5 IN MAY 10TH, 2004, THE CITY HAD  
6 FILED A COMPLAINT FOR UNFAIR BUSINESS PRACTICES  
7 AND NUISANCE IN SUPERIOR COURT. THAT RESULTED IN  
8 A STIPULATED AGREEMENT BETWEEN COMMUNITY RECYCLING  
9 AND THE CITY ATTORNEY'S OFFICE AND REQUIRED THAT  
10 THE BACK AREA, WHERE THE RECYCLING IS GOING ON, TO  
11 BE ENCLOSED.

12 IT WAS THE SAME ORDER. ACTUALLY,  
13 IT WAS VERY SIMILAR TO THE SAME -- THE CASE OF  
14 AMERICAN WASTE, WHICH YOU ARE FAMILIAR WITH.

15 IN OCTOBER 28TH OF 2004, THE L.E.A.  
16 HAD ISSUED A CEASE AND DESIST ORDER REQUIRING A  
17 SUBMISSION OF AN APPLICATION FOR A MASTER PERMIT  
18 FOR ALL OPERATIONS.

19 IN NOVEMBER 9TH OF 2006, THE L.E.A.  
20 HAD ISSUED THE CEASE AND DESIST ORDER, AND ON  
21 NOVEMBER 22ND, 2006, COMMUNITY RECYCLING HAD  
22 REQUESTED THE HEARING FOR WHICH WE ARE MEETING  
23 TODAY.

24 THE CURRENT C.E.Q.A. ISSUES, I  
25 WOULD LIKE TO DEFER TO REPRESENTATIVES FROM

10

1 BUILD AN ENCLOSURE STRUCTURE, A 90,000 SQUARE FOOT  
2 ENCLOSURE STRUCTURE.

3 THIS IS A FULLY ENCLOSED STRUCTURE  
4 WITH A STATE OF THE ART BIOFILTERED -- NEGATIVE  
5 DRAFT BIOFILTER THAT WILL BE BUILT OVER THE AREA  
6 WHERE THE GREEN WASTE, THE SUPERMARKET TRIM AND  
7 CULL, AND WOOD WASTE ARE CURRENTLY PROCESSED.

8 THIS IS SOMETHING THAT WE HAVE  
9 AGREED TO WITH THE AIR QUALITY MANAGEMENT  
10 DISTRICT, WITH THE CITY ATTORNEY. WE'VE BEEN IN  
11 PLAN CHECK SINCE FEBRUARY OF 2005 FOR A BUILDING.  
12 I HAVE A RENDERING OF THE BUILDING HERE ON THE  
13 SIDE THAT I CAN SHOW THE BOARD IF THEY'D LIKE TO  
14 SEE.

15 AND WE'RE HOPEFUL THAT THIS PROCESS  
16 WILL LEAD TO A CLEAR PERMIT PROCESS AND A CLEAR  
17 ENVIRONMENTAL REVIEW PROCESS THAT COULD LEAD  
18 ULTIMATELY TO THESE APPROVALS.

19 IT'S ABOUT A 12 MILLION DOLLAR  
20 PROJECT THAT WE'D LIKE TO GO FORWARD WITH AT THE  
21 EARLIEST POSSIBLE TIME.

22 BY WAY OF BACKGROUND, COMMUNITY  
23 RECYCLING HAS BEEN OPERATING IN SUN VALLEY SINCE  
24 1974. MOST OF THE FACILITY IS ON TOP OF A  
25 LANDFILL -- FORMER LANDFILL.

12

1 COMMUNITY RECYCLING. THE CURRENT PERMIT STATUS IS  
2 THAT A PERMIT APPLICATION DRAFT -- PERMIT  
3 APPLICATION AND A DRAFT TRANSFER PROCESSING REPORT  
4 WERE SUBMITTED; HOWEVER, THEY WERE REJECTED BY THE  
5 L.E.A. BECAUSE THEY WERE NOT COMPLETE AND CORRECT.

6 SO I THINK AT THIS TIME IT WOULD BE  
7 GOOD TO HEAR FROM AMERICAN WASTE -- I'M SORRY --  
8 COMMUNITY RECYCLING ON THEIR HISTORY WITH THE  
9 PLANNING DEPARTMENT, THEIR ATTEMPTS TO GET THE  
10 C.E.Q.A. DOCUMENT AND THEIR APPLICATION TO THE  
11 [INAUDIBLE].

12 PANELIST HENSHAW: OKAY.

13 MR. GAINES: THANK YOU VERY MUCH,  
14 MADAME CHAIR, HONORABLE MEMBERS. MY NAME IS FRED  
15 GAINES OF THE LAW OFFICES OF GAINES & STACEY. WE  
16 REPRESENT COMMUNITY RECYCLING.

17 AND WE'RE ACTUALLY VERY PLEASED TO  
18 BE IN FRONT OF THE HEARING PANEL, WHICH IS SORT OF  
19 AN ODD STATEMENT TO MAKE AT A CEASE AND DESIST  
20 ORDER ISSUE, WHICH WE HAVE APPEALED, BUT WE REALLY  
21 THINK THIS IS A PROCESS THAT COULD LEAD TO A  
22 CONCLUSION OF THIS.

23 TO JUMP AHEAD TO THE END, COMMUNITY  
24 RECYCLING WOULD LIKE TO GET A PERMIT -- LIKE TO BE  
25 PERMITTED FOR THE FULL FACILITY. THEY'D LIKE TO

11

1 IN FACT, THE ASHES THAT CAME OUT OF  
2 THE BACKYARD INCINERATORS FOR MOST OF THE  
3 SAN FERNANDO VALLEY FOR ALL THOSE YEARS -- I  
4 ACTUALLY AM OLD ENOUGH TO REMEMBER HAVING AN  
5 INCINERATOR IN THE BACKYARD IN NORTH HOLLYWOOD IN  
6 MY HOUSE.

7 AND THOSE ASHES ARE UNDERNEATH US,  
8 WHICH ADDS A TECHNICAL ISSUE TO BUILDING THE  
9 BUILDING ON TOP OF WHAT IS A BUNCH OF ASH  
10 UNDERNEATH. AND I'LL TELL YOU A LITTLE ABOUT THAT  
11 IN A FEW MINUTES.

12 WE ACTUALLY DON'T HAVE A  
13 CONDITIONAL USE PERMIT BECAUSE THIS PARTICULAR  
14 PROPERTY IS ZONED AND PLANNED FOR THIS USE. THIS  
15 USE IS AN ALLOWED -- A COMPLETELY ALLOWED USE IN  
16 THIS ZONE. WE DON'T HAVE ANY IMMEDIATE  
17 RESIDENTIAL NEIGHBORS AND SO THERE'S NEVER BEEN A  
18 DISCRETIONARY LAND USE APPROVAL FOR THIS PROJECT  
19 AND ONE IS NOT NEEDED.

20 THERE HAVE BEEN PRIOR PERMITS, AS  
21 WAS DISCUSSED. THE TRANSFER STATION AND MATERIALS  
22 RECOVERY FACILITY HAVE BEEN FULLY PERMITTED, AND  
23 THEN WHAT WE CALL THE BACK OPERATION -- IF YOU'RE  
24 STANDING IN FRONT OF THE PLACE, THE FRONT PART OF  
25 THE PROPERTY IS THE PERMITTED SOLID WASTE FACILITY

13

## TRANSCRIPT OF PROCEEDINGS

<p>1 AND THE BACK PART IS WHERE THE RECYCLABLES ARE 2 HANDLED. 3 AND I DO HAVE A MAP, IF ANYBODY 4 WANTS TO REFER TO IT AT ANY POINT, A SITE PLAN. 5 BUT THOSE ACTIVITIES STARTED 6 LITERALLY A DECADE AND A HALF BEFORE THERE WERE 7 ANY REGULATIONS RELATED TO THOSE IN TERMS OF THE 8 CONSTRUCTION AND DEMOLITION RECYCLING, THE GREEN 9 WASTE RECYCLING, THE WOOD RECYCLING, AND EVEN THE 10 SUPERMARKET RECYCLING, FOOD RECYCLING, WHICH IS -- 11 AND WE'VE DONE SO UNDER CONTRACTS 12 PRIMARILY WITH THE CITY OF LOS ANGELES AND OTHER 13 CITIES. WE'VE RUN PILOT PROGRAMS FOR THEM. WE 14 RUN AT ABOUT 90 PERCENT -- 2006 WAS 90.2 PERCENT 15 RECYCLING RATE OUT OF THAT BACK OPERATION. 16 AND IT'S REALLY BEEN ONE OF THE 17 LARGEST OPERATIONS, CERTAINLY IN THE CITY, IF NOT 18 IN THE STATE. 19 COMMUNITY RECYCLING ALSO HAS ONE OF 20 THE LARGEST COMPOSTING FACILITIES IN THE STATE, SO 21 THEY TAKE THEIR MATERIAL DIRECTLY TO A COMPOSTING 22 FACILITY, AND HAS RELATIONSHIPS WITH BIOMASS 23 ENERGY FACILITIES IN THE CENTRAL VALLEY. SO SOME 24 OF THE WOOD WASTE AND OTHER WASTE GOES TO THOSE 25 FACILITIES.</p>	<p>1 TIME THE SOLID WASTE FACILITY PERMIT WAS RENEWED. 2 IT WAS DONE ON AN M.N.D. AND IT WAS EXPECTED THAT 3 AN M.N.D. WOULD BE APPROPRIATE IN THIS CASE WHEN 4 THE ORIGINAL ENVIRONMENTAL ASSESSMENT FORMS -- THE 5 APPLICANT'S INITIATION OF THOSE ENVIRONMENTAL 6 PROCESSES WERE MADE BACK IN 2002. 7 THE CITY NEVER ACTED ON THOSE 8 ENVIRONMENTAL ASSESSMENT FORMS FOR A NUMBER OF 9 DIFFERENT REASONS. THE CITY, I GUESS, CAN EXPLAIN 10 SOME OF THAT THEMSELVES, IF THEY WISH. 11 BUT I THINK THAT THERE WAS ENOUGH 12 OF A FLUX IN THE PROCESS THAT PEOPLE WERE JUST 13 UNSURE AS TO WHERE TO GO WITH THIS. WE HAD MADE 14 ONE TYPE OF APPLICATION. WE COMBINED IT INTO A 15 DIFFERENT TYPE OF APPLICATION. BUT THOSE 16 ENVIRONMENTAL ASSESSMENT FORMS WERE NEVER 17 PROCESSED BY THE CITY. 18 WE WERE THEN BROUGHT INTO AN 19 ENFORCEMENT ACTION BY THE AIR QUALITY DISTRICT. 20 THERE HAD BEEN COMPLAINTS AND THE ISSUANCE OF A 21 NOTICE OF VIOLATION RELATED TO ODOR ISSUES. 22 AND WE WENT INTO AN ENFORCEMENT 23 ACTION IN FRONT OF THE AIR QUALITY MANAGEMENT 24 DISTRICT AND HIRED OUTSIDE CONSULTANTS, AS WELL AS 25 USING THE EXPERTISE OF THE AIR QUALITY MANAGEMENT</p>
<p>1 SO THESE HAVE BEEN, FRANKLY, 2 INCREDIBLE SUCCESS STORIES IN TERMS OF MOVING THE 3 CITY AND OUR AREA TO THE TYPES OF RECYCLING RATES 4 AND RECOVERY RATES THAT WE WANT TO HAVE. 5 THEY RECEIVED SPECIAL RECOGNITION 6 FOR THEIR ADDITIONAL HANDLING OF DEBRIS AFTER THE 7 1994 EARTHQUAKE, WHERE THEY WERE ASKED TO TAKE ON 8 SPECIAL CONTRACTS TO HANDLE THAT DEBRIS. 9 THEY'VE PROVIDED COMPOST FOR CITY 10 FARMING OPERATIONS THROUGHOUT THE CITY, INCLUDING 11 THE CONTROVERSIAL ONE WHERE DARYL HANNAH WAS IN 12 THE TREE RECENTLY -- THOSE TYPES OF THINGS. 13 THEY'VE BEEN INVOLVED IN THOSE TYPES OF ACTIVITIES 14 FOR MANY, MANY, MANY YEARS. 15 AND AS WAS PUT FORTH IN OUR 16 STATEMENT OF ISSUES, IMMEDIATELY AFTER THE 17 REGULATIONS REQUIRING PERMITS FOR THESE RECYCLING 18 OPERATIONS CAME INTO EFFECT, APPLICATIONS WERE 19 MADE TO THE CITY TO -- IN AN ATTEMPT TO ACHIEVE 20 THOSE PERMITS. 21 AND APPLICATIONS WERE MADE FOR AN 22 ENVIRONMENTAL REVIEW. 23 WHILE THERE WAS NO DISCRETIONARY 24 APPROVAL NEEDED FOR THE LAND USE PERMITTING, THERE 25 WAS PREVIOUSLY AN M.N.D. THAT HAD BEEN ISSUED LAST</p>	<p>1 DISTRICT TO REALLY TRY AND IDENTIFY WHAT TYPE -- 2 WHERE THESE ODOR ISSUES WERE COMING FROM, HOW TO 3 BEST ADDRESS THEM, DOWN-TO -- YOU KNOW, WE WERE 4 DEALING WITH DAYS -- WITH WIND, WHERE THE 5 PREVAILING WINDS COME FROM, WHAT TYPES OF DAYS, 6 TRYING TO TRACK HOW WE WOULD DO THIS, AND DID A 7 LOT OF SCIENTIFIC RESEARCH INTO THAT. 8 WE -- NOT SURPRISINGLY, SANTA ANA 9 WIND CONDITIONS WERE OF CONCERN. THIS IS UP IN 10 THE NORTHEAST VALLEY. THE SANTA ANA WINDS -- 11 WHERE A LOT OF THEM START. THEY COME DOWN THE 12 HILLS, AND SO WE WOULD HAVE CERTAIN CONDITIONS AT 13 THOSE TIMES. 14 AND ALSO, IT RELATED TO GREEN WASTE 15 MATERIALS. AT TIMES OF YEAR WHEN THEY WOULD COME 16 IN WITH MORE LIQUID CONTENT THAN OTHER TIMES OF 17 THE YEAR, YOU'RE GOING TO HAVE ISSUES. 18 WHAT WE DEVELOPED IN THE PROCESS 19 WITH THE AIR QUALITY MANAGEMENT DISTRICT WAS A SET 20 OF ABOUT 20 MITIGATION CONDITIONS OR CONDITIONS OF 21 APPROVAL THAT HAD BEEN IMPLEMENTED, EVERYTHING 22 FROM -- ON THE LAST HEARING, YOU STRUCK SOME OF 23 THE HOURS OF OPERATION, OF THE AMOUNT OF TIME 24 MATERIALS COULD STAY ON THE SITE BEFORE BEING 25 REMOVED, OF TRYING TO DO CERTAIN ACTIVITIES AT</p>

# TRANSCRIPT OF PROCEEDINGS

1 CERTAIN TIMES OF DAY THAT WOULD NOT RUN INTO  
2 PROBLEMS WITH WIND AND OTHER TYPES OF ISSUES.  
3 AND WE'VE IMPLEMENTED THOSE --  
4 SINCE 2004, IMPLEMENTED THOSE 25 CONDITIONS, AND  
5 WITH, WE LIKE TO THINK, SUBSTANTIAL SUCCESS.  
6 WHAT DO I MEAN BY THAT? WE WENT  
7 FROM A YEAR WHERE WE HAD FOUR NOTICES OF VIOLATION  
8 FROM THE AIR QUALITY MANAGEMENT DISTRICT IN 2003  
9 TO 2005, WHERE WE WERE ISSUED NONE.  
10 WE HAD YEARS WHERE WE HAD  
11 COMPLAINTS, THE NUMBER OF COMPLAINTS -- NUMBER OF  
12 CALLS TO THE AIR QUALITY MANAGEMENT DISTRICT THAT  
13 THERE WAS AN ISSUE DROPPED BY 50, 60 PERCENT OVER  
14 THAT PERIOD OF TIME.  
15 ONE OF THE KEY THINGS THAT WE  
16 AGREED TO DO WITH THE AIR QUALITY MANAGEMENT  
17 DISTRICT WAS TO BUILD THIS ENCLOSURE. AND IN  
18 2004, WE ENTERED INTO THE STIPULATED AGREEMENT  
19 WITH THEM THAT WE WOULD MOVE FORWARD ON BUILDING  
20 THE ENCLOSURE.  
21 IN FEBRUARY 2005, WE ACTUALLY  
22 APPLIED TO BUILD THIS BUILDING. WE HAVE A  
23 BUILDING PERMIT THAT IS STILL IN PLAN CHECK.  
24 AT THAT TIME WE EXPECTED THAT THAT  
25 WAS A "BY RIGHT" BUILDING. THE INITIAL CONTACT

18

1 FROM BUILDING AND SAFETY WAS THAT THIS BUILDING  
2 MET ALL THE REQUIREMENTS, THAT THERE WAS NOT A  
3 DISCRETIONARY APPROVAL TO BE HAD SO THEY WERE NOT  
4 GOING TO REQUIRE A C.E.Q.A. REVIEW FOR THAT  
5 PARTICULAR -- FOR THE BUILDING OF THAT BUILDING IN  
6 THIS AREA.  
7 WE WENT THROUGH A PROCESS OF  
8 ENGINEERING AND SOME OF THE PROBLEMS WE HAD HAD TO  
9 DO WITH THE FACT THAT WE HAVE THE INCINERATOR  
10 ASHES UNDERNEATH US, SO WE WENT THROUGH SEVERAL  
11 ROUNDS OF ENGINEERING TO DEVELOP FOOTINGS FOR A  
12 90,000 SQUARE FOOT BUILDING THAT -- HOW DEEP AND  
13 HOW FAR YOU HAVE TO GO WHEN WHAT YOU'RE GOING INTO  
14 IS OLD INCINERATOR ASH.  
15 SO THAT WAS ONE TECHNICAL  
16 DIFFICULTY.  
17 THE OTHER THING THAT HAPPENED IS  
18 THE CITY CHANGED ITS MIND IN TERMS OF THE  
19 ENVIRONMENTAL REVIEW. THEY DECIDED THAT THEY  
20 WOULD REQUIRE WHAT IS CALLED A SITE PLAN REVIEW,  
21 WHICH IS THE LOWEST LEVEL OF LAND USE --  
22 DISCRETIONARY LAND USE APPROVAL IN THE CITY FOR  
23 THIS PROJECT, AND ASKED TO US DO A C.E.Q.A.  
24 REVIEW.  
25 SO WE HAVE FILED A NEW E.A.F. FOR

19

1 THAT PROJECT, TO BUILD THAT STRUCTURE, AND IN  
2 ADDITION, ADDED TO THAT THE PERMITTING, THE  
3 HOLISTIC PERMITTING OF ALL OF THE ACTIVITIES ON  
4 THE SITE UNDER ONE PERMIT. SO WE HAVE PENDING --  
5 AND THAT ENVIRONMENTAL ASSESSMENT FORM WAS FILED  
6 IN JUNE OF 2006.

7 AGAIN, THE CITY DID NOT REALLY  
8 RESPOND TO THIS ENVIRONMENTAL ASSESSMENT FORM.  
9 WE -- AND BY -- AND THE CITY -- WE APPLIED -- AND  
10 THIS -- INTERESTINGLY, YOU HEARD THE LAST E.I.R.,  
11 THE LEAD AGENCY IS GOING TO BE THE L.E.A. BECAUSE  
12 WE WERE BUILDING THIS BUILDING, WE WERE TOLD TO  
13 USE THE CITY PLANNING DEPARTMENT AS THE LEAD  
14 AGENCY, SO FOR OURS, THE CITY PLANNING DEPARTMENT  
15 IS THE LEAD AGENCY.

16 TO THIS DAY, WE HAVE NO WRITTEN  
17 RESPONSE FROM THEM ON THE E.A.F., BUT WHAT WE'VE  
18 DONE IS, THROUGH MEETINGS WITH THE SUN VALLEY AREA  
19 NEIGHBORHOOD COUNCIL AND WITH COUNCILMAN TONY  
20 CARDENAS, WHOSE OFFICE WE'VE BEEN REQUESTED TO DO  
21 AN E.I.R., WE DID NOT WAIT FOR THE CITY TO  
22 OFFICIALLY DETERMINE, BASED ON OUR FILING OF THE  
23 E.A.F., THAT WE NEED TO DO AN E.I.R.

24 WE'VE FOLLOWED THROUGH AND SAID  
25 WE'D DO AN E.I.R. WE'VE HIRED AN E.I.R.

20

1 CONSULTANT, CHRIS JOSEPH & ASSOCIATES.  
2 I GAVE TO MR. TSUDA BEFORE THE  
3 START, AND MAYBE IT'S BEEN HANDED TO YOU, THE  
4 SCHEDULE FOR THE E.I.R. THAT HAS BEEN PREPARED BY  
5 CHRIS JOSEPH & ASSOCIATES. IT'S AMAZINGLY SIMILAR  
6 TO THE E.I.R. SCHEDULE.

7 IT'S A LITTLE MORE DETAILED, THIS  
8 ONE, BUT THE TIMELINE IS ABOUT THE SAME, AS YOU'LL  
9 NOTICE. I THINK THEY HAD THEIRS COMING OUT IN END  
10 OF SEPTEMBER. OURS IS OCTOBER 8TH, BECAUSE I  
11 THINK THAT THAT'S PROBABLY, GIVE OR TAKE A MATTER  
12 OF WEEKS, AN ACCURATE ESTIMATE OF WHAT IT WOULD  
13 TAKE TO DO AN E.I.R. UNDER THE CURRENT CITY  
14 PROCESSES.

15 SO WE ARE IN THE PROCESS WHERE WE  
16 HAVE MADE AN APPLICATION FOR THE PERMITTING FOR  
17 ALL OF THE -- FOR THE ENTIRE SITE TO THE L.E.A.  
18 THEY HAVE COMMENTED TO US AS TO ADDITIONAL  
19 INFORMATION THAT THEY WANT AND WE'RE PREPARING  
20 THAT.

21 WE HAVE INITIATED THE E.I.R.  
22 PROCESS. OUR NOTICE OF PREPARATION HAS ALREADY  
23 BEEN SUBMITTED TO THE CITY. WE'RE HOPING FOR IT  
24 TO BE ISSUED ANY DAY. I THINK WE HAD IT ON OUR  
25 CALENDAR AS BEING ISSUED LIKE TOMORROW, WHICH

21

## TRANSCRIPT OF PROCEEDINGS

1 STARTS THE 30-DAY PERIOD.  
2 WE HAVE SPOKEN WITH THE COUNCIL --  
3 OBVIOUSLY, THE NEIGHBORHOOD COUNCIL -- ABOUT  
4 COMING BACK TO THEM TO DO A SCOPING MEETING FOR  
5 THE E.I.R. DURING THAT TIME PERIOD.  
6 WE ACTUALLY HAD ALREADY COMPLETED A  
7 TRAFFIC STUDY BECAUSE WE HAD INITIALLY THOUGHT WE  
8 WERE GETTING AN M.N.D. WHEN WE FILED THE  
9 ENVIRONMENTAL ASSESSMENT FORM, WE HAD ALREADY  
10 COMPLETED A TRAFFIC STUDY THAT'S BEEN REVIEWED BY  
11 THE DEPARTMENT OF TRANSPORTATION.  
12 SO WE'RE MOVING FORWARD ON ALL OF  
13 THESE ASPECTS.  
14 YOU DID HEAR BRIEFLY FROM MR. TSUDA  
15 THAT THERE WAS A CITY LAWSUIT AS WELL. THERE WAS.  
16 THE CITY BROUGHT A PIGGYBACK LAWSUIT ONTO THE  
17 ISSUE THAT WE WERE DEALING WITH WITH THE AIR  
18 QUALITY MANAGEMENT DISTRICT. AND THAT WAS  
19 SETTLED.  
20 AND THAT SETTLEMENT WITH THE CITY  
21 ATTORNEY INCLUDES BASICALLY THE SAME CONDITIONS AS  
22 THE CONDITIONS PLACED ON US BY THE AIR QUALITY  
23 MANAGEMENT DISTRICT, THE SAME 25 OPERATING  
24 CONDITIONS, AS WELL AS THE COMPLETION OF THE  
25 STRUCTURE.

22

1 AND THAT -- AND THE REQUIREMENT WAS  
2 THAT WE MAKE THE PERMIT APPLICATION FOR THE  
3 STRUCTURE WITHIN 120 DAYS, WHICH WAS DONE FEBRUARY  
4 OF 2005. IT HAS A COUPLE OF ADDITIONAL ITEMS. IT  
5 REQUIRES A SOLAR COMPONENT TO THE BUILDING AND SO  
6 FORTH, AND THOSE WILL BE INCLUDED.  
7 SO WE ACTUALLY -- THIS GETS BACK TO  
8 THE BEGINNING. WE LOOK FORWARD TO THIS AND THE  
9 FACT THAT WE ARE NOW -- I THINK CAN PUT OURSELVES  
10 ON A SCHEDULE. WE CAN GET THE ATTENTION OF ALL  
11 THE PARTIES NECESSARY TO MOVE THIS FORWARD.  
12 WE WANT TO BE PERMITTED. WE WANT  
13 TO HAVE THIS E.I.R. PROCESS GO FORWARD. WE HAVE A  
14 BUILDING THAT'S BEEN -- I MEAN, WE'RE IN PLAN  
15 CHECK. WE HAVE FULL ARCHITECTURAL PLANS FOR A  
16 BUILDING THAT IS READY TO GO.  
17 WE HAVE ENGINEERED THIS REVERSE  
18 FILTERING SYSTEM. IT DRAWS THE AIR OUT OF THE  
19 BUILDING, SENDS IT THROUGH A BIOFILTER, THE AIR  
20 INSIDE OF THIS 90,000 SQUARE FOOT BUILDING. THERE  
21 ARE ONLY A HANDFUL OF THOSE SYSTEMS IN OPERATION  
22 IN THE WORLD THAT WE KNOW OF FOR A BUILDING OF  
23 THIS SIZE.  
24 SO THAT WAS A SPECIAL ENGINEERING  
25 TASK TO BUILD THAT. IT'S NOT A STOCK ITEM THAT

23

1 YOU GO BUY. IT'S A BIOFILTER FOR A 90,000 SQUARE  
2 FOOT RECYCLING BUILDING.  
3 SO WE THINK THAT THIS IS SOMETHING  
4 THAT CAN BE VERY BENEFICIAL FOR THE COMMUNITY,  
5 BENEFICIAL FOR OUR OPERATION, TO GET US FULLY  
6 PERMITTED AND ADD THAT KIND OF CONSISTENCY. WE'VE  
7 BEEN THROUGH SEVERAL YEARS OF HEARINGS WITH THE  
8 AIR QUALITY BOARD, WITH THE CITY ATTORNEY HEARING,  
9 WORKING WITH THE L.E.A.  
10 SO WE'D LIKE TO GET TO THE END OF  
11 THE PROCESS WHERE AT LEAST THERE'S SOME PERIOD OF  
12 TIME WHEN WE'RE NOT DEALING WITH THOSE KINDS OF  
13 REGULATORY ISSUES.  
14 AND WE THINK THAT THE BEST WAY TO  
15 DO IT, AS THIS PANEL HAS DONE, IS TO CONTINUE THIS  
16 APPEAL, STAYING THE CEASE AND DESIST ORDER,  
17 ALLOWING US TO ENTER INTO AN INTERIM OPERATING  
18 AGREEMENT, WHICH WE THINK CAN INCLUDE A LOT OF THE  
19 CONDITIONS WE TALKED ABOUT, PLUS OTHERS THAT WE --  
20 THAT THE -- THAT THE L.E.A. HAS DISCUSSED WITH US  
21 SO THAT WE CAN GO FORWARD WITH THIS TYPE OF  
22 SCHEDULE.  
23 YOU SHOULD KNOW THAT THESE -- THE  
24 25 OPERATING CONDITIONS THAT WERE INCLUDED IN THE  
25 AIR QUALITY MANAGEMENT DISTRICT ORDER AND REPEATED

24

1 IN THE STIPULATED JUDGMENT WITH THE CITY ATTORNEY  
2 HAVE NOW BEEN IN -- MOST OF THEM, I MEAN; THERE  
3 WERE A COUPLE THAT WERE ADDED AS WE'VE HAD  
4 REVIEWS, BUT MOST OF THEM HAVE BEEN IMPLEMENTED  
5 FOR ALMOST TWO YEARS AT THIS POINT.  
6 AND WE'VE HAD NUMEROUS INSPECTIONS  
7 BY THE AIR QUALITY MANAGEMENT DISTRICT AND THE  
8 CITY, WHICH HAS FOUND US TO BE IN COMPLIANCE WITH  
9 THOSE CONDITIONS AND THOSE CONDITIONS TO BE  
10 EFFECTIVE IN MANY WAYS.  
11 I'M NOT SAYING THAT THERE IS NEVER,  
12 EVER AN ODOR ISSUE. I'M NOT -- YOU KNOW, WHAT I  
13 AM SAYING IS THAT THEY'VE BEEN EFFECTIVE IN  
14 CUTTING DOWN THE NUMBER OF COMPLAINTS AND CUTTING  
15 DOWN THE NUMBER OF DAYS WHERE THERE HAVE BEEN  
16 ISSUES AND CUTTING DOWN IN 2005 TO ZERO THE NUMBER  
17 OF VIOLATIONS THAT WERE ISSUED BY THE AIR QUALITY  
18 MANAGEMENT DISTRICT.  
19 MR. RICHARDSON IS HERE, WHO CAN  
20 ANSWER ANY QUESTIONS TECHNICALLY ABOUT THE  
21 OPERATIONS OF THE SITE, ABOUT TONNAGES OR USES OR  
22 DETAILS OF THAT KIND OF -- THAT KIND OF  
23 IMPLEMENTATION.  
24 BUT WITH THAT, UNLESS THERE'S  
25 QUESTIONS, THAT'S OUR PRESENTATION. THANK YOU.

25

# TRANSCRIPT OF PROCEEDINGS

1 PANELIST HENSHAW: QUESTIONS FROM  
2 THE PANEL?  
3 PANELIST TSO: I DO HAVE A COUPLE  
4 QUESTIONS.  
5 WITH REGARD TO THE -- MAYBE I  
6 MISSED SOMETHING -- 2004 CEASE AND DESIST, RIGHT,  
7 THAT WAS ISSUED AND THEN SUBSEQUENTLY ANOTHER ONE  
8 ISSUED IN 2006, WAS THERE A DIFFERENCE BETWEEN THE  
9 TWO? I DON'T UNDERSTAND THAT. WERE THE REASONS  
10 THE SAME?  
11 MR. TSUDA: THE REASONS WERE THE  
12 SAME, YES.  
13 PANELIST TSO: SO IN THE INTERIM,  
14 THAT PERIOD, WHAT HAPPENED?  
15 MR. TSUDA: WELL, WE WERE TRACKING  
16 THE PROGRESS OF COMMUNITY RECYCLING IN SECURING  
17 THEIR SUPPORTING DOCUMENTS FOR A NEW PERMIT. AND  
18 IT APPEARED THAT THEY WERE MAKING PROGRESS.  
19 WE UNDERSTOOD THAT THE ISSUE ABOUT  
20 HAVING TO GO THROUGH BUILDING AND SAFETY PLAN  
21 CHECK FOR THE CONSTRUCTION OF THE BUILDING THAT  
22 WOULD EVENTUALLY HOUSE THE RECYCLING OPERATION  
23 TOOK A LOT OF TIME.  
24 ALSO, WE ARE NOT THE LEAD AGENCY  
25 FOR C.E.Q.A. WE WEREN'T REALLY IN A GOOD POSITION

26

1 TO UNDERSTAND WHERE THEY WERE IN THE PROCESS, BUT  
2 WE FELT THAT SUFFICIENT PROGRESS HAD NOT BEEN MADE  
3 BY OCTOBER OF LAST YEAR, WHICH REQUIRED US TO TAKE  
4 ACTION AGAIN.  
5 IT'S BEEN A SLOW PROCESS FOR A  
6 NUMBER OF REASONS. AND REALLY, IT'S THE RESULT OF  
7 THESE NEW REGULATIONS GOING INTO EFFECT IN 2003  
8 AND FACILITIES OF THIS TYPE GETTING PERMITS TO  
9 ENABLE THEM TO CONTINUE THAT OPERATION.  
10 PANELIST HENSHAW: I JUST HAVE A  
11 QUESTION. YOU HAVE A PERMANENT FACILITY THAT CAN  
12 ACCEPT 1,700 TONS PER DAY?  
13 MR. RICHARDSON: YES.  
14 PANELIST HENSHAW: IN THAT  
15 PERMANENT FACILITY, WHAT IS YOUR AVERAGE DAILY  
16 TONNAGE COMING IN THERE? ARE YOU GETTING THAT  
17 1,700 TONS EVERY DAY?  
18 MR. RICHARDSON: ON MONDAYS WE'RE  
19 VERY CLOSE TO THE 1,700 TONS PER DAY. THE REST OF  
20 THE WEEK, WE PROBABLY AVERAGE ABOUT 1,500 TONS PER  
21 DAY. ON SATURDAYS AND SUNDAYS WE'RE CONSIDERABLY  
22 LESS, 6-, 700 TONS ON SATURDAYS AND 3-, 400 TONS  
23 ON SUNDAYS.  
24 PANELIST HENSHAW: AND THAT'S A  
25 FULL PERMIT? THEY CAN TAKE ANY KIND OF M.S.W. OR

27

1 MUNICIPAL SOLID WASTE AND THEN THERE'S A RECYCLING  
2 OPERATION THAT'S SEPARATE FROM THAT PERMIT?  
3 MR. RICHARDSON: CORRECT.  
4 PANELIST HENSHAW: HOW MANY TONS IS  
5 THAT PER DAY?  
6 MR. RICHARDSON: WE RECEIVE ABOUT  
7 2,000 TO 2,500 TONS PER DAY MONDAY THROUGH FRIDAY  
8 IN THAT RECYCLING AREA. THAT'S BROKEN UP BETWEEN  
9 GREEN WASTE, THE PRODUCE TRIM AND CULL FROM  
10 SUPERMARKETS AND CONSTRUCTION/DEMOLITION MATERIAL  
11 AND THEN CLEAN WOOD WASTE COMING IN.  
12 PANELIST HENSHAW: SO THIS IS THE  
13 PART -- THE RECYCLING PART IS THE PART THAT'S PART  
14 OF THE CEASE AND DESIST?  
15 MR. RICHARDSON: CORRECT.  
16 PANELIST HENSHAW: OH, SO IT'S NOT  
17 LIKE A COMMINGLED RECYCLING OPERATION WITH THESE  
18 RECYCLABLES? IT'S JUST ALL THESE OTHER OPERATIONS  
19 WE'VE TALKED ABOUT?  
20 MR. RICHARDSON: WE HAVE A CONTRACT  
21 WITH THE CITY OF LOS ANGELES FOR RECEIVING THE  
22 GREEN WASTE FROM THE CURBSIDE PROGRAM AS WELL AS  
23 WE ALSO -- DEPARTMENT OF STREET SERVICES, WE  
24 RECEIVE SOME OF THEIR MATERIAL THAT COMES OUT OF  
25 THEIR RESURFACING OPERATIONS AND WE RECYCLE THAT

28

1 MATERIAL.  
2 PANELIST HENSHAW: AND JUST ONE  
3 MORE QUESTION, AND JUST TO CLARIFY, WHAT IS  
4 "SUPERMARKET TRIMS AND CULLS"? WHAT IS THAT  
5 MATERIAL?  
6 MR. RICHARDSON: AT SUPERMARKETS,  
7 WHEN THEY PUT FRESH PRODUCE UP ON THE SHELVES,  
8 THERE ARE BRUISED TOMATOES, CANTALOUPE THAT HAVE  
9 SOFT SPOTS, THINGS LIKE THAT.  
10 WHEN THEY PUT THE FRESH PRODUCE ON  
11 THE SHELVES, THEY PUT THAT PRODUCE FROM THE CULL  
12 BACK IN WAXED CARDBOARD CARTONS AND THEN IT GOES  
13 DIRECTLY BACK TO THE DISTRIBUTION CENTERS, WHERE  
14 IT GOES INTO OUR TRAILERS AND COMES TO OUR SITE.  
15 WE THEN RECEIVE THAT MATERIAL AND  
16 WE GRIND IT, MIXING IT WITH THE GREEN WASTE  
17 MATERIAL, AND THEN THAT GETS SHIPPED UP TO OUR  
18 COMPOST FACILITY IN BAKERSFIELD.  
19 PANELIST HENSHAW: SO IT'S  
20 VEGETABLE MATTER? THERE ARE NO MEATS INVOLVED?  
21 MR. RICHARDSON: NO MEATS.  
22 STRICTLY FROM THEIR PRODUCE AREA.  
23 PANELIST HENSHAW: THE PRODUCE.  
24 THANK YOU.  
25 SO WE'LL HEAR FROM THE PUBLIC NOW.

29



# TRANSCRIPT OF PROCEEDINGS

1 PANELIST TSO: JUST ONE MORE  
2 QUESTION WITH REGARD TO TONNAGE.  
3 I WAS LOOKING AT TWO DIFFERENT  
4 DOCUMENTS THAT WERE SUBMITTED TO US, AND SO I  
5 WAS -- JUST FOR CLARIFICATION PURPOSES, THERE WAS  
6 THE ORIGINAL CEASE AND DESIST THAT YOU PREPARED,  
7 AND THEN ALSO AS WELL AS THE RESPONSE TO THE  
8 APPEAL FILED.  
9 AND SO WITH REGARD TO TONNAGE, JUST  
10 FOR CLARIFICATION, THE GREEN WASTE WAS 1,500 TONS;  
11 RIGHT?  
12 ON CONSTRUCTION AND DEMO WASTE, IN  
13 THE CEASE AND DESIST IT SAYS IT WAS 1,200 TONS,  
14 BUT ON THE RESPONSE TO THE APPEAL IT INDICATED IT  
15 WAS 200, SO I WANTED TO GET A CLARIFICATION, WHICH  
16 ONE WAS CORRECT.  
17 MR. TSUDA: 1,200.  
18 MR. RICHARDSON: 1,200.  
19 PANELIST TSO: AND THEN WITH REGARD  
20 TO THE FOOD WASTE, I BELIEVE THAT ON THE CEASE AND  
21 DESIST IT INDICATED IT WAS 300, BUT IN THE  
22 RESPONSE TO THE APPEAL, IT INDICATED IT WAS 500  
23 TONS. WHICH IS RIGHT?  
24 MR. RICHARDSON: 500 IS WHAT WE'RE  
25 ASKING FOR IN OUR NEW PERMIT. 300 TO 350 IS HOW

30

1 MUCH WE'RE CURRENTLY RECEIVING ON A DAILY BASIS.  
2 PANELIST TSO: SO 500 IS WHAT IS  
3 BEING REQUESTED?  
4 MR. RICHARDSON: YES.  
5 PANELIST TSO: THANK YOU.  
6 PANELIST HENSHAW: OKAY. SO WE'LL  
7 TAKE THE PUBLIC. THE FIRST SPEAKER IS MIKE  
8 O'GARA.  
9 MR. O'GARA: I THINK YOU NEED AN  
10 INTERPRETER HERE TO UNDERSTAND WHAT THESE PEOPLE  
11 ARE TALKING ABOUT. WE'RE TALKING ABOUT THIS  
12 ENCLOSED FACILITY. THERE'S THREE FACILITIES  
13 THEY'RE BUILDING; THEY'RE ONLY ENCLOSING ONE. THE  
14 GREEN WASTE FACILITY IS NOT GOING TO BE ENCLOSED,  
15 NOR IS THE CONSTRUCTION THING GOING TO BE  
16 ENCLOSED.  
17 IF THEY WERE ENCLOSED, WE WOULDN'T  
18 HAVE TO WORRY ABOUT THE SANTA ANA WINDS BECAUSE  
19 THEY'RE BLOWING THIS STUFF ALL OVER THE  
20 NEIGHBORHOOD; OKAY?  
21 THEY'RE TALKING ABOUT THINGS THAT  
22 THEY OPERATED WITH IN 1974 AND AGREEMENTS THAT  
23 THEY HAVE WITH THE CITY. THERE WAS NO L.E.A. IN  
24 1974. THE CITY'S BEEN DERELICT IN REGULATING THIS  
25 INDUSTRY AND THE REASON THAT REGULATIONS ARE

31

1 GETTING PUT IN IS BECAUSE PEOPLE FROM THE  
2 COMMUNITY ARE FED UP.  
3 WE'VE GOT EVERYBODY EXPANDING.  
4 THIS IS A 90,000 SQUARE FOOT BUILDING. BRADLEY  
5 WANTS TO PUT A 100,000 SQUARE FOOT BUILDING FOR  
6 THE SAME PURPOSE. WE'VE GOT AMERICAN WASTE TRYING  
7 TO EXPAND. AND EVERY BIT OF THAT IS TRUCKS,  
8 TRUCKS, TRUCKS.  
9 TRAFFIC -- THE TRUCKS ARE RUINING  
10 THE STREETS AND THEY'RE SPILLING DIESEL FUEL INTO  
11 THE AIR THAT WE'RE BREATHING. THIS IS DESTROYING  
12 THE WHOLE COMMUNITY OF SUN VALLEY AND IT'S  
13 DESTROYING THE BASIN.  
14 THE TRUCKS ARE HORRENDOUS. WE'RE  
15 TALKING THOUSANDS OF TRUCKS BEING THERE. NOT A  
16 COUPLE HUNDRED. THOUSANDS A DAY.  
17 SO YOU NEED TO LOOK, THAT THE CITY  
18 HAS BEEN DERELICT IN THIS. THIS MAN SAID THAT WE  
19 HAD A MEETING WITH THE SUN VALLEY AREA  
20 NEIGHBORHOOD COUNCIL. IT WAS NOT ON THE AGENDA.  
21 THEY SHOWED UP IN PUBLIC COMMENT. I DIDN'T  
22 CLASSIFY THAT AS A MEETING.  
23 I BELIEVE HE'S BEEN ASKED TO COME  
24 BACK TO OUR PLANNING SUBCOMMITTEE. THEY HAVE NOT.  
25 BUT THERE ARE THREE MAJOR

32

1 FACILITIES HERE AND WE'RE ONLY ENCLOSING ONE.  
2 PANELIST HENSHAW: THANK YOU.  
3 JIM DANTONA.  
4 MR. DANTONA: GOOD MORNING. JIM  
5 DANTONA, PLANNING DEPUTY FOR COUNCILMAN TONY  
6 CARDENAS.  
7 I HAVE A LETTER FROM THE COUNCILMAN  
8 FOR THE RECORD. I'D LIKE TO READ IT TO YOU.  
9 "TO THE INDEPENDENT HEARING PANEL:  
10 "SUN VALLEY, HOME TO SUCH OPERATORS  
11 AS AMERICAN WASTE, COMMUNITY RECYCLING AND OTHER  
12 HEAVY INDUSTRIAL USES FACES A DAILY CHALLENGE TO  
13 TRY AND CREATE A HEALTHY LIVING ENVIRONMENT NOT  
14 ONLY FOR RESIDENTS, BUT FOR BUSINESS TOO.  
15 "I," THE COUNCIL MEMBER, "ENACTED  
16 THE SUN VALLEY ENVIRONMENTAL JUSTICE ZONE IN  
17 DIRECT RESPONSE TO THE IMPACTS OF A CONTINUOUS  
18 BARRAGE OF INDUSTRIAL USES THAT SUN VALLEY FACES.  
19 "COMMUNITY RECYCLING IS IN FRONT OF  
20 YOU TODAY TO ASK TO OVERTURN THE CEASE AND DESIST  
21 ORDER ISSUED TO THEM ON NOVEMBER 9TH, 2006. THE  
22 CEASE AND DESIST ORDER IS THE SECOND ONE ISSUED TO  
23 COMMUNITY RECYCLING IN JUST OVER TWO YEARS.  
24 "BOTH ORDERS ASKED COMMUNITY  
25 RECYCLING TO STOP SOLID WASTE OPERATIONS ON

33

# TRANSCRIPT OF PROCEEDINGS

1 NONPERMITTED PROPERTY ADJACENT TO THE PERMITTED  
2 TRANSFER STATION. THIS AREA THAT COMMUNITY  
3 RECYCLING IS USING HAS NEVER BEEN PERMITTED TO  
4 ACCEPT SOLID WASTE.

5 "NEITHER THE CITY NOR THE STATE HAS  
6 HAD AN OPPORTUNITY TO REVIEW THE ENVIRONMENTAL  
7 IMPACTS ASSOCIATED WITH THE OPERATION.

8 "TODAY THE COMMUNITY OF SUN VALLEY  
9 IS FACING THE IMPACT FROM THE PROJECT, WHETHER  
10 RELATED TO DUST FROM THE OPERATION OR THE TRUCK  
11 EXHAUST, NEVER APPROVED FOR OPERATION.

12 "I ASK YOU TODAY TO UPHOLD THE  
13 CEASE AND DESIST ORDER UNTIL THE CITY HAS HAD TIME  
14 TO REVIEW THE ENVIRONMENTAL IMPACTS OF THE  
15 OPERATION.

16 "COMMUNITY RECYCLING SHOULD ALSO BE  
17 REQUIRED TO IMPLEMENT THE CONDITIONS TO WHICH THEY  
18 AGREED IN THE STIPULATED JUDGMENTS ENTERED INTO  
19 WITH THE CITY OF LOS ANGELES BACK IN DECEMBER  
20 2004."

21 I AM AVAILABLE TO ANSWER ANY  
22 QUESTIONS FOR THE COUNCIL MEMBER AND HE WOULD BE  
23 MORE THAN HAPPY TO COMMUNICATE ANY FURTHER.

24 THANK YOU.

25 PANELIST HENSHAW: THANK YOU.

34

1 BUT THEY'VE DONE THIS FOR A VERY  
2 LONG TIME, MANY YEARS, AND THEY HAVE DONE NOTHING.  
3 IN FACT, ALL OF THOSE PLACES HAVE DONE NOTHING FOR  
4 SUN VALLEY. THEY -- MORE MONEY COMES OUT OF THESE  
5 BUSINESSES TO THE COFFERS OF THE CITY IN SUN  
6 VALLEY THAN ANYWHERE ELSE IN THE VALLEY.

7 AND YET WE DON'T GET ZILCH. WE  
8 DON'T HAVE A PARK, A ROW OF TREES, THE MEDIANS  
9 FIXED UP. WE DON'T DO ANYTHING. AND I THINK IT'S  
10 ABOUT TIME, WAY PAST TIME THAT THEY START FIXING  
11 IT UP IF THEY STAY HERE.

12 AT LEAST FOR WHAT THEY'VE DONE IN  
13 THE PAST, THE MONEY THEY'VE MADE IN THE PAST, AND  
14 THE CITY HAS MADE MONEY IN THE PAST. BOTH THE  
15 CITY AND THE COMPANIES HAVE MADE A LOT OF MONEY AT  
16 THE EXPENSE OF SUN VALLEY AND I THINK IT'S  
17 TERRIBLE.

18 SOLID WASTE -- NOW THEY'RE GETTING  
19 SOLID WASTE. I GOT A LETTER, A DOCUMENT AT HOME  
20 THAT STATES THAT THE DEPARTMENT OF SANITATION SAID  
21 THERE'S A HIGH POSSIBILITY OF CONTAMINATION WITH  
22 SOLID WASTE. "FROG," THEY CALL IT. FOOD, ROTTEN  
23 MEAT, OIL, GREASE AND OIL. I DON'T KNOW IF I HAD  
24 THE RIGHT ORDER.

25 BUT THIS IS REALLY HIGH

36

1 JERRY DIRO, D-I-R-O, I THINK IT IS.  
2 OH, IT'S A P THERE. OKAY.  
3 MR. PIRO: HELLO AGAIN. I ALREADY  
4 TOLD YOU ABOUT THE ASTHMA.  
5 OH, YEAH. JERRY PIRO, EAST VALLEY  
6 COALITION VICE PRESIDENT.  
7 I ALREADY TOLD YOU ABOUT THE ASTHMA  
8 PROBLEMS. ON MY BLOCK THERE'S FIVE PEOPLE THAT WE  
9 KNOW OF PERSONALLY THAT GOT CANCER, INCLUDING MY  
10 WIFE.

11 THE AIR IS FOUL. THERE'S ALL KINDS  
12 OF STUFF. THIS STUFF THAT'S CALLED THE  
13 CONSTRUCTION AND DEMOLITION PROJECT -- I DO NOT  
14 THINK THAT IT'S PART OF THIS ENCLOSURE FOR  
15 A.Q.M.D.

16 IT PULLS OUT -- YOU COULD TAKE A --  
17 I'VE GOT ARTICLES WHERE CARPETS, COUCHES,  
18 BLANKETS, STUFF LIKE THAT THAT HAVE FIRE RETARDANT  
19 IN THEM. THESE GUYS GRIND THEM UP AND THE DUST  
20 GOES EVERYWHERE. AND IT DOESN'T JUST STAY IN THE  
21 LOCAL AREA. IT TRAVELS PRETTY FAR.

22 THE STATE OF CALIFORNIA -- MAINLY  
23 FOR THE STATE OF CALIFORNIA SUPERIOR COURT, YOU'VE  
24 GOT TOTAL ENCLOSURE. I'M LOOKING FORWARD TO  
25 SEEING THAT.

35

1 CONTAMINATED STUFF. E. COLI. BUT I'VE SEEN  
2 NOTHING IN WRITING ABOUT THE HEALTH AND SAFETY  
3 PRECAUTIONS THAT ARE BEING TAKEN IN USING THIS  
4 PROGRAM.  
5 AND HERE, IT SAYS HERE THAT THEY'VE  
6 BEEN OPERATING FOR A LONG TIME WITHOUT A PERMIT,  
7 TIME AFTER TIME AFTER TIME AFTER TIME AND STILL  
8 THEY'RE OPERATING. YOU KNOW, WHAT'S THE SENSE OF  
9 HAVING A LAW IF YOU DON'T ENFORCE IT? WHAT DOES  
10 "DESIST" MEAN?

11 LIKE I SAY, THIS IS -- I ALSO GOT  
12 ANOTHER DOCUMENT THAT SAYS THAT THERE'S 12  
13 FACILITIES IN SUN VALLEY THAT ARE APPLYING FOR  
14 THIS ROTTEN MEAT AND GREASE AND OIL.  
15 LIKE I SAID BEFORE, THERE ARE  
16 PROPER LOCATIONS, REMOTE, AWAY FROM HOMES, THAT  
17 ALL THIS KIND OF STUFF SHOULD BE DONE. RUBBLE,  
18 FAT, EVERYTHING THEY'RE GRINDING UP. IT SHOULDN'T  
19 BE DONE IN SUN VALLEY.

20 WE PAID OUR PRICE. WE PAID 50  
21 YEARS OF IT. AND IT'S GOTTEN WORSE AND EVERY  
22 SINGLE ONE OF THEM ARE ASKING TO DOUBLE AND TRIPLE  
23 THEIR SIZES, ALONG WITH THE TRUCKS THAT GO WITH IT  
24 AND THE CONGESTION THEY CREATE WITH THAT.  
25 AND I BOUGHT MY HOME, LIKE I SAID,

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# TRANSCRIPT OF PROCEEDINGS

<p>1 50 YEARS AGO AND I HAD GREAT EXPECTATIONS. WE HAD  2 BEAUTIFUL MOUNTAINS HERE. WE HAVE AMSTERDAM LAKE,  3 NOT TOO FAR FROM THE FREEWAY TO GO ANYWHERE WE  4 WANT.  5 NOW IT'S TURNED INTO A HELL HOLE.  6 YOU CAN'T EVEN GET IN YOUR CAR AND GO ANYWHERE  7 WITHOUT HITTING A TRAFFIC JAM JUST TWO, THREE  8 BLOCKS FROM YOUR HOME BECAUSE OF ALL THESE GUYS.  9 SO PLEASE, GET ON OUR SIDE.  10 THANK YOU.  11 PANELIST HENSHAW: THANK YOU.  12 MR. LEWIS.  13 MR. LEWIS: GOOD AFTERNOON. MY  14 NAME IS MR. LEWIS. I'M AN ASSOCIATE ENGINEER WITH  15 THE CITY OF LOS ANGELES SOLID RESOURCES SUPPORT  16 SERVICES DIVISION AND I JUST WANT TO COME TO SPEAK  17 ON BEHALF OF COMMUNITY RECYCLING AND THE GREAT  18 WORK THAT THEY DO FOR THE CITY OF LOS ANGELES.  19 THEY ARE ONE OF THREE CONTRACT  20 COMPANIES THAT SUPPLY THE SERVICE OF ACCEPTING AND  21 PROCESSING OUR GREEN WASTE MATERIALS FROM THE  22 RESIDENTIAL COLLECTION PROGRAM. AND I'M THE  23 CONTRACT MANAGER AND PROGRAM MANAGER FOR THESE  24 CONTRACT COMPANIES.  25 TOM AND JOHN HAVE ONLY SHOWN</p> <p style="text-align: right;">38</p>	<p>1 CAN DIVERT OUT OF THE LANDFILLS JUST OF ORGANIC  2 MATERIAL THAT CAN BE USED IN A BENEFICIAL MANNER.  3 SO AGAIN, I'D JUST LIKE TO  4 REITERATE THAT I'D LIKE TO SHOW MY SUPPORT FOR THE  5 GOOD WORK THAT THEY'VE DONE FOR THE CITY OF L.A.  6 I CERTAINLY HOPE THE PANEL TAKES THAT INTO  7 ACCOUNT.  8 THANK YOU.  9 PANELIST HENSHAW: THANK YOU.  10 MR. EICK.  11 MR. EICK: WILLIAM EICK, E-I-C-K.  12 I RESIDE AT 9647 STONEHURST AVENUE, SUN VALLEY,  13 CALIFORNIA AND I'M CURRENTLY PRESIDENT OF THE  14 SHADOW HILLS PROPERTY OWNERS ASSOCIATION.  15 ONE OF THE ISSUES BEFORE YOU IS  16 WHETHER THE L.E.A. SHOULD ENTER INTO A LIMITED  17 INTERIM OPERATING AGREEMENT.  18 I WOULD REQUEST THAT THE BOARD  19 SPECIFICALLY DIRECT THE L.E.A. TO CONSULT WITH AND  20 PROVIDE DRAFTS OF ANY DOCUMENT THEY PROPOSE  21 INTERIM AGREEMENT TO THE COMMUNITY FOR AT LEAST A  22 15-DAY PERIOD IN ORDER TO HAVE IT -- ACTUALLY  23 COMMENT ON IT.  24 THIS IS THE PROBLEM WITH THE  25 AMERICAN WASTE. APPARENTLY, THERE WAS NO SPECIFIC</p> <p style="text-align: right;">40</p>
<p>1 PROFESSIONAL AND VERY RESPONSIBLE CHARGE IN  2 DISCHARGING THEIR DUTIES THEY HAVE AS A CONTRACT  3 COMPANY WITH THE CITY. THEY PROCESS AN AVERAGE OF  4 ABOUT 580 TONS PER DAY OF OUR GREEN WASTE MATERIAL  5 THAT WE BRING TO THEM, TO COMMUNITY RECYCLING.  6 THAT EQUATES OVER 130,000 TONS PER  7 YEAR. THE CONTRACT IS WORTH OVER 5 MILLION  8 DOLLARS OF BUSINESS TO US, BUT ALSO IT'S A VERY  9 INTEGRAL PART OF OUR DIVERSION GOALS OF TAKING THE  10 MATERIAL THAT IS BENEFICIALLY REUSABLE OUT OF THE  11 LANDFILL AND MAKING IT A USABLE PRODUCT.  12 I VISITED THEIR LAMONT FACILITY  13 WHERE THEY TAKE THIS MATERIAL AFTER IT IS  14 TRANSPORTED FROM THE SUN VALLEY LOCATION AND THEY  15 MAKE A GREAT COMPOST MATERIAL THERE. IN FACT,  16 THEY HAVE A RECIPE FOR MAKING SPECIFIC SOIL  17 AMENDMENTS FOR THE VARIOUS FARMING OPERATIONS UP  18 IN THE CENTRAL VALLEY.  19 I BELIEVE THAT IT IS IMPERATIVE FOR  20 OUR FUTURE PLANS THAT WE DIVERT MORE ORGANIC  21 MATERIALS OUT OF THE REFUSE BIN AND INTO OUR GREEN  22 BIN OR INTO OUR RECYCLING PROGRAM; THAT THIS  23 COMMUNITY RECYCLING BE GIVEN THE OPPORTUNITY TO  24 CONTINUE TO OPERATE AND ALSO TO EXPAND, BECAUSE WE  25 DO HAVE OVER ANOTHER THOUSAND TONS PER DAY THAT WE</p> <p style="text-align: right;">39</p>	<p>1 REQUEST, AND THEREFORE, IT DIDN'T HAPPEN. SO I  2 WOULD REQUEST THAT THE BOARD SPECIFICALLY REQUEST  3 THAT THAT HAPPEN AT THIS TIME.  4 THE -- I THINK THAT, YOU KNOW, WHEN  5 THE CITY OF LOS ANGELES STANDS UP AND SAYS, "OH,  6 BY THE WAY, WE RECYCLE 580 TONS A DAY OF GREEN  7 WASTE," AND THAT THE PERMIT IS FOR 1,500, THAT  8 JUST MEANS THAT 900 TONS OF GREEN WASTE COMES FROM  9 SOMEPLACE OTHER THAN THE CITY OF LOS ANGELES, SO  10 IT PROBABLY COMES FROM OTHER CITIES.  11 AND OTHER CITIES DON'T HAVE THESE  12 TRANSFER STATIONS. THEY JUST TRANSFER THEIR TRASH  13 TO L.A. I THINK THAT THAT'S AN INAPPROPRIATE  14 THING.  15 AND ALSO, WHAT'S HAPPENING WITH  16 THESE TRANSFER STATIONS, I THINK ON SOME LEVELS,  17 PEOPLE DON'T SHARE. YOU KNOW, THAT THING IN THE  18 SECOND GRADE WHERE YOU GET THE CHECK MARK, "WORKS  19 WELL WITH OTHERS"?  20 EACH OF THESE COMPANIES ARE  21 PREPARING THEIR OWN TRANSFER STATIONS FOR THEIR  22 OWN USE AND SO YOU -- THE ECONOMIES OF SCALE ARE  23 NOT THERE. AND I'M NOT SURE THAT THEY ALLOW  24 ANYBODY ELSE'S COMPANIES TO USE THEIR TRANSFER  25 STATIONS AND SO, THEREFORE, EVERYONE WANTS TO</p> <p style="text-align: right;">41</p>

# TRANSCRIPT OF PROCEEDINGS

1 BUILD THE BIGGEST, BEST, FASTEST, LARGEST TRANSFER  
2 STATION THAT THEY CAN AND SO YOU'RE ENDING UP WITH  
3 THIS PROLIFERATION OF FACILITIES.  
4 ALSO, I AGREE WITH THE SPEAKER WHO  
5 TALKED ABOUT THE ISSUE OF THE STIPULATED JUDGMENT  
6 THAT SAID THAT THEY WOULD ENCLOSE THE  
7 CONSTRUCTION/DEMOLITION MATERIAL.  
8 IT'S THE SAME PROBLEM AS WITH  
9 AMERICAN WASTE. THEY HAVE A STIP- -- THERE'S A  
10 STIPULATED JUDGMENT THAT'S BEEN ON THE BOOKS FOR,  
11 I DON'T KNOW, AN EXTENDED PERIOD OF TIME, OVER A  
12 YEAR, AND NOBODY'S DONE ANYTHING ABOUT IT.  
13 WHY DO YOU HAVE JUDGMENTS? WHY DO  
14 YOU HAVE LAWS? WHY DO YOU HAVE RULES IF YOU'RE  
15 NOT GOING TO ENFORCE THEM? THESE ARE THINGS THAT  
16 NEED TO BE DONE.  
17 IT'S VERY -- ALSO, I MUST ADD  
18 BECAUSE I WAS TOLD THAT I SHOULD PROBABLY AT LEAST  
19 MAKE EVERYBODY AWARE OF THIS: THERE ARE PROBLEMS  
20 IN THE AREA IN TERMS OF SUBSONIC SOUND. MY  
21 WINDOWS RATTLE AND MY DOORS RATTLE DURING -- YOU  
22 KNOW, UP TO 10:00 O'CLOCK AT NIGHT, STARTING, YOU  
23 KNOW, 6:00, 7:00 O'CLOCK IN THE MORNING.  
24 AND WHAT'S HAPPENING IS BECAUSE OF  
25 THE COMPRESSION -- I MEAN, I'M GOING TO HAVE TO

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1 HIRE MY OWN ACOUSTICAL ENGINEER FOR 4,000 DOLLARS  
2 TO FIND OUT WHICH, IF NOT ALL, OF THESE FACILITIES  
3 ARE DOING THIS TO ME.  
4 MY NEIGHBOR SAID SHE WAS ABLE TO  
5 SOLVE THE PROBLEM. I SAID, "OH, HOW'S THAT?"  
6 SHE SAID, "I REPLACED ALL MY  
7 WINDOWS."  
8 THAT'S NOT WORKING FOR ME. IT'S  
9 NOT JUST, "OH, BY THE WAY, THIS IS FOUR MILES  
10 AWAY." THESE THINGS HAVE ACTUAL IMPACT. I  
11 PURCHASED OVER 250 DOLLARS' WORTH OF DE-CON TO GET  
12 RID OF THE RATS THAT RUN UP AND DOWN THE FLOOD  
13 CONTROL CHANNEL DIRECTLY FROM SOME OF THESE WASTE  
14 CYCLING FACILITIES BECAUSE THEY JUST USE IT AS A  
15 SUPERHIGHWAY.  
16 THIS IS NOT JUST SOME SORT OF AN  
17 "OH, GOSH, NOT IN MY BACKYARD." I JUST DON'T WANT  
18 EVERYONE ELSE'S BACKYARD IN MY BACKYARD. I DON'T  
19 WANT THE PEOPLE FROM CITIES NOT IN THE CITY OF  
20 LOS ANGELES TO BE DUMPING THEIR TRASH AT MY HOUSE.  
21 THAT'S NOT FAIR. THAT'S NOT RIGHT.  
22 THANK YOU.  
23 OH, ALSO, WE SHOULD ALSO HAVE  
24 COPIES -- I WOULD LIKE TO BE -- SPECIFICALLY HAVE  
25 THEM PUT -- COMMUNITY RECYCLING PUT EVERYBODY'S

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1 NAME ON LIST WHO SIGNED UP TO SPEAK EITHER ON THIS  
2 HEARING OR THE AMERICAN WASTE HEARING TO BE PUT ON  
3 SOME SORT OF A MAILING LIST SO THAT WE CAN  
4 SPECIFICALLY OBTAIN THE APPROPRIATE INFORMATION,  
5 KIND OF LIKE THE AMERICAN WASTE THING, WHERE AT  
6 LEAST IT'S ONLINE SO THAT THESE THINGS CAN AT  
7 LEAST BE AVAILABLE TO THE PUBLIC.  
8 THANK YOU.  
9 PANELIST HENSHAW: THANK YOU.  
10 MS. DESPRES.  
11 MS. DESPRES: HI. MY NAME IS  
12 CYNTHIA DESPRES. I LIVE IN SHADOW HILLS. I LIVE  
13 ABOUT TWO MILES FROM COMMUNITY RECYCLING. I'M  
14 ALSO PRESIDENT OF THE EAST VALLEY COALITION.  
15 I HAVE BEEN INVOLVED IN NUMEROUS  
16 PROPOSALS FOR EXPANSIONS FOR THE VARIOUS  
17 INDUSTRIES IN THE AREA AND I'VE ALWAYS REQUESTED  
18 TO BE PUT ON MAILING LISTS, BUT I DIDN'T KNOW  
19 ABOUT THIS HEARING. I FOUND OUT THROUGH SOMEONE  
20 ELSE YESTERDAY.  
21 SO THE COMMUNICATION FOR THESE VERY  
22 IMPORTANT DECISIONS -- IT'S VERY IMPORTANT TO THE  
23 COMMUNITY AND WE ARE NEVER, EVER ADEQUATELY  
24 INFORMED OR COMMUNICATED TO AND THAT HAS TO STOP.  
25 WE'RE VERY CONCERNED WITH THE WASTE

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1 INDUSTRIES THAT HAVE PERMITS BECAUSE THEY'RE NOT  
2 ADEQUATELY MONITORED AND REGULATED AND WE SUFFER  
3 THE IMPACTS.  
4 SO THE IDEA THAT A BUSINESS OF THE  
5 SIZE, THE SHEER VOLUME OF TRASH THAT COMMUNITY  
6 RECYCLING TAKES IN, THAT THEY WOULD BE ALLOWED TO  
7 OPERATE WITHOUT A PERMIT IS INCREDIBLE. I FIND  
8 THAT TO BE THE MOST UNRESPONSIBLE WAY TO MANAGE A  
9 COMMUNITY, TO ALLOW A BUSINESS LIKE THIS TO  
10 OPERATE WITHOUT A PERMIT.  
11 I THINK THE CEASE AND DESIST ORDER  
12 IS A VALID TOOL FOR THE L.E.A. I THINK WITHOUT A  
13 PERMIT, WITHOUT A VALID PERMIT, REGULATIONS AND  
14 STIPULATIONS ARE NOT ADEQUATELY DEFINED AND  
15 ENFORCED. I THINK IN THE END IT WOULD BE THE  
16 COMMUNITY THAT WOULD SUFFER.  
17 I THINK THE PRACTICES THAT THEY'RE  
18 OPERATING WITH NOW ARE SUBSTANDARD AND OUTDATED.  
19 I THINK THEY SHOULD BE -- THEY'VE HAD ADEQUATE  
20 TIME TO COMPLY TO THIS. IT WASN'T AS IF THEY WERE  
21 TOLD JUST A FEW MONTHS AGO. THEY'VE HAD YEARS TO  
22 COMPLY TO THIS.  
23 THEY ALSO HAD ANOTHER OPTION WHICH  
24 THEY COULD HAVE OPERATED BY. YOU GIVE THEM A  
25 TEMPORARY SOLUTION -- I DON'T HAVE THE WORDING

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# TRANSCRIPT OF PROCEEDINGS

1 HERE -- A TEMPORARY REGISTRATION PERMIT. YOU GIVE  
2 THEM THIS OPTION. THEY CHOSE TO GO WITH A --  
3 CONTINUE TO PURSUE A LARGE VOLUME PROCESSING --  
4 LARGE VOLUME TRANSFER PROCESSING PERMIT, SO THAT  
5 IS WHAT THEY SHOULD BE HELD ACCOUNTABLE TO.  
6 THEY -- ALSO, NEXT TO THE BRADLEY  
7 LANDFILL, THEY HAVE RECEIVED THE MOST COMPLAINTS  
8 FOR NUISANCE ODORS, SO TO ALLOW THEM TO CONTINUE  
9 OPERATING IN THEIR CURRENT MANNER, IT, AGAIN,  
10 IMPACTS THE COMMUNITY; IT AFFECTS THE HEALTH AND  
11 WELL-BEING OF OUR COMMUNITY.  
12 I KNOW THAT ALL OF YOU HAVE  
13 PROBABLY PASSED THROUGH THE COMMUNITY, BUT I KNOW  
14 THAT NONE OF YOU LIVE THERE. AND AS A RESIDENT,  
15 IT'S JUST NOT THE WAY TO LIVE. IT'S -- I FEEL  
16 SORRY FOR MY FAMILY, MY NEIGHBORS' FAMILIES, AND  
17 JUST THAT THE GOVERNMENT WOULD ALLOW BUSINESSES TO  
18 OPERATE THAT WAY.  
19 THANK YOU.  
20 PANELIST HENSHAW: THANK YOU.  
21 IS THAT IT FOR THE PUBLIC SPEAKING?  
22 DID I MISS ANYBODY?  
23 \* OKAY. THE PARTIES WILL RETURN TO  
24 THE TABLE.  
25 GLEN, DO YOU HAVE SOME QUESTIONS?

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1 PANELIST DAKE: MR. TSUDA, IN YOUR  
2 CHRONOLOGY OF THE FACTS AND EVENTS, YOU HAVE THE  
3 REQUEST FROM THE LOCAL ENFORCEMENT AGENCY UNDER  
4 ITEM 1, WHERE YOU HAVE A, B, C, D AND E. ARE  
5 THESE STILL THE ITEMS THAT YOU THINK YOU REQUESTED  
6 OF THIS PANEL?  
7 MR. TSUDA: YES. WE'RE ASKING THAT  
8 THE PANEL CONSIDER A CONTINUANCE TO ALLOW THE  
9 L.E.A. AND COMMUNITY TO DEVELOP AN INTERIM  
10 OPERATING AGREEMENT.  
11 AND THIS INTERIM OPERATING  
12 AGREEMENT WOULD BE IN PLACE DURING THE TIME THAT  
13 THEY ARE PURSUING THEIR C.E.Q.A. THAT WOULD  
14 COMPLETE THEIR SOLID WASTE FACILITY APPLICATION.  
15 WE HAVE MET WITH COMMUNITY  
16 RECYCLING AND BEGUN THOSE DISCUSSIONS ABOUT WHAT  
17 CONDITIONS SHOULD BE IN PLACE AND WE WOULD LIKE TO  
18 INDICATE THAT WE ARE ESTABLISHING CONDITIONS THAT  
19 WE THINK ARE REASONABLE AND ACTUALLY MORE STRICT  
20 THAN WHAT THEY ARE CURRENTLY DOING.  
21 SO IN PRINCIPLE, WE AGREE TO THAT,  
22 BUT I THINK WE NEED THE TIME TO FULLY FLESH THAT  
23 OUT. AND SO WE WOULD BE ASKING FOR A CONTINUANCE,  
24 AND WHILE THE CONTINUANCE IS GRANTED, A STAY WOULD  
25 BE GRANTED, BUT WE WOULD WORK VERY QUICKLY TO

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1 DRAFT AN INTERIM OPERATING AGREEMENT THAT YOU  
2 COULD REVIEW AND APPROVE.  
3 SO THAT WOULD BE OUR  
4 RECOMMENDATION.  
5 PANELIST DAKE: FROM WHAT THE --  
6 MR. GAINES HAS SAID, IT SOUNDED LIKE THEY  
7 CHARACTERIZED THAT THEY HAVE -- YOU HAVE A  
8 RELATIVELY PERMISSIVE LAND USE, AND SO YOUR  
9 APPROVAL PROCESS, ALTHOUGH ARDUOUS, DOES NOT  
10 PROVIDE YOUR REGULATING AGENCIES WITH A HUGE  
11 AMOUNT OF LEVERAGE.  
12 SO I MYSELF WOULD BE LOOKING FOR A  
13 BETTER THAN MINIMUM RESPONSE TO THE CONCERNS FROM  
14 THE NEIGHBORS EXPRESSED HERE TODAY IF THIS PANEL  
15 CHOOSES TO FORBEAR THE CEASE AND DESIST ORDER ON  
16 IMMEDIATELY CEASING THE RECEIVING AND PROCESSING  
17 OF MIXED WASTE.  
18 DOES THAT SEEM LIKE A REASONABLE  
19 THING TO YOU?  
20 MR. GAINES: WHAT DO YOU MEAN BY --  
21 IT WAS UNCLEAR TO ME WHAT YOU MEAN BY "MORE THAN  
22 MINIMAL."  
23 PANELIST DAKE: WELL, SINCE YOU'RE  
24 IN THIS VERY PERMISSIVE ZONE, I THINK YOUR  
25 NEIGHBORS ARE ASKING FOR MORE THAN YOUR LAND USE

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1 ZONING WOULD DEMAND OF YOU. AND I WANT TO KNOW IF  
2 THERE'S -- IF THAT'S A REASONABLE THING FOR THEM  
3 TO EXPECT.  
4 MR. GAINES: I THINK THE ANSWER IS  
5 YES. I THINK WHAT'S REASONABLE TO EXPECT IS FOR  
6 US TO DO EVERYTHING WE CAN TO MITIGATE THE IMPACTS  
7 OF THE OPERATION TO LESS THAN SIGNIFICANT LEVELS,  
8 WHERE POSSIBLE. THAT'S WHAT C.E.Q.A. REQUIRES AND  
9 THAT'S WHAT WE'RE TRYING TO DO.  
10 THE PROGRAM THAT WE'VE COME UP  
11 WITH, AND WE CAME UP WITH IT NOT JUST POLITICALLY,  
12 BUT BASED ON THE BEST SCIENCE WE COULD, USING AIR  
13 QUALITY DISTRICT -- AND WE BROUGHT IN OUR OWN  
14 PERSON TO DEAL WITH THIS, IS TO BUILD THIS  
15 STRUCTURE OVER THE AREA THAT INCLUDES THE GREEN  
16 WASTE, THE TRIM AND CULL AND THE WOOD WASTE.  
17 THOSE ARE THE AREAS THAT TEND TO  
18 HAVE MOISTURE IN THEM AND TEND TO HAVE MORE OF THE  
19 ODOR TYPE OF ISSUES.  
20 FOR THE CONSTRUCTION AND DEMOLITION  
21 DEBRIS, WE CURRENTLY -- IT'S IN AN AREA THAT HAS  
22 TWO LARGE WALLS NEXT TO IT. WE'RE GOING TO REDO  
23 THE WALLS, BUT WE'RE GOING TO PUT A ROOF ON IT.  
24 SO THAT AREA IS GOING TO GET AN OVERHANG TO  
25 SOMEWHAT OF A THREE-SIDED STRUCTURE IN THE AREA

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# TRANSCRIPT OF PROCEEDINGS

1 WHERE THE CONSTRUCTION AND DEMOLITION IS DONE.  
2 THAT PARTICULAR OPERATION IS NOT  
3 GOING TO BE IN A FULLY ENCLOSED BUILDING. AND  
4 THEN WE'RE REDOING THE WALLS ALL AROUND IT.  
5 AS I'VE SAID, WE'VE IMPLEMENTED  
6 ALREADY ABOUT 25 DIFFERENT ITEMS. AND I HAVE THEM  
7 FOR THE BOARD, IF THEY'D LIKE TO SEE THEM.  
8 THEY'RE INCLUDED IN THE AIR QUALITY MANAGEMENT  
9 DISTRICT AND ALSO IN THE CITY ATTORNEY STIPULATED  
10 JUDGMENT.  
11 HAVE TO DO WITH HOURS OF OPERATION,  
12 THE AMOUNT OF TIME -- FOR EXAMPLE, WE HAVE --  
13 JOHN, THE EXACT AMOUNT OF TIME THAT  
14 MATERIALS CAN SIT, IS IT 48 HOURS?  
15 MR. RICHARDSON: 48 HOURS.  
16 MR. GAINES: I KNOW IT CAME UP IN  
17 THE LAST CASE: PROCESSING AT CERTAIN HOURS OF THE  
18 DAY AND NOT AT OTHER HOURS OF THE DAY. SO THOSE  
19 THINGS HAVE BEEN IMPLEMENTED.  
20 THOSE ARE NOT -- THOSE ARE THINGS  
21 THAT WE'VE TRIED TO WORK OUT MINIMIZE THE  
22 MITIGATION.  
23 SO I THINK THE ANSWER IS YES TO  
24 WHAT YOU'RE SAYING.  
25 SPECIFICALLY, HERE'S THE APPROVALS

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1 WE NEED: WE NEED A PERMIT FOR THE RECYCLING  
2 ACTIVITIES. WE NEED A SITE PLAN REVIEW FOR THIS  
3 BUILDING AND WE NEED A PARKING VARIANCE, BECAUSE  
4 UNDER THE BUILDING CODE, YOU BUILD A 90,000 SQUARE  
5 FOOT BUILDING, THEY SAID YOU NEED 72 PARKING  
6 SPACES. WE HAVE FIVE PEOPLE THAT WORK IN THE  
7 BUILDING, SO WE'RE ASKING FOR THEM TO REDUCE THE  
8 PARKING.  
9 THOSE ARE THE ACTUAL APPROVALS THAT  
10 ARE IN OUR PROJECT DESCRIPTION FOR THE E.I.R., IS  
11 THE REVISED SOLID WASTE PERMIT TO INCLUDE THE  
12 RECYCLE MATERIALS. IT WILL BE COMBINED SO THE  
13 WHOLE SITE WILL HAVE ONE PERMIT, INCLUDING THE  
14 FRONT PART WITH THE SOLID WASTE, THE BACK PART  
15 WITH THE RECYCLING. THE SITE PLAN WILL BE FOR THE  
16 NEW BUILDING AND THE VARIANCE.  
17 THOSE ARE THE ACTUAL DISCRETIONARY  
18 APPROVALS THAT WE'RE SEEKING.  
19 PANELIST DAKE: OKAY. SO MY  
20 FEELING IS THAT, MEMBERS, OUR ACTIONS SHOULD BE  
21 MOTIVATION FOR -- AS I SAID, FOR THEM TO CREATE  
22 MITIGATION THAT EXCEEDS THEIR LAND USE  
23 REQUIREMENTS, PARTICULARLY WITH RESPECT TO THE  
24 ITEMS THAT ARE ARTICULATED IN THE STIPULATED  
25 JUDGMENT THAT THEY'VE ALREADY AGREED TO.

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1 PANELIST HENSHAW: OKAY.  
2 SHARON.  
3 PANELIST TSO: IF THE PANEL WERE TO  
4 GRANT A STAY WHILE YOU GUYS ARE WORKING OUT THIS  
5 OPERATING AGREEMENT, WHAT WOULD BE THE BASELINE  
6 THAT THEY WOULD BE CONTINUING TO OPERATE UNDER IN  
7 TERMS OF THE TONNAGE AND OPERATIONS AT THIS POINT,  
8 BECAUSE IT WOULD TAKE SOME TIME; RIGHT?  
9 MR. TSUDA: YES.  
10 PANELIST TSO: SO WHAT WOULD BE THE  
11 BASELINE DURING THIS -- THAT INTERIM PERIOD?  
12 MR. TSUDA: WELL, FIRST OF ALL, I  
13 THINK THAT THE TIME IT WOULD TAKE US TO DEVELOP AN  
14 INTERIM OPERATING AGREEMENT WOULD BE LESS THAN 45  
15 DAYS, PROBABLY LESS THAN 30 DAYS.  
16 WE'VE MADE GOOD PROGRESS ON  
17 DISCUSSIONS INTERNALLY ABOUT WHAT THAT AGREEMENT  
18 SHOULD CAPTURE AND THAT WOULD GO INTO THE TONNAGE,  
19 AND NOT ONLY THE TONNAGE, BUT THE TYPES OF  
20 MATERIAL CLASSIFIED UNDER THOSE TONNAGES.  
21 AND WE'VE ALSO TALKED ABOUT  
22 RESTRICTING THE AMOUNT OF CONTAMINATION COMING IN,  
23 THE CONSTRUCTION/DEMO WASTE, CHANGING THEIR FOOD  
24 WASTE PROGRAM TO EXCLUDE ANYTHING EXCEPT TRIM AND  
25 CULLS.

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1 WE WANTED TO DO FURTHER RESEARCH ON  
2 THE CLAIM THAT THE CARDBOARD BOXES BEING GROUND UP  
3 AS COMPOST ARE TRULY COMPOSTABLE.  
4 SO IN ANSWER TO YOUR QUESTION, WE  
5 WOULD BE RESTRICTING THEIR TONNAGE TO THE NUMBERS  
6 THAT I INDICATED EARLIER: 1,200 TONS A DAY OF  
7 C.D.I., 1,500 TONS OF GREEN WASTE, 150 TONS OF  
8 WOOD WASTE AND 300 TONS PER DAY OF FOOD WASTE.  
9 BUT THERE WOULD BE SOME  
10 RESTRICTIONS IN THOSE CATEGORIES AS TO WHAT THEY  
11 COULD ACCEPT AND/OR MUST REJECT IF CONTAMINATION  
12 LEVELS ARE EXCEEDED.  
13 PANELIST TSO: ONE MORE TIME. I  
14 WANT TO BE CLEAR IN TERMS OF THIS INTERIM PERIOD  
15 IN TERMS OF THE MAXIMUM TONNAGE THAT WOULD BE  
16 ALLOWED FOR THOSE DIFFERENT STREAMS OF WASTE.  
17 MR. TSUDA: CONSTRUCTION/DEMO,  
18 1,200; GREEN WASTE, 1,500; WOOD WASTE, 150; AND  
19 FOOD WASTE, 300 PER DAY.  
20 PANELIST TSO: AND IS THAT WHAT THE  
21 BASELINE HAS BEEN DURING THIS PERIOD OF TIME?  
22 MR. TSUDA: I BELIEVE SO, YES.  
23 PANELIST TSO: IS THAT CORRECT?  
24 MR. RICHARDSON: I BELIEVE THAT'S  
25 ABOUT OUR AVERAGE RECEIVING. I WAS GOING TO SAY

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# TRANSCRIPT OF PROCEEDINGS

<p>1 WE'RE NOT GOING TO TAKE IN ANY ADDITIONAL 2 MATERIALS.</p> <p>3 PANELIST TSO: AND WAS THAT THE 4 BASELINE EVEN UP TO A COUPLE OF YEARS AGO, THREE 5 YEARS AGO, OR IS THIS AN INCREASED BASE? 6 I'LL TELL YOU WHAT MY CONCERN IS. 7 MY CONCERN IS WHETHER THAT NUMBER HAS GROWN AND 8 WHETHER THE HIGHER NUMBER WOULD BE USED FOR THE 9 BASIS OF THIS INTERIM OPERATING AGREEMENT.</p> <p>10 MR. RICHARDSON: NO. THAT'S WHAT 11 OUR AVERAGE HAS BEEN FOR THE LAST SEVERAL YEARS.</p> <p>12 PANELIST TSO: OKAY.</p> <p>13 MR. GAINES: IF YOU GO BACK TO THE 14 APPLICATION WE MADE IMMEDIATELY AFTER THE 15 REGULATIONS WENT INTO EFFECT, THOSE ARE THE 16 NUMBERS YOU'LL SEE.</p> <p>17 JUST AS PROOF OF THAT, WHAT EXISTED 18 WHEN WE WERE DOING IT LEGALLY WITHOUT A PERMIT, 19 THAT'S -- WHEN WE MADE THOSE APPLICATIONS BACK IN 20 2002, THOSE ARE THE EXACT NUMBERS THAT YOU WOULD 21 FIND IN THOSE MATERIALS, SAYING THAT'S WHAT WE DO 22 AT THAT TIME.</p> <p>23 * NOW, YOU KNOW, THE APPLICATION 24 WE'VE MADE IS TO ASK FOR MORE IN A PERMIT, BUT THE 25 LIMITATION IS GOING TO BE SET TO WHAT WE WERE</p> <p>54</p>	<p>1 YOU'RE SETTING AN AGENDA AND LISTENING TO -- YOU 2 KNOW, A MORE AGGRESSIVE OUTREACH PROGRAM THAT'S 3 VERY SPECIFIC TO THE COMMUNITY?</p> <p>4 MR. GAINES: WE WOULD BE MORE THAN 5 WILLING TO DO THAT.</p> <p>6 HERE'S WHAT WE HAVE DONE. WE HAVE 7 HAD A NUMBER OF HEARINGS RELATED TO THE AIR 8 QUALITY MANAGEMENT DISTRICT OVER THE LAST COUPLE 9 YEARS, INCLUDING A VERY LARGE PUBLIC MEETING THAT 10 WAS HELD IN SUN VALLEY AT ONE OF THE LOCAL 11 SCHOOLS.</p> <p>12 WHAT WE DID WHEN WE FILED THIS 13 APPLICATION LAST SUMMER, WHEN WE FILED THE 14 ENVIRONMENTAL ASSESSMENT FORM AND THE APPLICATION 15 FORM FOR THESE PERMITS THAT I JUST OUTLINED, IS WE 16 WENT TO THE SUN VALLEY AREA NEIGHBORHOOD COUNCIL; 17 WE PROVIDED THEM COPIES WITH ALL THE MATERIALS; WE 18 MADE A PRESENTATION SHOWING WHAT THE BUILDING WAS 19 GOING TO LOOK LIKE, EXPLAINING WHAT THE PROCESS 20 WOULD BE.</p> <p>21 IT WAS FELT -- WE ASKED, CAN WE BE 22 ON THE AGENDA? THEY SAID COME DURING THE PUBLIC 23 COMMENT, SO WE CAME. BUT WE MADE ABOUT A 24 HALF-HOUR PRESENTATION; THERE WERE QUESTIONS AND 25 ANSWERS.</p> <p>56</p>
<p>1 DOING WHEN THE REGULATIONS CAME INTO EFFECT.</p> <p>2 PANELIST HENSHAW: IN THE PUBLIC 3 COMMENTS, I GOT THE IMPRESSION THERE HASN'T BEEN A 4 COMMUNITY OUTREACH MEETING SPECIFICALLY PUT ON BY 5 THE OPERATOR. IS THAT TRUE?</p> <p>6 MR. RICHARDSON: THAT'S TRUE.</p> <p>7 PANELIST HENSHAW: ARE YOU PLANNING 8 ON DOING SOME COMMUNITY OUTREACH MEETINGS BESIDES 9 WHAT'S REQUIRED IN C.E.Q.A., BUT BEYOND THAT 10 REQUIREMENT?</p> <p>11 MR. RICHARDSON: YES. WE'RE -- 12 WHAT WE'D LIKE TO DO IS WE HAVE INVITED SOME OF 13 THE MEMBERS OF THE EAST VALLEY COALITION, JERRY 14 PIRO IN PARTICULAR, TO COME BY AND TAKE A TOUR OF 15 THE FACILITY IN THE PAST, SO WE CERTAINLY 16 WELCOME --</p> <p>17 WE WILL BE GOING BACK BEFORE THE 18 SUN VALLEY NEIGHBORHOOD COUNCIL AND WE'LL BE 19 MAKING THEM THE SAME OFFER TO COME TAKE A TOUR AND 20 WHATEVER MEMBERS OF THE COMMUNITY WOULD LIKE TO 21 ATTEND AS WELL, TO COME TAKE A TOUR OF THE 22 FACILITY AND TO OFFER THEIR COMMENTS.</p> <p>23 PANELIST HENSHAW: OKAY. SO 24 BASICALLY, YOU'RE OFFERING THEM TO COME AND TOUR 25 THE FACILITY, BUT YOU'RE NOT DOING A MEETING WHERE</p> <p>55</p>	<p>1 THEY RESPONDED BY SAYING THEY 2 WANTED TO DO AN E.I.R.; THEY WANTED US TO DO AN 3 E.I.R. AND WE THEN MOVED FORWARD TO VOLUNTEER TO 4 DO AN E.I.R. WE HIRED AN E.I.R. CONSULTANT.</p> <p>5 THE DETERMINATION THAT WE NEEDED AN 6 E.I.R. IN THIS CASE DID NOT COME FROM THE CITY 7 PLANNING DEPARTMENT. IT WAS REQUESTED; WE SAID 8 YES, WE'LL DO IT.</p> <p>9 SO NOW WE'RE AT THE POINT WHERE A 10 NOTICE OF PREPARATION HAS BEEN DONE. WE'RE GOING 11 TO GO BACK TO THE -- WE WERE USING THE SUN VALLEY 12 AREA NEIGHBORHOOD COUNCIL AS OUR GROUP.</p> <p>13 WE'RE HAPPY TO MEET WITH ANY OF THE 14 GROUPS, BUT WE WERE GOING TO TRY TO USE THAT AS AN 15 OFFICIAL PLACE WHERE WE CAN GO FOR A SCOPING 16 MEETING FOR THE E.I.R. AND PROVIDE INFORMATION 17 THROUGH THAT GROUP.</p> <p>18 THAT WAS OUR INTENT. IF THE PANEL 19 OR THE CITY THOUGHT IT WOULD -- OR THE COUNCIL 20 OFFICE WERE TO SUGGEST TO US THEY WANT A SEPARATE 21 MEETING, WE'D BE HAPPY TO DO A SEPARATE MEETING. 22 BUT THAT'S WHAT WE'VE DONE SO FAR.</p> <p>23 PANELIST HENSHAW: OKAY.</p> <p>24 SPEAKER: WHY NOT BOTH?</p> <p>25 MR. GAINES: OR BOTH? WE WILL DO</p> <p>57</p>

# TRANSCRIPT OF PROCEEDINGS

1 AS MANY -- I HATE TO SAY THIS. WE WILL DO -- WE  
2 CERTAINLY WOULD MEET WITH THE AREA -- THE  
3 NEIGHBORHOOD -- WITH THE --  
4 WE WANT TO MEET WITH THE  
5 NEIGHBORHOOD COUNCIL, WHICH WAS THE GROUP THAT THE  
6 COUNCIL OFFICE IDENTIFIED AS THE PRIMARY GROUP  
7 THEY WANTED US TO DEAL WITH, BUT THAT WAS NOT  
8 EXCLUSIVE. WE'RE HAPPY TO MEET WITH OTHER GROUPS  
9 AS WELL AND WE WILL ALSO HOST A MEETING, IF THAT'S  
10 SOMETHING THAT SOMEONE WOULD WANT.  
11 I DON'T KNOW WHO YELLED THAT OUT,  
12 BUT I'M HAPPY TO ASK THEM WHAT KIND OF MEETING  
13 THEY WANT TO HAVE.  
14 PANELIST HENSHAW: WAYNE, I WAS --  
15 OR -- I'M LOOKING AT WHAT THE -- ON PAGE 14, THE  
16 A, B, C THAT YOU WERE TALKING ABOUT, SOME OF THE  
17 REQUESTS FOR TODAY.  
18 I HAVE A QUESTION ABOUT C, THE  
19 LIMITATIONS THAT WOULD BE KIND OF THE BASELINE IN  
20 THIS INTERIM AGREEMENT.  
21 MY QUESTION HERE IS, AS THE DOLLARS  
22 OF THE VOLUMES [UNINTELLIGIBLE], DO EACH OF THESE  
23 ACTIVITIES AT THIS TIME, IF THEY WERE PUT IN  
24 PLACE, DO THEY REQUIRE A FULL SOLID WASTE FACILITY  
25 PERMIT OR A REGISTRATION PERMIT? ARE ANY OF THESE

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1 DEFINITION, FOOD WASTE, IS -- WOULD NEED A FULL  
2 SOLID WASTE FACILITY PERMIT.  
3 PANELIST HENSHAW: BUT UNDER C, THE  
4 LIMITATIONS YOU PUT IN HERE: "LESS THAN 1  
5 PERCENT, SOURCE-SEPARATED" -- THOSE STILL NEED  
6 SOLID WASTE PERMITS? OR ARE ANY OF THOSE  
7 REGISTRATION PERMIT REQUIREMENTS?  
8 MR. THOMPSON: I BELIEVE IF THEY  
9 MET THOSE REQUIREMENTS, THEY WOULD NOT NEED A --  
10 THE TRANSFER STATION SOLID WASTE FACILITY PERMIT.  
11 THEY WOULD BE ABLE TO DO -- EITHER GO FOR THE  
12 GREEN MATERIAL, MULCHING, CHIP AND GRIND TYPE  
13 PERMIT. THERE WOULD BE A C & D PERMIT.  
14 ONE OF THE THINGS THAT WE WANT TO  
15 SEE FOR THE SITE, INSTEAD OF HAVING SEVERAL  
16 DIFFERENT PERMITS ON SITE AND THEN GETTING INTO  
17 THE PROBLEMS OF WHERE'S THIS MATERIAL GOING, IF  
18 IT'S GOING FROM ONE OPERATION TO THE OTHER, WE  
19 WANT TO HAVE A MASTER PERMIT FOR THE ENTIRE SITE  
20 SO ALL OPERATIONS WOULD BE ADDRESSED UNDER ONE  
21 SINGLE PERMIT.  
22 PANELIST HENSHAW: YEAH. I  
23 UNDERSTAND THAT WOULD BE THE LONG-TERM GOAL, BUT I  
24 WAS WONDERING IN THE INTERIM IF ANY OF THESE  
25 OPERATIONS COULD GO FOR A REGISTRATION PERMIT.

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1 EXEMPT FROM PERMITTING IN THESE KIND OF  
2 CONSTRAINTS?  
3 AND WE CAN START WITH THE SORE  
4 SUBJECT, CLEAN GREEN, THE LESS THAN 1 PERCENT.  
5 THE VOLUMES WE'RE TALKING ABOUT -- WHAT KIND OF  
6 PERMIT ARE YOU LOOKING AT?  
7 MR. THOMPSON: THIS IS PART OF THE  
8 REASONS FOR THE CEASE AND DESIST AT THIS TIME, WAS  
9 A LOT OF THESE ACTIVITIES THAT WERE TAKING PLACE  
10 IN THE BACK AREA, THE GREEN WASTE, THE C & D, THE  
11 WOOD WASTE AND THE PRODUCE TRIM AND CULL -- THE  
12 GREEN WASTE COMING IN FROM THE CITY HAD, I THINK,  
13 ABOUT A 5 PERCENT CONTAMINATION LEVEL, WHICH MAKES  
14 IT NOT QUALIFIED FOR -- AS A CLEAN GREEN FACILITY,  
15 SO THAT WOULD NEED A SOLID WASTE FACILITY PERMIT.  
16 THE C & D MATERIAL, THEY WERE  
17 TAKING MATERIAL FROM STREET MAINTENANCE YARDS, NOT  
18 COMING FROM A SOURCE-SEPARATED TYPE OF WASTE  
19 STREAM. SO THAT WOULD NEED A FULL SOLID WASTE  
20 FACILITY PERMIT.  
21 THE WOOD WASTE OPERATIONS, SOME OF  
22 THE LOADS COMING IN WERE ABOVE 1 PERCENT  
23 CONTAMINATION LEVEL, ALSO NEEDING A SOLID WASTE  
24 FACILITY PERMIT.  
25 AND THE TRIM AND CULL, BY

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1 AND THE REASON I SAY THAT IS BECAUSE IT'S  
2 [UNINTELLIGIBLE].  
3 MR. THOMPSON: AT THIS TIME, NO.  
4 PANELIST HENSHAW: EVEN IN THESE,  
5 CONDITIONS?  
6 MR. THOMPSON: I DON'T THINK THEY  
7 COULD MEET THESE.  
8 PANELIST HENSHAW: [UNINTELLIGIBLE].  
9 YOU'RE TALKING ABOUT CHIPPING AND GRINDING. THAT  
10 COULD GO A REGISTRATION PERMIT; CORRECT?  
11 MR. THOMPSON: I DO NOT THINK SO AT  
12 THAT --  
13 PANELIST HENSHAW: AT THEIR LEVEL?  
14 YOU'RE RIGHT. IF IT WAS 500 TONS, YOU'RE RIGHT.  
15 I'M JUST TRYING TO DETERMINE IF  
16 THERE'S A DIFFERENT KIND OF LEVEL WE CAN REACH  
17 WHERE IT'S MORE OF A REGISTRATION PROCESS, RATHER  
18 THAN A FULL PERMIT PROCESS IN THE INTERIM BECAUSE,  
19 ACCORDING TO THE WASTE BOARD REGULATIONS, THOSE  
20 HAVE LESS PUBLIC IMPACT, SO I WAS JUST THROWING IT  
21 OUT.  
22 ANY MORE QUESTIONS? DO YOU HAVE  
23 ANYTHING TO ADD?  
24 MR. TSUDA: JUST LIKE TO ADD THAT  
25 WE ARE CONDUCTING BIWEEKLY INSPECTIONS IN THE

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# TRANSCRIPT OF PROCEEDINGS

<p>1 AREA.</p> <p>2 PANELIST HENSHAW: BIWEEKLY OR</p> <p>3 BIMONTHLY?</p> <p>4 MR. TSUDA: I'M SORRY. EVERY OTHER</p> <p>5 WEEK. TWICE MONTHLY. WE HAVE HAD VIOLATIONS</p> <p>6 NOTED IN OUR INSPECTION REPORTS FOR VECTOR</p> <p>7 ACTIVITY AND A COUPLE OF CASES OF SCAVAGING, WHERE</p> <p>8 IT APPEARED AS THOUGH SOME EMPLOYEES -- PROBABLY</p> <p>9 UNAUTHORIZED SCAVAGING, WHERE THEY'VE SET</p> <p>10 MATERIALS ASIDE TO TAKE HOME PRESUMABLY. BUT THAT</p> <p>11 IS NOT ALLOWED AND WE NOTED THAT.</p> <p>12 OVERALL, THE COMPLIANCE AT THE</p> <p>13 FACILITY IS GOOD. THERE HAVE BEEN ODOR COMPLAINTS</p> <p>14 THAT HAVE BEEN INVESTIGATED BY THE A.Q.M.D., BUT</p> <p>15 IN TERMS OF ROUTINE HEALTH AND SAFETY AND GENERAL</p> <p>16 MINIMUM STANDARD VIOLATIONS, THEY'VE HAD VERY FEW.</p> <p>17 WE'VE GOTTEN GOOD COOPERATION.</p> <p>18 SO I WOULD SAY THAT THE TONNAGES</p> <p>19 THAT WERE ALLUDED TO EARLIER ARE TONNAGES THAT</p> <p>20 THEY CAN HANDLE. OPERATIONALLY, THEY HAVE THE</p> <p>21 EQUIPMENT, THEY HAVE THE MANPOWER AND THEY HAVE</p> <p>22 THE SPACE TO OPERATE THAT SAFELY.</p> <p>23 • SO I DON'T BELIEVE THAT THIS POSES</p> <p>24 ANY KIND OF AN IMMINENT THREAT TO THE PUBLIC</p> <p>25 HEALTH OR SAFETY.</p> <p style="text-align: right;">62</p>	<p>1 I ACTUALLY WOULD LIKE TO MAKE A</p> <p>2 MOTION TO UPHOLD THE CEASE AND DESIST AND TO NOT</p> <p>3 ALLOW THE NONPERMITTED OPERATIONS, ONLY THE</p> <p>4 PERMITTED OPERATIONS AT THE SITE, BECAUSE IT</p> <p>5 DOESN'T HAVE A CONDITIONAL USE PERMIT.</p> <p>6 THERE ARE MULTIPLE THINGS THAT HAVE</p> <p>7 BEEN GOING ON HERE THAT HAVE BEEN -- MAYBE NOT</p> <p>8 DONE DUE DILIGENCE ON WHATEVER PARTIES; IT DOESN'T</p> <p>9 REALLY MATTER. BUT THE COMMUNITY'S IMPACTED BY</p> <p>10 NOT ALLOWING -- NOT BEING ABLE TO AT LEAST HAVE A</p> <p>11 FACILITY THAT'S PERMITTED IN ALL ACTIVITIES.</p> <p>12 SO I'M NOT PUTTING THIS COMPANY OUT</p> <p>13 OF BUSINESS OR ANYTHING. THEY STILL HAVE THEIR</p> <p>14 PERMITTED FACILITY TO OPERATE. I JUST HAVE</p> <p>15 CONCERNS FOR THE NONPERMITTED PART OF IT AND HOW</p> <p>16 WE GOT HERE TODAY.</p> <p>17 THAT'S JUST MY -- AND MAYBE I'M</p> <p>18 MISUNDERSTANDING SOMETHING. I UNDERSTAND THE</p> <p>19 INTERIM AGREEMENT, BUT AS ANOTHER L.E.A. WHO HAS</p> <p>20 TO DO THIS KIND OF THING TOO, I HAVE A DIFFICULT</p> <p>21 TIME. I AGREE WITH THE ISSUES OF THE CEASE AND</p> <p>22 DESIST.</p> <p>23 OF COURSE, THAT COULD BE APPEALED</p> <p>24 TO THE WASTE BOARD, ANY DECISION WE MAKE TODAY,</p> <p>25 BUT WE'RE A LOCAL HEARING PANEL, NOT THE WASTE</p> <p style="text-align: right;">64</p>
<p>1 THERE ARE CONDITIONS ON SITE THAT,</p> <p>2 OF COURSE, COULD BE IMPROVED, BUT I THINK THAT THE</p> <p>3 LONG-TERM GOAL WOULD BE TO PUT THIS FACILITY,</p> <p>4 THESE OPERATIONS UNDER A ROOF INSIDE A BUILDING.</p> <p>5 AND THAT'S REALLY OUR LONG-TERM GOAL HERE.</p> <p>6 PANELIST HENSHAW: OKAY. I'D LIKE</p> <p>7 TO MAKE MY OWN PERSONAL OBSERVATION. THEN WE'LL</p> <p>8 SEEK OTHERS.</p> <p>9 I HAVE CONCERNS WITH THIS FACILITY,</p> <p>10 BASED ON -- THE NONPERMITTED PART OF THE FACILITY,</p> <p>11 BASED ON THE VOLUME, THE MULTIPLE TYPES OF</p> <p>12 OPERATIONS HERE, THE 2004 CEASE AND DESIST.</p> <p>13 I UNDERSTAND -- OBVIOUSLY, I KNOW</p> <p>14 FROM BEING WITH L.E.A. FOR ORANGE COUNTY, I</p> <p>15 UNDERSTAND HOW DIFFICULT IT IS. SOMETIMES IT'S</p> <p>16 FRUSTRATING FOR BUSINESSES THAT HAVE TO GO THROUGH</p> <p>17 THE C.E.Q.A. PROCESS AND, YOU KNOW, OTHER PERMITS,</p> <p>18 THE AIR QUALITY MANAGEMENT DISTRICT, AND IT CAN</p> <p>19 GET OVERWHELMING WHEN YOU JUST WANT TO DO YOUR</p> <p>20 BUSINESS.</p> <p>21 BUT ALSO, THE STATE LAW DOES</p> <p>22 CLEARLY SAY THAT L.E.A. HAS TO ISSUE CEASE AND</p> <p>23 DESISTS FOR NONPERMITTED ACTIVITIES. GRANTED, WE</p> <p>24 HAD A PREVIOUS HEARING, BUT THAT WAS KIND OF A</p> <p>25 DIFFERENT OPERATION, DIFFERENT CONDITIONS.</p> <p style="text-align: right;">63</p>	<p>1 BOARD.</p> <p>2 I DON'T KNOW HOW YOU FEEL ABOUT IT</p> <p>3 AND WHETHER YOU'D LIKE THE INTERIM AGREEMENT WITH</p> <p>4 SOME CONDITIONS, LIMITATIONS, OR GO TO THE EXTENT</p> <p>5 THAT I'M PROPOSING TODAY.</p> <p>6 PANELIST DAKE: YEAH, I'M IN</p> <p>7 AGREEMENT. I THINK THAT THE NONPERMITTED PARTS</p> <p>8 ARE A VERY USEFUL OPERATION AND AN IMPORTANT THING</p> <p>9 FOR OUR COMMUNITY TO HAVE. THAT IS A GOOD AND WE</p> <p>10 NEED TO HAVE MORE DIVERSION.</p> <p>11 BUT IF WE ARE GOING TO HAVE MORE</p> <p>12 DIVERSION, IT NEEDS TO BE DONE PROPERLY SO IT</p> <p>13 DOESN'T IMPACT THE PEOPLE LIVING NEAR THE</p> <p>14 DIVERSION FACILITY. AND I THINK IT WOULD CREATE</p> <p>15 THE KIND OF MOTIVATION TO WORK ON THE INTERIM</p> <p>16 AGREEMENT THAT I'M LOOKING FOR.</p> <p>17 I DON'T KNOW IF YOU WOULD AGREE</p> <p>18 THAT THAT'S TRUE. BUT I WOULD LIKE THE APPLICANT</p> <p>19 ALSO TO HAVE A ROBUST COMMUNITY OUTREACH PROGRAM</p> <p>20 AND TO START THAT NOW AND TO REPORT BACK</p> <p>21 QUARTERLY, YOU KNOW, AT ANOTHER PERIOD TO THIS</p> <p>22 GROUP ON HOW THAT'S PROGRESSING, BECAUSE THE</p> <p>23 SOONER YOU START THAT, THE BETTER IT WILL GO</p> <p>24 LONG-TERM. YOU GET TO LEARN ABOUT YOUR PEOPLE OR</p> <p>25 AT LEAST THEY'LL GET TO LEARN ABOUT YOU.</p> <p style="text-align: right;">65</p>

# TRANSCRIPT OF PROCEEDINGS

1 AND I'D LIKE TO DEMAND  
2 IMPLEMENTATION OF THE STIPULATED AGREEMENT OR THE  
3 STIPULATED JUDGMENT.  
4 PANELIST TSO: I, TOO, AM CONCERNED  
5 ABOUT THE VOLUME AS WELL, AND THAT WAS KIND OF  
6 WHERE I WAS LEADING TO, WHERE THE BASELINE WAS.  
7 BUT PERHAPS THIS IS A QUESTION FOR  
8 OUR ATTORNEYS WITH REGARD TO WHEN THAT CEASE AND  
9 DESIST WOULD ACTUALLY BE IMPLEMENTED.  
10 IS IT POSSIBLE TO STATE THAT THE  
11 CEASE AND DESIST WOULD OCCUR WITHIN 30 DAYS AND  
12 THAT WOULD ALLOW MAYBE SOMETHING TO BE WORKED OUT  
13 WITH REGARD TO OTHER CONDITIONS? IN OTHER WORDS,  
14 CAN WE TAKE AN AFFIRMATIVE ACTION TO IMPLEMENT THE  
15 CEASE AND DESIST EFFECTIVE 30 DAYS FROM TODAY?  
16 MR. WESTHOFF: WELL, YOU COULD DO  
17 IT ONE OF TWO WAYS. YOU COULD CONTINUE IT FOR 30  
18 DAYS, REQUEST THAT CERTAIN THINGS TAKE PLACE AND  
19 THEN RECONVENE IN 30 DAYS. AND IF WHAT YOU HAVE  
20 REQUESTED HASN'T TAKEN PLACE, YOU CAN REACT TO  
21 THAT BY THEN IMPLEMENTING THE CEASE AND DESIST.  
22 OR YOU CAN DO IT THE OTHER WAY,  
23 WHICH IS SAY THE CEASE AND DESIST WILL BE  
24 IMPLEMENTED WITHIN 30 DAYS UNLESS ALL OF THESE  
25 OTHER THINGS TAKE PLACE.

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1 LOOKING [UNINTELLIGIBLE] FOR THE BUSINESS, TO TAKE  
2 INTO CONSIDERATION THAT THEY WILL NEED SOME TIME  
3 AS WELL. THEY PROBABLY HAVE CERTAIN COMMITMENTS,  
4 AND IF THAT --  
5 MR. WESTHOFF: IF YOU'RE ASKING  
6 WHETHER OR NOT THERE'S GOING TO BE AN IMPACT OF  
7 THIS, THE ANSWER IS YES. I MEAN, THAT WAS ONE OF  
8 THE THINGS I WAS CHECKING WITH THE CITY OF  
9 LOS ANGELES'S REPRESENTATIVE.  
10 THIS WILL HAVE A NEGATIVE IMPACT ON  
11 THE CITY'S RECYCLING, WHICH WILL HAVE A NEGATIVE  
12 IMPACT ON OUR COMPLIANCE WITH A.B. 939  
13 REQUIREMENTS.  
14 THIS IS A KEY FACILITY, AS I  
15 UNDERSTAND IT, TO THE CITY OF LOS ANGELES'S VERY  
16 STRONG EFFORTS TO RECYCLE AND TO REUSE AS MUCH  
17 MATERIAL AS WE POSSIBLY CAN AND KEEP IT OUT OF  
18 LANDFILL, AS IS MANDATED BY THE INTEGRATED WASTE  
19 MANAGEMENT BOARD.  
20 SO IF YOU'RE ASKING IF THAT -- THE  
21 ANSWER TO THAT QUESTION IS IF YOU IMPLEMENT THE  
22 CEASE AND DESIST ORDER, THAT WILL IMPACT BOTH THE  
23 CITY OF LOS ANGELES AS WELL AS, OBVIOUSLY, THE  
24 BUSINESS OWNER.  
25 MR. TSUDA: JUST A PROCEDURAL NOTE,

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1 THE ONLY PROBLEM WITH THAT IS IF  
2 YOU DON'T -- IF YOU DON'T HOLD YOUR MEETING FOR  
3 SOME REASON, THEN THAT CEASE AND DESIST  
4 AUTOMATICALLY TAKES EFFECT RATHER THAN IF THERE'S  
5 A COUPLE OF [UNINTELLIGIBLE] ISSUE WITH TRYING TO  
6 GET A MEETING SQUARED AWAY TO DEAL WITH IT ONE WAY  
7 OR THE OTHER.  
8 YOU'RE SAFER NOT TO IMPLEMENT THE  
9 CEASE AND DESIST IN 30 DAYS, BUT TO REQUEST THAT  
10 STAFF COME BACK TO YOU IN 30 DAYS WITH WHATEVER  
11 REQUESTS YOU'RE MAKING OF THEM, WHATEVER PROGRESS  
12 YOU WANT TO SEE, AND THEN YOU COULD MAKE THE  
13 DECISION AT THAT POINT WHETHER TO IMPLEMENT THE  
14 CEASE AND DESIST OR STAY THE CEASE AND DESIST AND  
15 IMPLEMENT WHATEVER INTERIM REPORT IS CREATED BY  
16 THE PARTIES.  
17 IT'S JUST I'M JUST CONCERNED ABOUT  
18 A FAIT ACCOMPLI, THAT IF FOR WHATEVER REASON YOU  
19 AREN'T ABLE TO PUT TOGETHER A MEETING, THAT THE  
20 CEASE AND DESIST GOES INTO EFFECT EVEN THOUGH BOTH  
21 SIDES HAVE BROUGHT TO YOU SOMETHING THAT WILL  
22 CAUSE THE CEASE AND DESIST NOT TO GO INTO EFFECT.  
23 PANELIST TSO: WELL, I'M JUST  
24 LOOKING AT MY COLLEAGUES HERE AND THEY ARE  
25 [UNINTELLIGIBLE]. I'M JUST

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1 THAT THE DECISION BY THE INDEPENDENT HEARING PANEL  
2 IS APPEALABLE TO THE WASTE BOARD, AND DURING THAT  
3 TIME THAT IT IS AGENDIZED AND HEARD BY THE WASTE  
4 BOARD, THE STAY CONTINUES.  
5 SO THERE WOULD BE SOME BUILT-IN  
6 TIME TO ALLOW THE FACILITY AND THE CITY TO MAKE  
7 PLANS.  
8 MR. GAINES: CAN WE BE HEARD --  
9 PANELIST HENSHAW: SURE.  
10 MR. GAINES: -- MADAME CHAIR?  
11 THANK YOU.  
12 MY HEART HAS COME BACK UP INTO MY  
13 BODY A LITTLE BIT. YOU KNOW, WE -- I THOUGHT WE  
14 WERE HEADED IN A CERTAIN DIRECTION AND SO I  
15 TREADED LIGHTLY ON CERTAIN ISSUES. I MEAN, THE  
16 HARSH REALITY IS WE HAVE HAD DIFFICULTY GETTING  
17 RESPONSE FROM THE CITY TO MOVE FORWARD.  
18 I MEAN, YOU LOOK AT THE TIMELINE ON  
19 THIS. APPLICATIONS WERE MADE IMMEDIATELY AFTER  
20 THE REGULATIONS WENT IN. ENVIRONMENTAL REVIEW  
21 REQUESTS HAVE BEEN MADE IMMEDIATELY.  
22 AND WHILE THOSE HAVE NOT COME TO  
23 FRUITION, THE SITE HAS BEEN INSPECTED; OPERATING  
24 CONDITIONS HAVE GONE INTO EFFECT WHICH HAVE  
25 IMPROVED CONDITIONS. WE'RE NOT SEEING, BASED ON

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# TRANSCRIPT OF PROCEEDINGS

1 INSPECTIONS, THAT THERE ARE PROBLEMS ON THE SITE.  
 2 SO -- BUT EVEN MOST RECENTLY, THE  
 3 APPLICATION WAS MADE IN JUNE OF LAST YEAR. WE  
 4 MADE THE APPLICATION FOR THE FULL FACILITY PERMIT.  
 5 WE SUBMITTED IT, ALONG WITH THE E.A.F. WE  
 6 RECEIVED COMMENTS BACK FROM THE L.E.A. DATED  
 7 DECEMBER 26TH ON AN APPLICATION MADE IN JUNE.  
 8 SO WE -- ONE OF THE REASONS I  
 9 STARTED THIS BY SAYING I'M GLAD TO BE HERE, I WANT  
 10 A SCHEDULE, I WANT THERE TO BE PRESSURE ON  
 11 EVERYONE TO DO THIS IS WE'VE HAD THOSE KINDS OF  
 12 GAPS. AND I DON'T WANT TO PUT BLAME -- YOU KNOW,  
 13 I WANT TO WORK WITH THE L.E.A., SO I'M NOT TRYING  
 14 TO CAUSE THESE PROBLEMS.  
 15 BUT TO TAKE THIS KIND OF AN ACTION,  
 16 TO PUT THESE -- TO CAUSE THESE -- THIS -- WE DON'T  
 17 KNOW WHAT WILL HAPPEN TO THIS MATERIAL.  
 18 TO TAKE THIS SUBSTANTIAL CHUNK OF  
 19 BUSINESS FROM THIS BUSINESS, TO PUT THESE  
 20 EMPLOYEES OUT OF WORK WITHIN 30 TO 45 TO 60 DAYS  
 21 WHEN WE HAVE AN OPERATION THAT WAS PRE-EXISTING --  
 22 THIS IS NOT SOMEONE WHO SAID, "I'M GOING TO START  
 23 UP A BUSINESS WITHOUT A PERMIT."  
 24 THEY STARTED A BUSINESS 15 YEARS  
 25 BEFORE YOU NEEDED A PERMIT AND PROVIDED AN

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1 THIS FORWARD AND HAVE HAD TROUBLE. AND SO THIS  
 2 KIND OF RESULT, I THINK, WOULD BE PARTICULARLY  
 3 UNFAIR UNDER THOSE CIRCUMSTANCES.  
 4 AND I ASK YOU TO CONSIDER THAT AS  
 5 YOU MAKE YOUR DECISION.  
 6 PANELIST HENSHAW: I HAVE A  
 7 QUESTION: DOES REGISTRATION PERMIT REQUIRE  
 8 C.E.Q.A. AND THE CITY?  
 9 MR. TSUDA: NO.  
 10 PANELIST HENSHAW: AND REGISTRATION  
 11 CAN BE ISSUED WITHIN 30 DAYS OR SOMETHING, BUT  
 12 THEY HAVE LIMITATIONS ON THE TIME?  
 13 MR. TSUDA: YES.  
 14 PANELIST HENSHAW: AND I DON'T KNOW  
 15 IF YOU KNOW IT OFF THE TOP OF YOUR HEAD, BECAUSE I  
 16 CAN'T REMEMBER IT EITHER, BUT I THINK CLEAN GREEN  
 17 IS 500 TONS?  
 18 MR. TSUDA: YES.  
 19 PANELIST HENSHAW: DEMOLITION  
 20 WASTE?  
 21 MR. THOMPSON: 175 TONS.  
 22 PANELIST HENSHAW: 175. AND  
 23 THEY'RE LOOKING AT 1,500?  
 24 MR. THOMPSON: 1,200.  
 25 PANELIST HENSHAW: I DON'T THINK

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1 OUTSTANDING SERVICE TO THE COMMUNITY AND ARE  
 2 WILLING TO GO THROUGH ANY PERMIT PROCESS, ANY  
 3 ENVIRONMENTAL REVIEW PROCESS AND HAVE APPLIED FOR  
 4 THAT. TO SAY, "YOU'RE DONE" --  
 5 AND YES, WE COULD MAYBE MILK A  
 6 LITTLE -- YOU KNOW, A MONTH OR TWO OUT OF THE  
 7 SOLID WASTE BOARD OF APPEAL AND SO FORTH OR THE  
 8 STATE BOARD OF APPEAL, BUT WE KNOW WHAT THE  
 9 OUTCOME OF THAT WILL BE.  
 10 WHAT WE'RE TRYING TO DO IS GET TO  
 11 AN END HERE, WHICH WE ARE HAPPY TO WORK WITH  
 12 ANYONE TO GET TO, AND WHICH ALSO ALLOWS FOR THIS  
 13 IMPORTANT SERVICE TO CONTINUE.  
 14 AND SO I ASK YOU TO CONSIDER THAT.  
 15 I ASK YOU TO LOOK AT -- AND I'M HAPPY TO GO INTO  
 16 MORE DETAIL IF YOU'D LIKE AS TO WHAT APPLICATIONS  
 17 WERE MADE.  
 18 WE ASKED -- WHEN WE MADE OUR  
 19 APPLICATION, WE ASKED FOR CASE MANAGEMENT. THE  
 20 CITY OF LOS ANGELES HAS THIS NEW CASE MANAGEMENT  
 21 PROGRAM WHERE, SUPPOSEDLY, THEY BRING IN ALL THE  
 22 DEPARTMENTS TO GO THROUGH AND SEE WHAT YOU NEED.  
 23 WE WERE DENIED CASE MANAGEMENT.  
 24 THEY SAID, "NO, YOU DON'T QUALIFY FOR CASE  
 25 MANAGEMENT." SO WE'VE MADE EXTRA ATTEMPTS TO MOVE

71

1 THERE'S ANY KIND OF REGISTRATION FOR SUPERMARKET  
 2 TRIMS.  
 3 MR. THOMPSON: THAT WOULD BE THE  
 4 PROPOSAL.  
 5 PANELIST HENSHAW: WOOD WASTE IS --  
 6 THEY'RE LOOKING AT 150 TONS A DAY?  
 7 MR. THOMPSON: YES.  
 8 PANELIST HENSHAW: THAT'S PROBABLY  
 9 A REGISTRATION PERMIT?  
 10 MR. THOMPSON: YOU'D HAVE TO -- I  
 11 THINK THAT WOULD BE CONSIDERED THE SAME AS THE  
 12 GREEN WASTE, BECAUSE THEY'D ALL BE --  
 13 PANELIST HENSHAW: YES.  
 14 MR. THOMPSON: SO YOU'D HAVE TO ADD  
 15 THAT ON TOP.  
 16 PANELIST HENSHAW: OKAY. I  
 17 UNDERSTAND THE DIVERSION. TRUST ME, I UNDERSTAND  
 18 THE CITY'S DIVERSION NEEDS. IT'S BOARD LAW AS  
 19 WELL. I UNDERSTAND THE PERMITTING PROCESS. I'M  
 20 ONLY ONE VOTE.  
 21 I'M JUST SAYING I'M THINKING --  
 22 WHAT? THERE'S TWO OPTIONS THAT THIS HEARING PANEL  
 23 CAN DO. ONE IS, OBVIOUSLY, UPHOLD THE CEASE AND  
 24 DESIST AND SAY CEASE AND DESIST FOR NONPERMITTED  
 25 OPERATIONS. YOU CAN APPEAL THAT TO THE WASTE

73

# TRANSCRIPT OF PROCEEDINGS

1 BOARD; IT WILL STAY THAT ACTIVITY UNTIL IT'S HEARD  
2 BY THE WASTE BOARD.  
3 THE WASTE BOARD CAN DECIDE, BASED  
4 ON THEIR LAWS AND REGULATIONS, WHETHER THEY'RE  
5 GOING TO ALLOW A NONPERMITTED FACILITY TO MEET THE  
6 DIVERSION GOALS OF THE CITY; I MEAN, IT'S THEIR  
7 STATE LAW.  
8 OR THIS PANEL COULD SAY WE WANT TO  
9 HAVE SOME KIND OF INTERIM AGREEMENT AND PUT SOME  
10 STIPULATIONS OF MAYBE BASELINE TONNAGES. WE HAVE  
11 CONCERNS ABOUT TONNAGE OF THESE LEVELS OR -- AND  
12 THEN COMMUNITY OUTREACH.  
13 AND I MEAN, THERE'S DIFFERENT  
14 THINGS WE COULD PROBABLY ADD ON TOP OF WHAT'S  
15 ALREADY BEEN REQUESTED.  
16 SO I'M -- YOU KNOW, I'M BEING  
17 VERY -- MY DISCUSSION ON GOING WITH THE CEASE AND  
18 DESIST IS PROBABLY CAUSING MORE TRAUMA TO THE  
19 GROUPS, BUT I JUST WANTED TO LET YOU GUYS KNOW  
20 THERE'S SOMETHING ELSE YOU CAN PROPOSE IF YOU  
21 WANT, IF YOU DISAGREE WITH THE MORE DRAMATIC CEASE  
22 AND DESIST.  
23 AND I DON'T KNOW IF OUR LEGAL  
24 COUNSEL WANTED TO SAY ANYTHING?  
25 MR. WESTHOFF: WELL, YEAH. AT THE

74

1 SESSION, THERE'S A ROOM RIGHT NEXT DOOR. WE CAN  
2 JUST GO THERE WITH CITY STAFF AND DO IT AND LEAVE  
3 PEOPLE HERE OR YOU CAN ASK THEM TO LEAVE AND GO  
4 INTO CLOSED SESSION AND BRING THEM BACK IN.  
5 MY SUGGESTION IS WE GO NEXT DOOR.  
6 PANELIST HENSHAW: OKAY. THAT  
7 SOUNDS GOOD. LET'S GO INTO CLOSED SESSION.  
8 (WHEREUPON, A RECESS WAS HELD  
9 FROM 12:53 P.M. TO 1:10 P.M.)  
10 PANELIST HENSHAW: CALL TO ORDER  
11 THE MEETING OF THE HEARING PANEL IN THE CEASE AND  
12 DESIST, COMMUNITY RECYCLING.  
13 OKAY. WE TALKED TO OUR COUNSEL AND  
14 I WOULD LIKE TO PUT ON A MOTION TO THE TABLE THAT  
15 WE UPHOLD THE CEASE AND DESIST ORDER; THAT ALL  
16 NONPERMITTED ACTIVITIES MUST CEASE. AND THIS CAN  
17 BE, OBVIOUSLY, APPEALED TO THE WASTE BOARD FOR  
18 THEIR DETERMINATION OF THE STATE LAWS THAT ARE  
19 BEING APPLIED HERE.  
20 CAN I HAVE A SECOND?  
21 PANELIST DAKE: IF I COULD JUST ASK  
22 A QUESTION.  
23 MR. WESTHOFF, THE -- DO YOU HAVE  
24 ANY IDEA WHAT THE TIMELINE WOULD BE IF WE WERE TO  
25 APPROVE SOME ACTION -- THE ACTION OF THE WASTE

76

1 RISK OF PUTTING WORDS IN MR. GAINES' MOUTH OR  
2 SUGGESTING SOMETHING, I CERTAINLY HEARD BEHIND HIS  
3 LAST STATEMENTS TO YOU THAT, OBVIOUSLY, THE  
4 ULTIMATE HAMMER FOR ANY PERMITTEE IS, OBVIOUSLY,  
5 TO SUE THE CITY OF LOS ANGELES OVER THIS.  
6 AND I JUST SENSED THAT IN THERE WAS  
7 CERTAINLY THAT SWORD, BASICALLY, WHILE MAYBE  
8 VEILED AND NOT A DIRECT THREAT.  
9 AND I'M JUST SAYING THAT AT THIS  
10 POINT I WOULD FEEL COMFORTABLE SUGGESTING TO THE  
11 PANEL THAT WE GO INTO CLOSED SESSION SO THAT I CAN  
12 ADVISE YOU MORE APPROPRIATELY AS YOUR LEGAL  
13 COUNSEL AS TO WHERE I SEE THINGS GOING, AND THEN  
14 YOU CAN, OBVIOUSLY, COME BACK IN OPEN SESSION AND  
15 MAKE WHATEVER DECISIONS.  
16 BUT I THINK THAT THERE IS, AT LEAST  
17 IN THIS INSTANCE, A VEILED IF NOT DIRECT THREAT  
18 RELATIVE TO LITIGATION, RELATIVE TO THIS MATTER.  
19 AND I WOULD AT LEAST LIKE THE COMFORT OF A CLOSED  
20 SESSION TO BE ABLE TO CLEARLY ARTICULATE THOSE  
21 ISSUES FOR YOU, AS THE LAW REQUIRES UNDER THE  
22 GOVERNMENT CODE.  
23 PANELIST HENSHAW: OKAY.  
24 MR. WESTHOFF: NOW, WE CAN DO IT  
25 EITHER OF TWO WAYS. IF YOU WISH TO GO INTO CLOSED

75

1 BOARD? IS THERE ANY WAY TO PREDICT?  
2 MR. WESTHOFF: NO. WAYNE MIGHT  
3 ACTUALLY HAVE A BETTER FEEL FOR THAT.  
4 I CAN TELL YOU THAT THEY -- I MEAN,  
5 OBVIOUSLY, THERE ARE PERIODIC WASTE BOARD MEETINGS  
6 AND IT WOULD HAVE TO BE DEVELOPED AND GO ON TO  
7 THEIR AGENDA, YOU KNOW, IF YOU WERE TO DO THAT,  
8 BUT I DON'T KNOW WHAT THEIR MEETING SCHEDULE IS.  
9 MR. TSUDA: WASTE BOARD  
10 REPRESENTATIVE INDICATED IT WOULD BE ABOUT 60  
11 DAYS.  
12 PANELIST HENSHAW: DO I HAVE A  
13 SECOND ON MY MOTION?  
14 OKAY. DOES SOMEBODY ELSE HAVE A  
15 MOTION TO PRESENT?  
16 MR. WESTHOFF: THE MOTION, WITHOUT  
17 HAVING A SECOND, FAILS.  
18 PANELIST HENSHAW: OKAY. THANK  
19 YOU.  
20 PANELIST DAKE: I MOVE FOR A  
21 CONTINUANCE OF THE MATTER.  
22 I'M SORRY I COULDN'T SUPPORT YOUR  
23 MOTION, BECAUSE IT IS SOMETHING THAT I THINK WOULD  
24 HELP THE PROCESS MOVE ALONG AND I'D HOPE THAT THE  
25 PARTIES COULD NEGOTIATE AN INTERIM OPERATING

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# TRANSCRIPT OF PROCEEDINGS

<p>1 AGREEMENT IN A PERIOD --</p> <p>2 I DON'T KNOW WHAT THE APPROPRIATE</p> <p>3 PERIOD FOR THAT IS.</p> <p>4 MR. TSUDA: I THINK WE COULD</p> <p>5 COMPLETE ONE WITHIN 30 DAYS.</p> <p>6 PANELIST DAKE: SO CONTINUANCE FOR</p> <p>7 30 DAYS IN ORDER TO GIVE TIME FOR THE PARTIES TO</p> <p>8 NEGOTIATE AN INTERIM OPERATING AGREEMENT.</p> <p>9 PANELIST TSO: IF I CAN MAKE A</p> <p>10 SUGGESTION, IF IT'S GOING TO TAKE THE L.E.A. 30</p> <p>11 DAYS, I THINK IT'S REALLY, REALLY IMPORTANT TO</p> <p>12 HAVE COMMUNITY INPUT ON IT. SO IN ORDER TO ALLOW</p> <p>13 THE COMMUNITY TO PROVIDE INPUT ON ANY DRAFT</p> <p>14 INTERIM OPERATING AGREEMENT THAT YOU CAN COME UP</p> <p>15 WITH, THAT THERE BE A TIME FOR A COMMENT PERIOD.</p> <p>16 SO I WOULD MAKE A SLIGHT AMENDMENT</p> <p>17 TO YOUR MOTION, WHICH WOULD BE TO PERHAPS STAY THE</p> <p>18 CEASE AND DESIST FOR 30 DAYS IN ADDITION, FOR A</p> <p>19 TOTAL OF 60, AND TO HAVE THE INDEPENDENT HEARING</p> <p>20 PANEL RECONVENE AT THAT TIME AND TO CONSIDER THE</p> <p>21 INTERIM OPERATING AGREEMENT AT THAT TIME.</p> <p>22 ALONG WITH THAT, I WOULD PROVIDE A</p> <p>23 LITTLE BIT OF ADVICE TO COMMUNITY RESOURCES, THAT</p> <p>24 I WOULD HOPE THAT YOU WOULD LOOK REALLY, REALLY</p> <p>25 CAREFULLY AT SOME OF THE TONNAGES AND OPERATING</p> <p style="text-align: right;">78</p>	<p>1 THAT THE COMMUNITY IS APPRISED OF WHAT IS</p> <p>2 HAPPENING WITH REGARD TO THIS.</p> <p>3 PANELIST HENSHAW: OKAY. MOTION</p> <p>4 HAS BEEN PRESENTED. ALL IN FAVOR?</p> <p>5 PANELIST DAKE: AYE.</p> <p>6 PANELIST TSO: AYE.</p> <p>7 PANELIST HENSHAW: AYE.</p> <p>8 SO WE'RE THROUGH WITH THIS HEARING</p> <p>9 AND WE'LL PROCEED AND WE'LL MEET AGAIN.</p> <p>10</p> <p>11 (CONCLUSION OF PROCEEDINGS.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">80</p>
<p>1 HOURS THAT WOULD BE INCLUDED IN THAT INTERIM</p> <p>2 OPERATING AGREEMENT, AND TO TAKE CAREFUL</p> <p>3 CONSIDERATION OF WHAT THE COMMUNITY SAYS WITH</p> <p>4 REGARD TO SOME OF THE IMPACTS THAT MAY BE</p> <p>5 OCCURRING, AND ALSO TO WORK VERY, VERY CLOSELY</p> <p>6 WITH THE COUNCILMAN OF THE DISTRICT AND THE</p> <p>7 NEIGHBORHOOD COUNCILS TO MAKE SURE THAT THEIR</p> <p>8 CONCERNS ARE INCORPORATED TO THE MAXIMUM EXTENT</p> <p>9 POSSIBLE.</p> <p>10 MR. WESTHOFF: JUST SO WE'RE CLEAR,</p> <p>11 SO STAFF WOULD PRODUCE, HOPEFULLY WITHIN 30 DAYS,</p> <p>12 AN AGREEMENT WHICH WOULD THEN BE POSTED AND ALLOW</p> <p>13 THE COMMUNITY 15 DAYS TO RESPOND; AND THAT WOULD</p> <p>14 ALSO THEN GIVE STAFF 15 DAYS TO TAKE INTO</p> <p>15 CONSIDERATION ANY CHANGES THAT MIGHT BE WARRANTED</p> <p>16 AND GET BACK TOGETHER WITH COMMUNITY RECYCLING,</p> <p>17 AND THEN 15 DAYS AFTER THAT, OR AS CLOSE THERETO</p> <p>18 AS WE COULD, SET A MEETING WITH THE INDEPENDENT</p> <p>19 PANEL.</p> <p>20 PANELIST DAKE: SO MOVED.</p> <p>21 PANELIST TSO: AND JUST ONE MORE</p> <p>22 THING. IF THE L.E.A. CAN CONTINUE THEIR BIWEEKLY,</p> <p>23 TWICE A MONTH INSPECTIONS OF THE FACILITY, AS WELL</p> <p>24 AS POSTING ALL THE INFORMATION THAT YOU COLLECT</p> <p>25 AND ANY OTHER DOCUMENTS PROVIDED ON THE WEBSITE SO</p> <p style="text-align: right;">79</p>	<p>1 STATE OF CALIFORNIA )</p> <p style="text-align: center;">)SS</p> <p>2 COUNTY OF LOS ANGELES)</p> <p>3</p> <p>4 I, KELLI C. NORDEN, CERTIFIED SHORTHAND</p> <p>5 REPORTER, CERTIFICATE NUMBER 7200, FOR THE STATE</p> <p>6 OF CALIFORNIA, HEREBY CERTIFY:</p> <p>7 THE FOREGOING PROCEEDINGS WERE TAKEN</p> <p>8 BEFORE ME AT THE TIME AND PLACE THEREIN SET FORTH;</p> <p>9 THE PROCEEDINGS WERE RECORDED</p> <p>10 STENOGRAPHICALLY BY ME AND WERE THEREAFTER</p> <p>11 TRANSCRIBED;</p> <p>12 THE FOREGOING TRANSCRIPT IS A TRUE AND</p> <p>13 CORRECT TRANSCRIPT OF MY SHORTHAND NOTES SO TAKEN;</p> <p>14 I FURTHER CERTIFY THAT I AM NEITHER</p> <p>15 COUNSEL FOR NOR RELATED TO ANY PARTY TO SAID</p> <p>16 ACTION, NOR IN ANY WAY INTERESTED IN THE OUTCOME</p> <p>17 THEREOF.</p> <p>18 IN WITNESS WHEREOF, I HAVE HEREUNTO</p> <p>19 SUBSCRIBED MY NAME THIS 5TH DAY OF FEBRUARY, 2007.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">81</p>

# TRANSCRIPT OF PROCEEDINGS

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