



April 20, 2009

Mr. William Roschen and Commission Members
City Planning Commission
City of Los Angeles
Room 272, City Hall
200 N. Spring Street
Los Angeles, CA 90012

Subject: Applicant Response to Recommendation Report
Case No.: **CPC 2007-3888-CU-ZV-SPR**
CPC Agenda: April 23, 2009 (Item 6)

Dear Mr. Roschen and Commission Members:

Waste Management appreciates the work that Planning Staff and the Sun Valley community have done to bring our project to this point. Several of the proposed conditions contained within the Staff report are problematic for reasons explained below. For each such item, WM proposes alternative language. We respectfully request your concurrence on the recommended approvals, certification, adoption and advisement that Planning Staff recommends, with the changes as proposed by WM.

Condition 5. Project Phasing b. Phase 2 (page C-2)

"Landfill Closure Activities shall not commence until the completion of Phase I (TS/MRF Certificate of Occupancy) and installation of the landscape berms has been completed."

Issue

Requiring landfill closure activities to be postponed until the occupancy permit is issued for the MRF/TS directly conflicts with Los Angeles Regional Water Quality Control Board requirements governing the landfill closure activities and is inconsistent with the analysis contained in the EIR. Furthermore, postponing landfill closure activities could result in greater impacts on the community, including emissions and traffic.

WM proposed alternative language

Strike the language in the staff report referenced above and insert:

"Landfill Closure Activities may occur concurrently with the MRF/TS activity."

Condition 15. Environmental Justice b. i. (page C-4)

"The applicant shall submit a fee of \$10 per month for every diesel fueled Collection Vehicle which transports refuse, recyclable materials, green waste or wood waste into the site"

Issue

The proposed condition appears to lack a nexus and reasonable relationship to the potential effects of the proposed project and would be counterproductive to the goal of reducing emissions for the following reasons:

1. Creates a disproportionate burden on small collection and trucking firms who cannot convert their fleets. An additional financial burden will worsen their financial health, leading them to extend the life of their current older model diesel fleets.
2. Creates a de facto incentive to pollute as diesel vehicles bypass the facility and choose remote, less expensive disposal options, thus adding to overall traffic and emissions.

Additionally, regulation – at local and state levels - regarding diesel solid waste collection vehicles is extensive, including:

- o SCAQMD Rule 1193 mandates that new solid waste collection vehicles replacing older solid waste collection vehicles be fueled by natural gas. Diesel solid waste collection vehicles will,

- eventually, be phased out, unless additional financial burdens force truckers to delay engine conversions.
- CARB's Solid Waste Collection Rule mandates particulate matter emissions. A diesel vehicle with a Tier 3 engine and diesel particulate filter is almost as clean as a natural gas vehicle. The upcoming Statewide Truck and Bus Rule will mandate particulate matter and NOX emissions limits.

Therefore, new diesel vehicles in the near future will be almost as clean as natural gas vehicles. Technology and standards in 2010 will require diesel vehicles to meet the same PM and NOX standards natural gas vehicles.

WM proposed alternative language

Strike all current language referring to the fee and, instead, insert the following incentive language: *All trucks entering the facility that demonstrate compliance with SCAQMD emissions requirements shall receive a 5% discount off of the posted tip fee gate rate for any and all commodities. All trucks entering the facility that demonstrate their equipment exceeds SCAQMD requirements (including LNG and CNG vehicles) shall receive a 10% discount off of the posted tip fee gate rate for any and all commodities.*

Condition 15. Environmental Justice c. (page C-4)

"The applicant shall submit a fee of \$5 per ton of refuse, recyclable materials, green waste or wood waste transported away from the site."

Issue

The proposed \$5/ton fee is inconsistent with existing fee levels for similar facilities in the City (i.e., the City's own CLARTS facility) and also appears to lack a nexus to the project. Furthermore, as noted above, excessive fees will drive business away from using the facility, thereby likely creating greater traffic and air quality impacts.

WM proposed alternative language

The applicant shall submit a host fee annually to the City of Los Angeles, which shall be no less than \$100,000 per year. The host fee shall be based on the following schedule (all are averaged per month):

- *\$.75 per ton - all MSW ton up to 1,500 tons per day (TPD)*
- *\$1.00 per ton- all MSW tons greater than 1500 and less than 2501TPD*
- *\$1.25 per ton- all MSW tons greater than 2500 and less than 3501TPD*
- *\$1.50 per ton- all MSW tons greater than 3500 up to 4,000 TPD*

The host fee shall only be assessed on municipal solid waste. To increase recycling and environmental protection, there shall be no host fees assessed on trucks hauling recyclable materials or recyclable green waste or wood waste, and no host fee shall be assessed on tonnages related to such recyclable materials.

Condition 15. Environmental Justice h. (page C-5)

"Free reduced-low cost use of the facility the (sic) for community's residents and businesses, for a maximum of 3 times each calendar year per resident/business address." (page C-5)

Issue

"Community" in the report is undefined, as is the total amount of waste allowed per customer. This could lead to abuse of the free dump privilege, bring out-of-area residents into Sun Valley, and create additional local traffic and emissions...

WM proposed alternative language

Delete the current language in the staff report and insert:

"Waste Management shall conduct a "Free Dump Day" two times per year at the facility to encourage community residents (limited solely to those living within the 91352 zip code) to properly dispose of waste generated within their property. WM shall accept such waste delivered to the site free of charge, up to one ton per residence, and promote the program within the Sun Valley community.

Participants in the Free Dump Day must show proof of residency within the 91352 zip code. The goal of this program shall be to reduce the amount of illegal dumping that occurs in Sun Valley."

5. Definition of "community" throughout

Throughout the document there are references to "community", as well as this specific reference: *"Prescription subsidies and employment placement programs shall be targeted towards minority and/or low income individuals residing within a two mile radius of the subject property's boundary." (Condition 15. I.iii, page C-5)*

Issue

WM is concerned about the dilution of host fee benefits if "community" is not specifically defined.

WM proposed alternative language

Limit the host fee beneficiaries to only 91352.

Condition 17 Hours of Operation b. (page C-6)

"Electrical generators shall be limited to operate between the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday."

Issue

Waste Management has spent \$1.1 million to build a series of duplicative state of the art sound barriers that reduce the generator noise to an inaudible level, thus making further mitigation unnecessary. Limiting operating hours of the generators would have all of the following negative impacts:

- o Reduce the production of renewable energy at the WM site that is made available to the LA Department of Water and Power grid, thus reducing the amount of renewable energy in the DWP portfolio.
- o Will cause WM to default on its Power Purchase Agreement with DWP and renders the generator facility economically unviable, resulting in total shut-down. Additionally, this condition conflicts with WM's other current permits to operate.

WM proposed alternative language

Strike the language in the staff report.

Condition 17 Hours of Operation c. (page C-6)

"Administrative Office hours shall be between 7:00 a.m. to 6:00 p.m. Monday through Saturday."

Issue

As written, this condition would cause WM to increase administrative office hours over those hours we currently keep.

WM proposed alternative language

"Administrative Office hours may be open between 7:00 a.m. to 6:00 p.m. Monday through Saturday."

Condition 18 Complaint Response/Community Relations c. (page C-7)

"The property owner shall designate a community liaison. The liaison shall meet with representatives of the neighbors and/or neighborhood association, at their request, to resolve neighborhood complaints regarding the subject project.

- i. *An advisory council shall be established by the property owner. The council shall include at least two property owners who live and own property within 600 feet of the subject property. Neither community members shall have a past or present affiliation with the subject institution. The council shall meet at least twice a year and an agenda item shall be institution-community problems." (Page C-7)*

Issue

The current Sun Valley Area Neighborhood Council Environmental Justice Committee already serves this purpose. The additional council required is redundant and unnecessary.

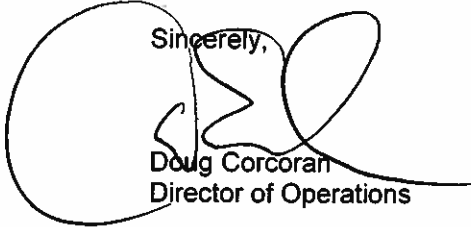
WM proposed alternative language

Waste Management proposes striking language related to "community liaison" and "Advisory Council" and instead, insert:

"Waste Management shall present – at least once per year and more often if necessary – an operations update to the Sun Valley Area Neighborhood Council or its designated committee. The purpose of the meeting is to keep residents informed on operations at the facility and address any questions or concerns about the subject project."

In closing, I hope you find these suggestions to be productive and helpful. I look forward to discussing these issues with you and the Commission at the meeting on Thursday. Thank you very much for your consideration of our input.

Sincerely,



Doug Corcoran
Director of Operations



Copied: Bradley Community Advisory Committee
Councilman Tony Cardenas
Frank Quon, Planning Department
Sun Valley Area Neighborhood Council
Sun Valley Chamber of Commerce