

OCTOBER 8,2013

TO: MARTIN PEREZ

PERMITTING & ASSISTANCE SOUTH SECTION

Fax. 916-3197204

FROM : CLEAN AIR COALITION OF NORTH WHITTIER
& AVOCADO HEIGHTS

Fax. 626-3309365 call to turn on.

RE: REvision SWIS # 19-AA-1043

Memo:

Letter dated October 8,2013 to Jeff Hackett

Pages 1 thru 3

Exhibits 1 through 3

Pages 5

Total pages sent 9 including front cover

**Clean Air Coalition of
North Whittier and Avocado Heights**
843 Caraway Drive, Whittier, Ca 90601 (626) 330-9365
northwhittier@gmail.com

October 8, 2013

Mr. Jeff Hackett, Manager
Permits and Assistance South Section
Permitting and Assistance Branch
Department of Resources Recycling and Recovery (CalRecycle)

RE: REVISION SWIS # 19-AA-1043

Dear Jeff Hackett:

We represent the residents of North Whittier which includes Avocado Heights. According to the 2010 census, there are 15,411 people who live here comprised of 81.2% Hispanic or Latino descent.

How have you addressed this environmental justice location?

Are you aware that our community is sandwiched and inundated by *large volume transfer processing facilities within wind-draft impact? This includes: Athen Services (5,000 tpd), Valley Blvd. in the City of Industry, Grand Central (5,000 tpd) City of Industry, Puente Hills MRF (4400 tpd) unincorporated Whittier, Waste Management (Azusa) Athen Services (Irwindale).

These facilities bring negative environmental impacts of foul air, black dust, excessive noise, diesel pollution and traffic congestion. Government has approved and cannot mitigate facilities that we have to live with FOREVER.

Exhibit 1 – Enough is enough, Voted against the CUP Revision 92-251, Regional Planning Commissioner Valadez.

Regional Planning Commissioner Helsley also voted against the CUP Revision 92-251

We ask that the PHMRF Solid Waste Facility permit remain the same and not be revised.

WE REQUEST THAT THE FOLLOWING CONCERNS BE ANSWERED IN WRITING:

- I. Why has Martin Perez, your CalRecycle representative, who was present at the July 25, 2013 Public Informational Meeting not come forward to verify what we were led to believe by Gerardo Villalobos (LEA), that an appeal hearing must be filed after the proposed permit has been issued?
Exhibit 2 – Subject third paragraph letter dated October 2, 2013.

Our response: Our petition for a hearing was filed timely on August 30, 2013. The time frames stated in Rule 44310 B(4b) was not met by the Solid Waste Program/LEA.

As an agency that oversees the LEA of Los Angeles County, we ask that before you make a decision, that part of your review include the scheduled appeal hearing on October 21, 2013.

II. Intermodal – Puente Hills

- a. Why were both the PHMR and rail loading facility monitoring program (1992) and the 1994 Puente Hills Material Recovery Facility monitoring program included in the application package? The 1995 FEIR was not site specific and should not be a consideration for the present SWFP revision.

In reference to 17 LEA condition A(9) the operator shall notify the LEA in writing of any proposed changes.....during the planning stages.....at least 180 days.

- b. Was the LEA notified of the connecting road, exclusively built to connect the PHMRF to the PHIMF? If so, when?
Exhibit 3 Picture of connecting road.
- c. As a significant change, why was this permit not resubmitted for a revision?
- d. At what stage would you require a new permit for change in operation in regards to the PHIMF, which is connected by an exclusive roadway to the PHMRF?
- e. How are you determining during planning stages and in operation? At what point would you require a Subsequent or Supplemental EIR? The 1994 Supplemental EIR was not site specific.
- f. In the TPR, under Table 6 Equipment, it states 670 intermodal containers, and intermodal is mentioned approximately 10 times. If measured, approximately half of the 670 intermodal containers would fit on PHMRF property. Where are they being stored?
- g. If the intermodal containers are stored at the PHIMF, would the connection of the roadway mean that they are in operation?
- h. What public resource code states that the Solid Waste Dept./LEA has the authority to allow what is being proposed? If not, who has the authority?
- III. Where in the SWFP does it allow commercial sale of fuel to Athen Services on PHMRF property?
- IV. Monitoring Program Project No. 92-251(4)
In compliance with Section 21081.6 Public Resource Code for example, was Regional Water Quality Control Board and the South Coast Air Quality Management District notified to ensure compliance with the conditions of the grant?
- V. What action do you take when the Solid Waste/LEA failed to enforce the guidelines of the Solid Waste Permit?
- VI. Why was it necessary for the proposed Solid Waste Facility Permit (SWFP) to be resubmitted September 12, 2013 and September 24, 2013?

Incorporated by Reference, the following are letters addressed to Susan Markie which we are also requesting a response in writing:

Clean Air Coalition NWAH August 2, 2013
Marilyn Kamimura
Teresa M. Aguilar

CACNWAH August 2, 2013
Richard & Marilyn Kamimura
Chairperson & Co-Chairman

Member CACNWAH August 2, 2013
Michi Dobashi

Member CACNWAH August 3, 2013
Albert & Margie Porras

Member CACNWAH August 6, 2013
Henry & Vivian Zamorano

Clean Air Coalition of NWAH August 9, 2013
Richard & Marilyn Kamimura
Chairman & Chairperson

Member CACNWAH August 9, 2013
Darlene Delange

Member CACNWAH August 19, 2013
Cruz & Marie Gomez

Addressed to Cindy Chen cc: Martin Perez, Cal Recycle Permitting & Assistance
Clean Air Coalition NWAH August 30, 2013 – Request for a hearing
Richard & Marilyn Kamimura
Chairman & Chairperson

For all the above reasons, the SWFP proposed cannot be lawfully approved.

We would appreciate a timely response. Thank you for your consideration.

Sincerely,


Marilyn Kamimura, Chairperson


Richard Kamimura, Co-Chairperson

cc: Bob Gottschalk, Southcoast Air Quality Mgt. District
Cindy Chen, Chief Solid Waste Program/LEA
Wang Wen, Supervisor Calif. Regional Water Quality Control Board L.A. Region

Exhibit 1

Public Hearing May 13, 2013

Voted against Having the Sanitation Districts MRF run 24 hrs. 6
Commissioner Valadez days a week.

I am, (is) have been watching this very closely in terms of the changes that have occurred in these communities (um) and I'm aware of the impact that has occurred on the Whittier and Avocado Heights area as result of the changes um and the increase in the needs for us to divert (um) various refuse refuse and they have had more than their share of of trash of hauling through their community and we have and our various (um) iterations obviously we were not there in 1992 but we have been there (ah) through the MRF and also the Athens project and the commitment that we made to the community of 2013 closing down the Puente Hills so we understand uh what we have the burden that this community has with respect to refuse. Very few communities accept MRF's and few communities accept landfill's and few communities accept transfers stations and this community has all of those un impacts. They were they had a good reason to believe that when Puente Hills closed that the MRF would not operate during peak hour and would have substantial relief from the burdens which they've had over the years. And now we are closing the Puente Hills and we are adding additional time to the MRF. Its taking away some of their burden but adding additional burden and that burden (in with) with the rail coming is going to be significant to this community and I can't vote for their change. I feel that enough, enough is enough. And they have had more than enough.

Exhibit 1

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47:10 – 51:00

Commissioner Helsley

Mr. Chairman thank you. (ah) I have pondered over this for many a year probably since 2004-2005 when we made changes (uh) I was on this commission at that time and it's a situation where where I think that as we look at this there (uh) has been a statement to the community on a landfill closing and I have heard talk of well lets not close it on date but lets take to the, the height that has potential doing and how many more years (gonna) is that gonna accomplish be in operation (um) if it moves in that direction. I have some concern that I think that some of the traffic data is old but I still come back to a position of the impact of the traffic during those peak hours is on a whole community on the 605 and I cannot see imposing this personally on a whole community of those heavy traffic hours, during those peak traffic hours. I think that, that can be adjusted by the haulers, by either having a, (ah) split shift. We have school bus drivers that run split shifts all the time and I think that the waste haulers can do a very similar routine or by putting on a second shift (um) in it. I heard from the community a position of, of feeling of not being transparent and I think this (ah) was countered with the outreach program but for the community to feel that I, I think that it tells me that the government has not done as good a job as it should do. And I realize that there are times that you can't change a feeling so (ah) that has to have that caveat in there. The competition with, private enterprise, I don't think the haul by rail will ever be competitive with private enterprise as a personal feeling. I have seen charts on it that the carry it forward when the private enterprise landfills fill up then I think there is no choice but to move that direction. At the present time I will not be supporting the request (ah) to change the hours because I don't feel, I think there are other alternatives that can be used and I think that's very important. We've had a community that has and if you've taken look at the map that was given to us with the 3 red dots in the close proximity (ah). I came from

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Exhibit 1

Calabasas we have a landfill there, so don't get me wrong, we have a landfill there, it has an impact on the freeway, freeways and local roads. We don't have the limitation that I have seen of the sign for the weight. So it's on many many roads. But (ah) I think we have a community here that has carried it's burden (ah) effectively and it's time to see that it's not continued in a way that impacts all the people that use the 605 and that can be the 60 and 10 impacting too. So I think that's a real concern that I have.

Exhibit 2

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JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

CYNTHIA A. HARDING, M.P.H.
Chief Deputy Director

ANGELO J. BELLOMO, REHS
Director of Environmental Health

TERRI S. WILLIAMS, REHS
Assistant Director of Environmental Health

JACQUELINE TAYLOR, MPA, REHS
Director, Bureau of Environmental Protection

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Cindy Chen, REHS
Chief Environmental Health Specialist
5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5540 • FAX (626) 813-4239

www.publichealth.lacounty.gov

October 2, 2013

Clean Air Coalition of North Whittier and Avocado Heights
843 Caraway Drive
Whittier, CA 90601
(Email: northwhittier@gmail.com)

SUBJECT: LEA Response to Statement of Issues filed by the Clean Air Coalition of North Whittier and Avocado Heights

Pursuant to Public Resources Code Division 30 (PRC), Chapter 4, Article 2, Section 44310(a)(1)(B) a request for hearing shall be made by a person alleging that the enforcement agency failed to act as required by law or regulation pursuant to Section 44307. The person shall file a request for hearing 30 days from the date the person discovered or reasonably should have discovered the facts on which the allegation is based.

On August 30, 2013 the Los Angeles County Department of Public Health, Solid Waste Program, acting as the Local Enforcement Agency (LEA) received a request for hearing from the Clean Air Coalition of North Whittier and Avocado Heights with respect to an application to revise the Solid Waste Facility Permit (SWFP) for the Puente Hills Materials Recovery Facility (PHMRF) owned and operated by the Sanitation Districts of Los Angeles (the District)

On July 11, 2013, a Notice of Public Informational Meeting was mailed to residents and interested parties whose names appeared on a mailing list provided by the District which was used for noticing a County of Los Angeles Planning Commission Hearing conducted on May 13, 2013 to revise the facility's Conditional Use Permit. It is the LEA's position that the requestor(s) for a hearing should have reasonably known of the LEA's intent to revise the SWFP on or around July 11, 2013. Therefore the request for a hearing exceeds the 30 day filing period as specified. Additionally, on July 25, 2013 the LEA conducted a Public Informational Meeting at which time LEA staff, in a presentation provided to those in attendance, reiterated their intent of revising the PHMRF's SWFP.

Given the sensitive nature of this process the LEA has considered your request for hearing which was submitted/filed on August 30, 2013 although it exceeds the 30 day filing period.



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Mark Ridley-Thomas
Second District

Zev Yaroslavsky
Third District

Don Knabe
Fourth District

Michael D. Antonovich
Fifth District



PHIMT
←

← PHIMT

Exhibit 3