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Sent: Monday, September 25, 2006 11:31 AM
To: Solid Waste Facility Permit Rulemaking
Subject: Public Commentary AB 1497

Bobbie Garcia
California Integrated Waste Management Board
P.O. Box 4025, MS-10A
Sacramento, CA 95812-4025
SWFacPermit@ciwmb.ca.gov
September 25, 2006

Dear Ms. Garcia;

In reading the proposed permit implementation regulations (AB 1497), I identified several notable issues regarding § 21660.2(c).

Section 21660.2(c)(3) references posting in a “local newspaper of general circulation.” There exists a possibility of ambiguity in the interpretation of the proposed regulation. The proposed regulation, I believe, should be more stringent in its application. For argument’s sake, let us propose that the majority of the population in a given community is of Hispanic, Chinese or Vietnamese extraction, and the local newspaper of “general circulation” is the Los Angeles Daily News. Generally, communities comprised in whole or part by people to which English is not their primary language circulate a newspaper or periodical that is published in their native language. While the proposed regulation might allow for the facility operator to satisfy the regulation by simply providing notice through the Daily News, the notice might not fulfill its intended purpose if it fails to reach its intended audience- the residents of the locality potentially affected by the facility in question. Even if the facility operator in question was to place the notice in the Daily News in a translated format, the circulation may not be one that is read due to the language barrier.

In the interest of environmental justice, I believe that the proposed regulation would properly allow for the notice to reach affected portions of the community that are “linguistically isolated” if it was to read “posting in a local newspaper of general use within that specific community.”

Section 21660(c)(3) also enumerates measures to be taken that will increase public notice and encourage attendance. The regulation states that noticing is required beyond 300 feet if the closest residence is not within 300 feet of the facility. This may, in my opinion, not be the best way to provide the public with adequate notice, as well as being not cost effective to the facility operator if the residents of the community live further from the facility than the 300 feet stated. Adequate notice can be achieved through the posting of notices, with accompanying translations as needed, at locations of public congregation. This may include convenience and grocery stores, recreational centers, parks, etc. This may also be a cost effective alternative for the facility operator to reach the largest target audience.

Section 21660.2(c) reads that the meeting should be informational in nature. California identifies environmental justice as the “fair treatment of all races, cultures, and incomes with respect to the development, adoption, implementation and enforcement of environmental laws, regulations and policies.” The definition provided by the Environmental Protection Agency (EPA) reiterates the above definition, however adds the term “meaningful involvement.” In my opinion, I believe that the application of the EPA’s variation allows for a greater community involvement, and allow questions to be posed to the EA/facility operator that may potentially affect the EA’s determination. While the determination remains with the EA, I believe the EA would benefit as a whole by permitting the attending public to voice concerns concerning the facility located within their community.

Thank you for your consideration.

Sincerely,

Richard J. Uss Jr.
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