

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

October 31, 2013

Ms. Caroll Mortensen, Director  
Department of Resources Recycling and Recovery, MS-25A  
P.O. Box 4025  
Sacramento, CA 95812

**NOV 7 2013**

Dear Ms. Caroll Mortensen:

**RE: APPEAL HEARING REQUEST - REVISION SWIS # 19-AA-1043**

Pursuant to PRC 45030 our organization hereby requests an appeal hearing on the following issues:

1. The Hearing Board did not review our letter (reference testifying on issues, exhibits) dated October 21, 2013 to the Hearing Board and Cindy Chen which was submitted at the beginning of the hearing. The letter had new information not previously submitted.
2. The appeal hearing conducted on October 21, 2013, failed to follow the California Ralph M. Brown Act (Section 54950 of the California Government Code).

All deliberation should be public and the LEA requested a 20 minute recess during the hearing. In addition, our letter and exhibits dated October 21, 2013, were removed from the Hearing Board Room (from public eye) to make copies. A copy was given to the Sanitation Districts of Los Angeles County and their Attorney prior to the beginning of the hearing. (Note: Sanitation Districts was not a party of the hearing). The Hearing Board did not receive a copy of our letter/presentation until near the end of the presentation resulting in difficulty in following the issues.

3. There was no written protocol for the procedures of the appeal hearing. Lauren E. Dods, Counsel Public Works, called on October 17, 2013 and the chairperson of the Clean Air Coalition was told the process would be like a forum. That upon my testifying of issues, the LEA would be given an opportunity to reply and we would be given an opportunity to rebut or clarify. We were not given this opportunity.
4. The Hearing process was unorganized and resulted in an unfair decision on the appeal by the Clean Air Coalition of North Whittier and Avocado Heights.
5. As Per letter dated October 25, 2013  
RE: Los Angeles County Solid Waste Facilities Hearing Board Decision.

Items under Factual Backgrounds are in questioned and incorrect:

**Page 1, C** - ...have unrestricted employee commuting Monday thru Sunday, is not stated in the CUP 92-251(4) 1999 and modified CUP May 13, 2013.

**Page 1, F** - LEA's application failed to include a 5 year review.

*Page 2, J* - issues addressed were not all responded to, it was stated as "noted".

*Page 2, M* - The binder submitted by LEA containing documents listed under "M" were not all disclosed to Clean Air Coalition via email dated October 17, 2013, therefore it is unknown to Clean Air Coalition if the statement is true.

*Page 2, M.3* - TPR June 2005 does not exist.

*Page 2, M.4ii* – Initial Study/Addendum to FEIR January 2, 2013 was not submitted to Clean Air Coalition as part of the binder submittal.

*Page 3, M.4iii* - was not submitted to Clean Air Coalition as part of the binder submittal.

*Page 3, M.7* - was not submitted to Clean Air Coalition as part of the binder submittal.

Unsure what public comments.

*Page 3, M.8* - was not submitted to Clean Air Coalition as part of the binder submittal.

Unsure what responses to questions.

*Page 3, M.10* - CUP May 13, 2012 was not submitted to Clean Air Coalition as part of the binder submittal.

*Page 3, M.11* - correspondence dated Oct. 18, 2013 was not submitted to Clean Air Coalition as part of the binder submittal.

*Page 3, M.12* - Supplemental Package was not part of the binder submittal. It was new material to be review by the Board.

*Page 4, M.12.xii* – Exhibit named incorrectly. Connecting Tunnel Photo (of PHMRF & PHIMF).

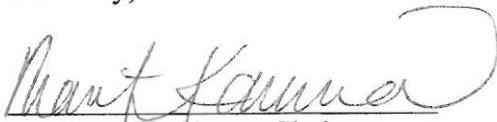
*Page 4, M.14* - was not submitted to Clean Air Coalition as part of the binder submittal.

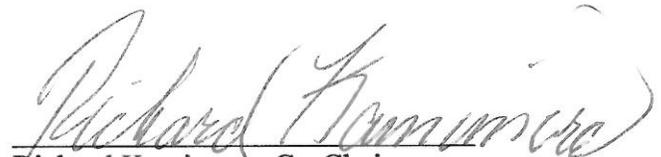
*Page 5 (2.)* - The Hearing Board did not completely review and address our findings under Division 13 of the California Public Resources Code, commencing with Section 2100 (CEQA). And the Addendum Jan. 2013 does not include Sunday employee arrival and departure as stated on page 1 item C.

*Page 5 (4.)* - The Districts' application is based on significant false or misleading information or misrepresentations and presented to the Board including 2 letters from Clean Air Coalition dated Oct. 21, 2013 and all previous documents of issues.

Per PRC 44307, Clean Air Coalition requested the Board to review the alleged failure of the agency to act as required by law or regulation. The Board limited PRC 44300 to review only the Applicant's Permit Application and disregarded to review LEA's basis of the permit (including and not limited to EIR, CUP, CEQA) as required by law or regulations **for public health and safety**. Clean Air Coalition identified all the inadequate, misleading and incomplete documents per PRC 44300. On these issues, we are requesting an appeal hearing pursuant to Public Resource Code 45030.

Sincerely,

  
Marilyn Kamimura, Chairperson

  
Richard Kamimura, Co-Chairperson

Attachment



**COUNTY OF LOS ANGELES**  
**SOLID WASTE FACILITIES HEARING BOARD**  
**5050 Commerce Drive · Baldwin Park, CA 91706**  
**626 430-5540**

Michael Mohajer, CHAIRPERSON  
Les Bittenson &, Margaret Clark, COMMISSIONERS

## **NOTICE OF APPEAL HEARING**

**DATE:** Monday, October 21, 2013

**TIME:** 1:00 P.M.

**PLACE:** Environmental Health Headquarters,  
Room 171  
5050 Commerce Drive  
Baldwin Park, CA 91706

### **AGENDA**

1. Call to Order.
2. Appeal made by the Clean Air Coalition of North Whittier and Avocado Heights in their letter dated August 30, 2013, regarding the revision of the Puente Hills Materials Recovery Facility's Solid Waste Facility Permit (SWIS # 19-AA-1043).
3. Adjournment.

For additional information, please contact Jeanne Biehler at (626) 430-5540 or [jbiehler@ph.lacounty.gov](mailto:jbiehler@ph.lacounty.gov)

*Brown Act Notice: The County of Los Angeles Solid Waste Facilities Hearing Board may take action on the item appearing in the agenda. California Ralph M. Brown Act (Section 54950 of the California Government Code).*