

LOCAL ENFORCEMENT AGENCY  
FOR THE CITY OF LOS ANGELES

IN THE MATTER OF:

AMERICAN WASTE INDUSTRIES  
11121 PENDLETON STREET  
SUN VALLEY, CA 91352

FACILITY NO. 19-AR-5581

INDEPENDENT HEARING

JANUARY 25, 2007

KELLI C. NORDEN  
CSR 7200  
17899

*kna*

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# TRANSCRIPT OF PROCEEDINGS

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2 FOR THE CITY OF LOS ANGELES  
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7 )  
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12 INDEPENDENT HEARING

15 200 NORTH SPRING STREET, ROOM 1050

18 LOS ANGELES, CALIFORNIA

19 10:10 A.M.

20 THURSDAY, JANUARY 25, 2007

21  
22  
23  
24  
25 KELLI C. NORDEN, CSR NUMBER 7200

1 PANEL:  
2  
3 PATRICIA HENSHAW  
4 GLEN DAKE  
5 SHARON M. TSO  
6  
7  
8 FOR ATHENS SERVICES:  
9 PATRICK W. DENNIS, ESQ.  
10 AMY FORBES, ESQ.  
11 ERIC HERBERT  
12  
13  
14 FOR THE L.E.A.:  
15 WAYNE TSUDA  
16 DAVID THOMPSON  
17 KEITH PRITSKER, ESQ., DEPUTY CITY ATTORNEY  
18 CHRISTOPHER WESTHOFF, ESQ., ASSISTANT CITY ATTORNEY  
19  
20  
21  
22  
23  
24  
25

1 LOS ANGELES, CALIFORNIA, THURSDAY  
2 JANUARY 25, 2007  
3 10:08 A.M.  
4  
5 PANELIST HENSHAW: CALL ATTENTION  
6 TO THE PROCEEDINGS. PLEASE BE ADVISED THAT THESE  
7 PROCEEDINGS ARE BEING TRANSCRIBED AND SO PLEASE  
8 STATE YOUR NAME FOR THE RECORD BEFORE YOU SPEAK.  
9 I'D LIKE TO IDENTIFY THE HEARING  
10 PANEL MEMBERS. I'M PATRICIA HENSHAW. I WORK FOR  
11 ORANGE COUNTY L.E.A. PROGRAM.  
12 PANELIST TSO: SHARON TSO, CHIEF  
13 LEGISLATIVE ANALYST'S OFFICE.  
14 PANELIST DAKE: I'M GLEN DAKE,  
15 LANDSCAPE ARCHITECT IN LOS ANGELES.  
16 PANELIST HENSHAW: THIS AGENDA FOR  
17 THIS MEETING WAS POSTED IN COMPLIANCE WITH THE  
18 RALPH M. BROWN ACT. ADDITIONALLY, THE LOCAL  
19 ENFORCEMENT AGENCY HAS SENT NOTIFICATIONS OF THIS  
20 MEETING TO INTERESTED PARTIES FOR THIS FACILITY.  
21 BE SURE TO REGISTER YOUR ATTENDANCE  
22 TODAY AND INDICATE IF YOU WOULD LIKE TO BE ON THIS  
23 LIST.  
24 BE INFORMED THAT THESE PROCEEDINGS  
25 ARE INFORMAL, AS DEFINED BY SECTION 11445.110 OR

1 ONE-ZERO OF THE GOVERNMENT CODE. THE CHAIRPERSON,  
2 MYSELF, RESERVES THE OPTION THAT THIS HEARING  
3 BECOME FORMAL, SHOULD THE NEED ARISE.  
4 WILL THOSE WHO ARE SPEAKING AND, I,  
5 GUESS, US, THEN, TOO, PLEASE STAND AND RAISE YOUR  
6 RIGHT HAND AND REPEAT AFTER ME --  
7 MR. WESTHOFF: ONLY THOSE  
8 TESTIFYING.  
9 PANELIST HENSHAW: THANK YOU.  
10 "I SWEAR THAT THE STATEMENTS  
11 I WILL BE MAKING TO THE PANEL ARE  
12 THE TRUTH AND NOTHING BUT THE  
13 TRUTH."  
14 (SPEAKERS SWORN IN.)  
15 PANELIST HENSHAW: THANK YOU.  
16 AND THEN THE PUBLIC WILL HAVE  
17 OPPORTUNITY TO MAKE COMMENTS AT THE APPROPRIATE  
18 TIME IN THE AGENDA. PLEASE LIMIT YOUR COMMENTS TO  
19 TWO MINUTES AND TRY NOT TO REPEAT WHAT OTHERS HAVE  
20 ALREADY SAID BEFORE YOU.  
21 IF YOU WISH TO SPEAK, PLEASE  
22 COMPLETE AND SUBMIT A SPEAKER CARD TO ANY OF THE  
23 L.E.A. REPRESENTATIVES. THANK YOU.  
24 SO I GUESS WE'RE DOWN TO NUMBER 5  
25 AND SO WOULD WANT TO PROCEED WITH THE

# TRANSCRIPT OF PROCEEDINGS

<p>1 INTRODUCTIONS OF THE INDIVIDUAL PARTIES OF ITEM 2 NUMBER 1. 3 MR. TSUDA: YES. MY NAME IS WAYNE 4 TSUDA. I'M THE DIRECTOR FOR THE ENVIRONMENTAL 5 AFFAIRS DEPARTMENT LOCAL ENFORCEMENT AGENCY 6 PROGRAM, AND WITH ME AT THE TABLE ON MY RIGHT IS 7 MR. DAVID THOMPSON, SUPERVISING FOR THE L.E.A. 8 PROGRAM. 9 MR. HERBERT: MY NAME IS ERIC 10 HERBERT. I'M PRESIDENT OF ERIC HENNING 11 ENTERPRISES AND THE OPERATING COMPANIES OF ATHENS 12 SERVICES AND AMERICAN WASTE. I HAVE WITH ME 13 PATRICK DENNIS AND AMY FORBES FROM GIBSON, DUNN &amp; 14 CRUTCHER. 15 PANELIST HENSHAW: SO NUMBER 6: 16 UPDATE OF THE STATUS. 17 MR. TSUDA: OKAY. SINCE WE HAVE 18 LAST MET, THE L.E.A. HAS MET WITH THE A.W.I. TEAM 19 ON SEVERAL OCCASIONS AND HAVE ACCOMPLISHED THE 20 FOLLOWING: 21 WE INCLUDED SOME -- THE STATUS 22 BETWEEN THE LAST MEETING AND DECEMBER 14TH IN A 23 WRITTEN NOTE TO THE PANEL AND I'M REPORTING ON 24 WHAT HAS HAPPENED SINCE THEN. 25 A STIPULATED AGREEMENT BETWEEN THE</p> <p style="text-align: right;">6</p>	<p>1 WILL BE PREPARED AND WOULD ANALYZE BASELINES FOR 2 BOTH 400 TONS AND 1,500 TONS PER DAY. 3 DURING THE PERIOD OF C.E.Q.A. 4 DOCUMENT PREPARATION, THE FACILITY WOULD BE 5 LIMITED TO 400 TONS A DAY OF CONSTRUCTION, DEMO 6 AND INERT WASTE AND WILL OPERATE WITHIN THE 7 EXISTING LIMITED VOLUME NOTIFICATION PERMIT OF 15 8 TONS PER DAY OF SOLID WASTE OR MIXED WASTE. 9 THE INTERIM OPERATING AGREEMENT 10 WOULD SET FORTH THE TERMS AND CONDITIONS BY WHICH 11 A.W.I. WOULD OPERATE WHILE UNDER THE CEASE AND 12 DESIST ORDER AND THE STAY GRANTED BY THIS HEARING 13 PANEL. 14 IF PARTIES FAIL TO COMPLETE 15 OBLIGATIONS OR FAIL TO AGREE ON THE SCHEDULE FOR 16 C.E.Q.A. PREPARATION, EITHER PARTY CAN NOTIFY AND 17 RECONVENE YOUR PANEL TO CONSIDER THE DISPOSITION 18 OF THE REGIONAL APPEAL OF THE ENFORCEMENT ORDER 19 AND HEARING REQUEST DATING BACK TO OCTOBER 19, 20 2006. 21 I WOULD LIKE TO JUST REVIEW SOME OF 22 THE KEY PROVISIONS IN THE INTERIM OPERATING 23 AGREEMENT. THERE ARE 42 PROVISIONS IN TOTAL. I'M 24 NOT GOING TO REFER TO ALL OF THEM. THEY ARE IN 25 YOUR PACKAGE.</p> <p style="text-align: right;">8</p>
<p>1 L.E.A. AND A.W.I. HAS BEEN SIGNED, WHICH INCLUDES 2 AN INTERIM OPERATING AGREEMENT, WHICH WE WILL TALK 3 ABOUT. 4 A DRAFT E.I.R. SCHEDULE HAS BEEN 5 DEVELOPED AS PER YOUR INSTRUCTION AND SITE 6 INSPECTIONS WERE CONDUCTED AT THE FACILITY. 7 AND I WILL ASK DAVID THOMPSON, 8 SUPERVISOR, TO RELAY THE RESULTS OF THOSE 9 INSPECTIONS. 10 MR. THOMPSON: SINCE THE LAST 11 INDEPENDENT HEARING PANEL, WE HAVE UPPED OUR 12 INSPECTION FREQUENCY TO TWICE A MONTH FOR THE 13 FACILITY. 14 OUR INSPECTOR AT ALL TIMES SAYS 15 THERE HAVE NOT BEEN ANY VIOLATIONS OF THE STATE 16 MINIMUM STANDARDS AND THEY ARE OPERATING IN 17 COMPLIANCE WITH THOSE. AND WE WILL CONTINUE TO GO 18 OUT ON A TWICE-A-MONTH FREQUENCY FOR INSPECTIONS. 19 MR. TSUDA: I'D LIKE TO MOVE 20 FORWARD WITH THE STIPULATED AGREEMENT AND DESCRIBE 21 THE WORK THAT A.W.I. AND THE L.E.A. HAVE AGREED TO 22 DO. 23 WE HAVE DRAFTED A SCHEDULE OF 24 C.E.Q.A. COMPLETION AND THAT IS IN YOUR PACKAGE. 25 A.W.I. AND THE L.E.A. AGREE THAT A FOCUSED E.I.R.</p> <p style="text-align: right;">7</p>	<p>1 BUT THE KEY ONES ARE THE HOURS OF 2 OPERATION, 7:00 TO -- 7:00 A.M. TO 8:00 P.M. 3 MONDAY THROUGH SUNDAY; THE MAXIMUM TONNAGE, AS 4 STATED BEFORE, WILL BE 400 TONS PER DAY; THE 5 MAXIMUM TRAFFIC VOLUME WILL BE 100 VEHICLES PER 6 DAY. 7 THE FACILITY MUST ADHERE TO ALL 8 STATE REGULATORY MINIMUM STANDARDS. THE FACILITY 9 WILL BE RESTRICTED TO ONLY CONSTRUCTION, DEMO AND 10 INERT DEBRIS AND 15 TONS OF SOLID WASTE. THAT'S 11 400 TONS OF C.D.I. AND 15 TONS OF SOLID WASTE. 12 THE INTERIM OPERATING AGREEMENT IS 13 SUBJECT TO REVIEW BY THE L.E.A. AND MAY BE 14 SUSPENDED, REVOKED OR MODIFIED AT ANY TIME FOR 15 SUFFICIENT CAUSE. THE SITE MUST BE SUPERVISED BY 16 TRAINED INDIVIDUALS WITH RELEVANT EXPERIENCE 17 DURING ALL OPERATING HOURS. 18 SUPERVISORS AND MANAGERS MUST HAVE 19 THE AUTHORITY TO COMMIT COMPANY RESOURCES TO 20 RESOLVE HEALTH, SAFETY AND ENVIRONMENTAL ISSUES. 21 LIMITED AND REASONABLE MONITORING 22 FOR DUST AND OTHER ENVIRONMENTAL IMPACTS WILL BE 23 CONDUCTED BY QUALIFIED FIRMS OR INDIVIDUALS IF 24 DETERMINED TO BE NECESSARY BY THE L.E.A. AND PAID 25 FOR BY THE OPERATOR.</p> <p style="text-align: right;">9</p>

# TRANSCRIPT OF PROCEEDINGS

1 A.W.I. SHALL COMPLY WITH THE  
2 ESTABLISHED LITTER CONTROL PROGRAM AND MUST KEEP  
3 ALL SURROUNDING STREETS ONE BLOCK FROM THE  
4 ENTRANCE FREE OF LITTER.

5 A.W.I. MUST PROVIDE ADDITIONAL DUST  
6 AND ODOR CONTROL MEASURES UPON REQUEST OF THE  
7 L.E.A.

8 A.W.I. WILL COMPLY WITH APPLICABLE  
9 HEALTH AND SAFETY LAWS PERTAINING TO THEIR  
10 EMPLOYEES.

11 ALL CONSTRUCTION/DEMOLITION  
12 MATERIALS SHALL BE PROCESSED WITHIN 15 DAYS AND  
13 REMOVED WITHIN 48 HOURS.

14 AND AFTER BUILDINGS ARE  
15 CONSTRUCTED, ALL PROCESSING OF MATERIALS SHALL  
16 OCCUR INSIDE THE BUILDING.

17 THAT DESCRIBES THE L.E.A.'S VERSION  
18 OF WHAT WE HAVE ACCOMPLISHED. I THINK IT'S  
19 APPROPRIATE AT THIS TIME TO ALLOW A.W.I. TO  
20 COMMENT.

21 PANELIST HENSAHW: OKAY.

22 MR. HERBERT: I'M GOING TO LET PAT  
23 DENNIS FROM GIBSON DUNN, OUR COUNSEL, START OFF  
24 OUR CONVERSATION TODAY.

25 MR. DENNIS: GOOD MORNING, MEMBERS

10

1 OF THE PANEL.

2 WHEN WE WERE HERE LAST IN LATE  
3 NOVEMBER, THE DIRECTION OF THE PANEL WAS FOR THE  
4 PARTIES TO ENTER INTO A STIPULATED AGREEMENT,  
5 WHICH YOU HAVE BEFORE YOU -- IT WAS ENTERED INTO  
6 SHORTLY AFTER THE LAST HEARING -- TO ENTER INTO AN  
7 OPERATING AGREEMENT, WHICH MR. TSUDA HAS JUST  
8 DESCRIBED AND THAT WAS ENTERED INTO PROMPTLY AND  
9 SUBMITTED TO YOU, AND THEN TO WORK TOGETHER  
10 TOWARDS A SCHEDULE FOR COMPLETING THE E.I.R. AND  
11 PERMITTING AND TO REPORT BACK TODAY ON THAT  
12 SCHEDULE, WHICH WE'RE GOING TO DO IN JUST A  
13 MOMENT.

14 SO I BELIEVE ALL OF THE STEPS THAT  
15 THE PANEL DIRECTED THE PARTIES TO ENGAGE IN HAVE  
16 BEEN COMPLETED AND WE'RE HERE TO REPORT ON THAT,  
17 AND I BELIEVE WE'VE BEEN IN FULL COMPLIANCE WITH  
18 THE PANEL'S DIRECTION.

19 THE PROCEDURAL SETTING THAT WE'RE  
20 IN, JUST TO REMIND EVERYBODY, IS THAT THE HEARING  
21 ON THE CEASE AND DESIST ORDER AS WELL AS THE  
22 HEARING ON THE APPEAL THAT WAS FILED BY A.W.I.  
23 CHALLENGED THE TIMING -- CHALLENGING THE TIMING OF  
24 THE ISSUANCE OF THE PERMIT WERE BOTH CONTINUED TO  
25 TODAY.

11

1 AND AS YOU WILL HEAR THROUGHOUT THE  
2 HEARING, THE PARTIES ARE GOING TO BE ASKING THE  
3 PANEL TO CONTINUE BOTH OF THOSE HEARINGS, SUBJECT  
4 TO THE CONDITIONS OF THE OPERATING AGREEMENT AND  
5 THE SCHEDULE FOR C.E.Q.A. COMPLIANCE.

6 AS MR. TSUDA MENTIONED, EACH PARTY  
7 HAS THE OPPORTUNITY TO COME BACK AND RECONVENE  
8 THIS PANEL IF THEY BELIEVE THE AGREEMENTS ARE NOT  
9 BEING MET OR THERE'S ANYTHING ELSE GOING ON THAT  
10 REQUIRES THIS ISSUE TO BE HEARD PROMPTLY BY THE  
11 PANEL.

12 AND WITH THAT, I GUESS, ONE OTHER  
13 PROCEDURAL ISSUE. YOU MAY RECALL THAT IN LATE  
14 NOVEMBER, SHORTLY BEFORE THE PANEL HEARING, THE  
15 L.E.A. HAD AN OPPORTUNITY TO RESPOND TO THE ISSUES  
16 THAT HAD BEEN PRESENTED BY A.W.I. AND, GIVEN THE  
17 SHORTNESS OF TIME AND THE FACT THAT THE PARTIES  
18 WERE SO CLOSE TO AGREEMENT, A.W.I. DID NOT ITSELF  
19 RESPOND TO THE ISSUES RAISED BY THE L.E.A.

20 AND I BELIEVE WE HAD ALL AGREED,  
21 AND IT'S IN THE STIPULATION WITH THE L.E.A., THAT  
22 A.W.I. WOULD HAVE THAT OPPORTUNITY, SHOULD  
23 CONTESTED PROCEEDINGS CONTINUE, WHICH THE PARTIES  
24 AT THIS POINT, OF COURSE, DON'T BELIEVE WILL  
25 HAPPEN.

12

1 BUT I WANT TO MAKE SURE IT'S CLEAR  
2 THAT WE WANT TO MAINTAIN AND PRESERVE OUR RIGHT TO  
3 THAT PROCEDURAL STEP, SHOULD IT BE NECESSARY.

4 WITH THAT, I'D LIKE TO TURN IT OVER  
5 TO MR. HERBERT, AND THEN AFTER THAT, MY COLLEAGUE,  
6 MS. FORBES, WHO'S FAMILIAR WITH THE E.I.R.  
7 SCHEDULE.

8 MR. HERBERT: THANK YOU, PAT.

9 AS WAYNE MENTIONED, WE DID ENTER  
10 INTO THE STIPULATION AND THE INTERIM OPERATING  
11 AGREEMENT AND KNOWING THAT THE WORDS IN THE  
12 AGREEMENT, BUT ALSO THE DIRECTION FROM THIS PANEL  
13 THAT WE COMPLY WITH ALL THOSE STATE MINIMUM  
14 STANDARDS.

15 AND WE ARE DOING THAT AND WE ARE,  
16 OBVIOUSLY, WITH THE INSPECTIONS; I BELIEVE THAT'S  
17 BEEN VERIFIED BY THE L.E.A. AND WE WILL CONTINUE  
18 TO COMPLY WITH THAT AND WELCOME THOSE INSPECTIONS  
19 AND REVIEWS OF THE FACILITY.

20 WE HAVE PUT TOGETHER A MILESTONE  
21 SCHEDULE. WE HAVE RETAINED CH2M HILL AS OUR  
22 E.I.R. CONSULTANT; WE'VE MET WITH THE L.E.A. WITH  
23 RESPECT TO ADDRESSING ALL OF THE ITEMS THEY HAD IN  
24 THEIR LETTER TO A.W.I. IN TERMS OF WHAT NEEDS TO  
25 BE ADDRESSED WITHIN THE E.I.R.

13

## TRANSCRIPT OF PROCEEDINGS

<p>1 AND WE WILL RETAIN ALL THE 2 NECESSARY CONSULTANTS TO MAKE SURE THE INDIVIDUAL 3 STUDIES ARE DONE, THAT WE CAN PUT THAT DRAFT 4 E.I.R. TOGETHER AND COMPLETE IT IN -- AS QUICKLY 5 AS IS POSSIBLE. 6 THE FIRST STEP IN THAT SCHEDULE IS 7 TO HAVE A NOTICE OF PREP OUT BY NEXT WEEK AND WE 8 ARE ON SCHEDULE TO HAVE THAT COMPLETED. 9 WE HAVE AN AGGRESSIVE SCHEDULE. 10 THERE ARE A LOT OF, OBVIOUSLY, MANDATORY TIME 11 FRAMES AS PART OF THE E.I.R. PROCESS, SO I'LL LET 12 AMY FORBES ADDRESS SOME OF THOSE. 13 I ALSO WANT TO REITERATE THAT WE 14 CONTINUE TO RECYCLE AND RECEIVE L.A. WASTE AT 15 ABOVE THAT 85 -- 80 PERCENT DIVERSION RATE THE 16 FACILITY WAS CERTIFIED BY THE CITY FOR, AND 17 CONTINUE TO HAVE AN IMPORTANT FUNCTION FOR THE 18 HEALTH AND SAFETY OF THE CITY AND IN COMPLIANCE 19 WITH A.B. 939 AND OTHER STATE GOALS. 20 I WOULD ALSO LIKE TO SAY THAT WE'RE 21 HAPPY TO RESPOND TO ANY QUESTIONS FROM THE PANEL 22 OR ANY OTHER QUESTIONS THAT YOU DEEM, BASED UPON 23 OTHER TESTIMONY, THAT WE NEED TO RESPOND TO. 24 WITH THAT, I'LL TURN IT OVER TO 25 AMY.</p> <p>14</p>	<p>1 SO THAT'S PROBABLY THE KEY CRITICAL 2 PATH ITEM IN THE SCHEDULE. 3 THEN WE SHOW HAVING A 45-DAY 4 CIRCULATION PERIOD, INTERNAL TEAM REVIEW, AND 5 WE'RE SHOWING BEING ABLE TO HAVE A FINAL E.I.R. 6 OUT BY FALL OF THIS YEAR. 7 AT THAT POINT THERE'S SOME 8 PROCESSING THAT NEEDS TO TAKE PLACE BEFORE THE 9 PERMIT CAN ISSUE, SO -- AND I CAN ANSWER ANY 10 QUESTIONS ABOUT THE STEPS AND WE HAVE OUR E.I.R. 11 PREPARER PROJECT -- PREPARER PERSON HERE TODAY 12 TOO, AND MARK ALBERT FROM CH2M HILL, WHO CAN ALSO 13 ANSWER QUESTIONS. 14 BUT I THINK THE BOTTOM LINE IS WE 15 ARE LOOKING FOR A CONTINUANCE TILL APPROXIMATELY 16 FEBRUARY 2008 TO ENABLE US TO COMPLETE E.I.R. 17 PROCESSING AND PERMIT PROCESSING IN RESPONSE TO 18 THE ORIGINAL ORDER. 19 AND WITH THAT, I'M HERE TO ANSWER 20 QUESTIONS. 21 PANELIST HENSHAW: OKAY. THAT WILL 22 ALSO INCLUDE NUMBER 8 OF THE AGENDA? 23 MR. TSUDA: I THINK WE'RE AT THAT 24 POINT NOW. I THINK, FROM THE PERSPECTIVE OF THE 25 L.E.A., WE WOULD LIKE TO MAKE A RECOMMENDATION</p> <p>16</p>
<p>1 MS. FORBES: GOOD MORNING, 2 PANELISTS. MY NAME IS AMY FORBES WITH GIBSON, 3 DUNN &amp; CRUTCHER. I'M HERE AS COUNSEL TO 4 ATHENS/A.W.I. 5 YOU'VE GOT THE SCHEDULE, I BELIEVE, 6 IN YOUR PACKET. I'M HAPPY TO ANSWER QUESTIONS. I 7 THINK, EXPLAINING -- 8 SORT OF IN ADDITION TO THE SCOPE 9 THAT WE RECEIVED FROM THE L.E.A., THERE WERE ALSO 10 MANY COMMENTS THAT WERE MADE AT THE LAST HEARING. 11 WE'VE COLLATED THOSE COMMENTS AS WELL AND WE 12 INTEND TO USE THE ENVIRONMENTAL IMPACT REPORT TO 13 RESPOND TO THOSE COMMENTS THAT WERE RAISED. 14 AND, OF COURSE, WITH THE NOTICE OF 15 PREPARATION, THAT WILL KICK OFF A 30-DAY PERIOD 16 FOR WHICH OTHER INTERESTED PEOPLE COULD RAISE 17 WHATEVER ISSUES THEY HAVE. 18 WE'RE SHOWING BEING ABLE TO GET A 19 DRAFT E.I.R. OUT BY JUNE 1ST. THERE IS -- THE KEY 20 NEED ITEM HERE IS GOING TO BE THE TRAFFIC STUDY 21 AND WE HAVE RETAINED A TRAFFIC CONSULTANT, BUT 22 THAT STUDY HAS TO BE REVIEWED BY L.A.D.O.T. AND I 23 THINK THAT'S REALLY -- UNTIL THE TRAFFIC HAS BEEN 24 REVIEWED AND APPROVED BY L.A.D.O.T., NOISE AND AIR 25 QUALITY HAVE TO LAG.</p> <p>15</p>	<p>1 THAT ALSO SUPPORTS THE CONTINUANCE OF THIS MATTER; 2 HOWEVER, WE WOULD VOLUNTEER TO PROVIDE THE PANEL 3 WITH WRITTEN STATUS REPORTS OF WHAT'S GOING ON 4 AND, SHOULD YOU WISH TO MEET TO REVIEW A STATUS IN 5 PERSON, WE WOULD BE WILLING TO DO THAT AS WELL. 6 BUT WE CAN GIVE YOU, I THINK, A 7 VERY GOOD PERSPECTIVE ON HOW THINGS ARE GOING ON A 8 MONTHLY BASIS IN A REPORT OR BIMONTHLY, WHATEVER 9 YOU DEEM TO BE NECESSARY. 10 PANELIST HENSHAW: OKAY. THANK 11 YOU. 12 ANY QUESTIONS? 13 PANELIST DAKE: THERE'S A COMMENT 14 AT THE LAST HEARING ON THIS MATTER ABOUT THE 15 RELEASE -- THE AVAILABILITY OF PUBLIC DOCUMENTS 16 THAT WE'RE CONSIDERING TODAY TO THE PUBLIC 17 BEFOREHAND. 18 DO YOU MAKE YOUR FILE AVAILABLE IN 19 YOUR OFFICE TO PEOPLE WHO ARE INTERESTED IN THIS? 20 HOW CAN THE PUBLIC LEARN ABOUT WHAT WE'RE TALKING 21 ABOUT HERE TODAY? 22 MR. TSUDA: WHAT WE'VE DONE IN 23 RESPONSE TO THAT REQUEST WAS TO PUT ALL OF THE 24 MATERIALS THAT ARE BEING DISTRIBUTED TODAY AND THE 25 MATERIALS THAT WE HAD E-MAILED TO YOU ON OUR</p> <p>17</p>

# TRANSCRIPT OF PROCEEDINGS

1 WEBSITE. THEY HAVE THE ABILITY TO LOOK AT IT AND  
2 DOWNLOAD IT THERE.  
3 ALSO, WE HAVE NOTIFIED THE LIST OF  
4 INTERESTED PARTIES OF THAT INFORMATION AND ALSO  
5 E-MAILED IT TO THEM AND MADE THEM AWARE OF OUR  
6 WEBSITE.  
7 REALLY, WITH THE LIMITED BUDGET WE  
8 HAVE IN OUR OFFICE, THAT'S AS MUCH AS WE CAN DO.  
9 WE DON'T HAVE THE FUNDING TO MAKE COPIES AND MAIL  
10 OUT TO EVERYBODY.

11 PANELIST TSO: JUST ONE QUESTION TO  
12 MS. FORBES.  
13 AT THE LAST MEETING, THERE WERE  
14 SOME COMMENTS MADE BY THE COMMUNITY WITH REGARD TO  
15 WHAT MAY OR MAY NOT BE INCORPORATED IN THE E.I.R.  
16 HAVE YOU WORKED WITH THE COMMUNITY OR ARE YOU  
17 EXPECTING THE COMMUNITY TO COME OUT DURING THIS  
18 COMMENT PERIOD OR HAVE YOU ALREADY SOLICITED THOSE  
19 CONCERNS FROM THEM?

20 MS. FORBES: WHAT WE HAVE DONE,  
21 WE'VE GONE BACK TO THE ORIGINAL NEGATIVE  
22 DECLARATION THAT WAS PREPARED. WE REVIEWED THE  
23 COMMENTS WE RECEIVED ON THAT NEGATIVE DECLARATION;  
24 WE'VE ALSO TAKEN THE COMMENTS THAT WERE MADE AT  
25 THE LAST MEETING AND SO WE ARE AWARE OF WHAT THOSE

18

1 SO I THINK ALL THOSE THINGS WILL BE  
2 INCORPORATED AND I THINK THERE WILL BE A GOOD  
3 DISCUSSION VIA THE E.I.R. ON THOSE ISSUES.  
4 MS. FORBES: JUST TO BE SPECIFIC,  
5 THE ISSUES THAT WE DID HEAR LAST TIME WERE  
6 ENVIRONMENTAL JUSTICE, EQUAL JUSTICE, TOXINS,  
7 HAZARDOUS MATERIALS, VECTORS AND METHANE. SO THAT  
8 WAS SOME OF THE ITEMS THAT WE HEARD LAST TIME AND  
9 WE ARE DEFINITELY GOING TO BE ANALYZING.

10 PANELIST TSO: I THINK THERE WAS  
11 SOME DISCUSSION ABOUT COMBINED IMPACT AS WELL.

12 MS. FORBES: CUMULATIVE IMPACT.  
13 BECAUSE IT IS AN E.I.R., WE WILL ABSOLUTELY LOOK  
14 AT THAT.

15 PANELIST DAKE: WHAT'S THE LEAD  
16 AGENCY FOR THIS E.I.R.?

17 MR. TSUDA: THE L.E.A.

18 PANELIST DAKE: THE L.E.A. IS THE  
19 LEAD AGENCY FOR THIS ENVIRONMENTAL DOCUMENT,  
20 WHATEVER THE PROPER TERM IS. AND WE'LL GO THROUGH  
21 THE PROCESS THAT YOU DESCRIBED, WHICH WILL MAKE  
22 SOME PEOPLE HAPPY, SOME PEOPLE LESS HAPPY.

23 AT THE END OF THAT ENVIRONMENTAL  
24 REVIEW PROCESS, IT WILL BE ADOPTED OR CERTIFIED BY  
25 THE LEAD AGENCY AND THEN THE MATTER WILL COME BACK

20

1 COMMENTS WERE AND THE ISSUES THAT WERE SUGGESTED  
2 THAT WERE FOCUSED ON.

3 IN OCTOBER WE RECEIVED A LETTER  
4 FROM THE E.A.D. TELLING US WHAT THEY FELT SHOULD  
5 BE IN THE E.I.R., SO WE HAD A SCOPE. AND WE'VE  
6 PUT ALL OF THOSE TOGETHER.

7 AND THEN WE WOULD ALSO ACCEPT --  
8 OBVIOUSLY, THERE WILL BE ADDITIONAL INPUT DURING  
9 THE CIRCULATION OF THE NOTICE OF PREPARATION.

10 AND I CAN LET MR. HERBERT TALK  
11 ABOUT -- THERE HAVE BEEN MEETINGS HELD WITH THE  
12 COMMUNITY TO DISCUSS THE PROJECT, NOT SPECIFICALLY  
13 ABOUT THE E.I.R., BUT I THINK IN THE COURSE OF  
14 THOSE MEETINGS, WE HAVE RECEIVED INPUT FROM THE  
15 COMMUNITY.

16 MR. HERBERT: OBVIOUSLY, WE'RE  
17 GOING TO BE VERY OPEN TO RECEIVING THOSE COMMENTS.  
18 THE PURPOSE OF THIS PROCESS IS TO BE OPEN AND TO  
19 RECEIVE ANY INPUT AND MAKE SURE THOSE ANALYSES ARE  
20 COMPLETE AND WE'RE GOING TO BE DOING THAT AND BE  
21 OPEN TO THAT.

22 I THINK THAT EVERYTHING I'VE HEARD  
23 THUS FAR HAS BEEN PRETTY MUCH DISCUSSED WITHIN THE  
24 LETTER FROM THE E.A.D. TO AMERICAN WASTE, AND ALSO  
25 THE PREVIOUS COMMENTS MADE AT THE SITE LAST YEAR.

19

1 TO US.

2 THIS SEEMS REASONABLE TO THIS  
3 POINT, BUT I KNOW THAT THERE WILL BE -- THE PEOPLE  
4 WHO ARE UNHAPPY AFTER THE E.I.R. PROCESS WILL COME  
5 BACK HERE AND SEEK REDRESS HERE.

6 AND I WANT IT TO BE CLEAR THAT THE  
7 AUTHORITY OF THIS GROUP IS VERY CIRCUMSPECT, YOU  
8 KNOW. AND THAT'S A CONCERN I HAVE, IS THAT PEOPLE  
9 FROM THE PUBLIC WILL COME HERE SEEKING REDRESS FOR  
10 ISSUES THAT WEREN'T SATISFIED IN THE E.I.R.; WE  
11 WON'T BE ABLE TO ADDRESS THOSE ISSUES BECAUSE  
12 WE'RE JUST FOCUSING ON THE L.E.A.'S SOLID WASTE  
13 AUTHORITY.

14 MR. WESTHOFF: THANK YOU.  
15 CHRISTOPHER WESTHOFF, PUBLIC WORKS GENERAL  
16 COUNSEL, ASSISTANT CITY ATTORNEY.

17 CORRECT, RELATIVE TO THE  
18 CERTIFICATION OF THE E.I.R., BUT YOU ALSO HAVE  
19 AUTHORITY TO RECOMMEND CONDITIONS AND SO FORTH FOR  
20 ANY PERMIT THAT MIGHT BE ISSUED FOR THE FACILITY,  
21 SO YOU HAVE SOME ABILITY TO ADDRESS CONCERNS THAT  
22 MIGHT OR MIGHT NOT BE ADDRESSED IN THE PERMIT THAT  
23 IS ISSUED BY THE L.E.A. FOR THE FACILITY, IF THAT  
24 TURNS OUT TO BE WHAT HAPPENS.

25 AND AS LONG AS I'M -- I MIGHT HAVE

21

# TRANSCRIPT OF PROCEEDINGS

<p>1 A SUGGESTION. THE SUGGESTION IS THAT YOU HAVE  2 CERTAIN REPORT-BACKS. AND I THINK YOU MAY NEED TO  3 BIFURCATE THE TWO ISSUES.  4 I THINK IT'S REALLY IMPERATIVE THAT  5 THE L.E.A. REPORT BACK ON A MONTHLY BASIS TO THE  6 COMMITTEE RELATIVE TO THE COMPLIANCE OF THE  7 FACILITY WITH THE INTERIM AGREEMENT, BECAUSE I  8 THINK THAT IS CRITICAL ON A MORE TIMELY BASIS, AND  9 SO IF YOU CAN GET MONTHLY CHECK-BACKS --  10 C.E.Q.A. BY ITS NATURE TAKES A  11 WHILE TO DEVELOP, AND YOU MIGHT WANT SOMETHING  12 ALONG A QUARTERLY OR SOME OTHER REPORT-BACK TO THE  13 COMMITTEE RELATIVE TO THE C.E.Q.A. PROGRESSION,  14 BUT IT IS REAL IMPORTANT THAT THIS COMMITTEE HEAR  15 ABOUT A.W.I.'S COMPLIANCE WITH THE INTERIM  16 AGREEMENT AND ALL OF THE STANDARD CONDITIONS THAT  17 ARE PRESENT IN A SOLID WASTE FACILITY.  18 MR. PRITSKER: I'D LIKE TO ADD  19 SOMETHING ALSO. KEITH PRITSKER, DEPUTY CITY  20 ATTORNEY.  21 MR. WESTHOFF, OF COURSE, IS ACTING  22 AS LEGAL COUNSEL TO THE INDEPENDENT HEARING PANEL  23 THIS MORNING. I'M HERE AS LEGAL COUNSEL TO THE  24 L.E.A.  25 I WANTED TO POINT OUT THAT IF THERE</p> <p style="text-align: right;">22</p>	<p>1 COUNSEL DOES NOT?  2 MR. TSUDA: NO.  3 PANELIST HENSHAW: OKAY. AND  4 THAT'S NOT A PUBLIC FORUM AT THAT POINT?  5 MR. TSUDA: IT IS NOT.  6 PANELIST HENSHAW: OKAY.  7 MS. FORBES: I MEAN, IT'S A PUBLIC  8 DOCUMENT AND A PUBLIC FORUM; IT'S JUST NOT THE  9 CITY --  10 PANELIST HENSHAW: PUBLIC MEETING.  11 THAT'S WHAT I MEANT.  12 MR. PRITSKER: IF I MIGHT ADD,  13 THAT'S BECAUSE THE L.E.A. IS ACTING IN ITS ROLE AS  14 AN ADJUNCT OF THE STATE AGENCY, THE STATE SOLID  15 WASTE BOARD, NOT ON BEHALF OF THE CITY OF  16 LOS ANGELES.  17 PANELIST HENSHAW: OKAY. AND THEN,  18 MR. TSUDA, WAYNE, DURING THE PREPARATION OF THE  19 PERMIT, THERE IS A PUBLIC MEETING -- INFORMATIONAL  20 MEETING?  21 MR. TSUDA: THAT'S RIGHT.  22 PANELIST HENSHAW: COULD YOU  23 EXPLAIN THAT FOR THE PUBLIC.  24 MR. TSUDA: DURING OUR 55-DAY  25 PROCESSING PERIOD OF THE PERMIT APPLICATION, THE</p> <p style="text-align: right;">24</p>
<p>1 ARE THOSE WHO ARE UNHAPPY WITH THE ADEQUACY OF THE  2 C.E.Q.A. DOCUMENTATION AT THE END OF THE PROCESS  3 THAT IS BEING DISCUSSED HERE, THAT THOSE PEOPLE  4 CAN APPEAL THOSE QUESTIONS ABOUT THE ADEQUACY OF  5 THE E.I.R. TO THE STATE SOLID WASTE BOARD AND IT  6 WOULD THEN GO THROUGH THAT ADMINISTRATIVE APPEAL  7 PROCESS WITH THAT AGENCY, RATHER THAN THIS HEARING  8 PANEL, AND, OF COURSE, IF THEY'RE STILL UNHAPPY,  9 THEY CAN GO TO COURT.  10 PANELIST DAKE: THANK YOU.  11 PANELIST HENSHAW: I HAVE A  12 QUESTION, MR. HERBERT.  13 ARE YOU GOING TO CONTINUE TO HAVE  14 COMMUNITY MEETINGS THROUGHOUT THE E.I.R. PROCESS,  15 KIND OF PUBLIC MEETINGS?  16 MR. HERBERT: YES. NOT ONLY  17 WHATEVER THE E.I.R. SPECIFICALLY REQUIRES IN TERMS  18 OF THOSE; WE ARE GOING TO HAVE COMMUNITY OUTREACH  19 MEETINGS WHERE WE'LL HAVE DISCUSSIONS RELATIVE TO  20 WHAT'S GOING ON WITH THE FACILITY AND THE  21 PREPARATION OF THE DOCUMENTS.  22 PANELIST HENSHAW: OKAY. AND THEN  23 WHEN THE --  24 WAYNE, WHEN THE L.E.A. CERTIFIES  25 THE E.I.R., THE L.E.A. CERTIFIES IT, BUT THE CITY</p> <p style="text-align: right;">23</p>	<p>1 L.E.A. WILL CONDUCT A PUBLIC MEETING TO DISCUSS  2 INFORMATION ABOUT THE NATURE OF THE PERMIT, THE  3 CONDITIONS, THE OPERATION -- PROPOSED OPERATION.  4 AND THAT REALLY HAS BEEN CONDUCTED ONCE BEFORE.  5 WE WILL CONDUCT IT AGAIN, PROBABLY  6 AT THE SITE IF A.W.I. AGREES TO IT, AND THAT WOULD  7 INCLUDE OPPORTUNITY FOR THE PUBLIC TO MAKE  8 COMMENTS AND PROBABLY DO A TOUR.  9 PANELIST HENSHAW: AND THAT IS  10 BEFORE THE PERMIT GOES UP TO THE WASTE BOARD TO BE  11 PUT ON THEIR AGENDA; IS THAT CORRECT?  12 MR. TSUDA: THAT IS CORRECT.  13 PANELIST HENSHAW: SO THAT WILL BE  14 AN OPPORTUNITY FOR THE PUBLIC TO VOICE CONCERNS OR  15 SUGGESTIONS OF WHAT MAY OR MAY NOT GO INTO A  16 PERMIT?  17 MR. TSUDA: THAT'S CORRECT.  18 PANELIST HENSHAW: OKAY. SO ARE WE  19 READY TO HEAR FROM THE PUBLIC?  20 MR. TSUDA: YES.  21 PANELIST HENSHAW: I WILL TRY TO  22 PRONOUNCE EVERYBODY'S NAME CORRECTLY, BUT PLEASE,  23 WHEN YOU COME FORWARD, SAY IT CAREFULLY SO THE  24 TRANSCRIBER CAN GET YOUR NAME AND THE SPELLING.  25 THE FIRST ONE IS JAN CHATTEN-BROWN.</p> <p style="text-align: right;">25</p>

# TRANSCRIPT OF PROCEEDINGS

1 MS. CHATTEN-BROWN: JAN  
2 CHATTEN-BROWN, CHATTEN-BROWN & CARSTENS. I'M AN  
3 ENVIRONMENTAL LAND USE ATTORNEY AND HERE ON BEHALF  
4 OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS.  
5 WE RECOGNIZE THAT THERE'S NEW  
6 MANAGEMENT, THERE'S NEW OWNERSHIP AT AMERICAN  
7 WASTE, BUT I WAS TROUBLED WHEN I SAW THAT THE  
8 INTERIM OPERATING AGREEMENT DIDN'T EVEN MENTION  
9 THE 2004 -- JULY 2004 STIPULATED JUDGMENT UNTIL  
10 PAGE 10 OF IT.  
11 THAT REQUIRED ENCLOSURE OF THE  
12 FACILITY BECAUSE OF ALL THE NUISANCE COMPLAINTS  
13 AND CONCERNS. THIS IS A FACILITY THAT HAS  
14 RESIDENTS IN CLOSE PROXIMITY TO IT.  
15 THE APPEAL OF THE CEASE AND DESIST  
16 ORDER, WE BELIEVE, SHOULD NOT ALLOW AN END RUN  
17 AROUND THE STIPULATED JUDGMENT. AND OUR  
18 RECOMMENDATION, CONTRARY TO THAT OF THE L.E.A.,  
19 WOULD HAVE BEEN TO DENY THE APPEAL AND ENFORCE THE  
20 CEASE AND DESIST ORDER.  
21 IF THAT IS NOT ALLOWED, WE FEEL  
22 THAT THERE ARE FAR MORE STRINGENT CONDITIONS THAT  
23 SHOULD BE IMPOSED, AND THAT INCLUDED IN THE  
24 INTERIM OPERATING AGREEMENT. AND CONTRARY TO WHAT  
25 YOU MIGHT HAVE UNDERSTOOD, I DID ASK MR. TSUDA AT

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1 THE LAST HEARING TO HAVE A COPY -- ACCESS TO A  
2 COPY OF THE INTERIM OPERATING AGREEMENT BEFORE IT  
3 WAS ADOPTED, AND INSTEAD FOUND THE EXECUTED  
4 AGREEMENT ON THE WEBSITE AFTER THE FACT.  
5 WE BELIEVE STRONGLY THAT THE  
6 E.I.R.'S BASELINE SHOULD BE THE 400 TONS FOR  
7 REASONS WE'VE ALREADY ARTICULATED, THAT THE  
8 "FAIRVIEW NEIGHBORS" CASE DOESN'T APPLY.  
9 IF YOU ALLOW THE CONTINUED  
10 OPERATION DURING THE NEXT YEAR PLUS WHILE THE --  
11 THIS PERMIT IS BEING PROCESSED, WE BELIEVE THAT  
12 THERE SHOULD BE RESTRICTION ON THE DAYS OF  
13 OPERATIONS. AS PROPOSED, IT'S SEVEN DAYS A WEEK.  
14 THERE'S A NUMBER OF FACILITIES  
15 OUTSIDE OF LOS ANGELES THAT DO NOT ALLOW  
16 OPERATION. MR. THOMPSON WAS GOOD ENOUGH TO GIVE  
17 ME A LIST OF OTHER FACILITIES IN L.A., BUT I  
18 RECEIVED THAT VERY RECENTLY AND DON'T KNOW HOW  
19 THOSE CIRCUMSTANCES VARY.  
20 BUT THIS IS A CASE WHERE WE HAVE A  
21 HISTORY OF SERIOUS VIOLATIONS IN CLOSE PROXIMITY  
22 TO NEIGHBORS.  
23 FURTHERMORE, WE WOULD OBJECT TO  
24 ALLOWING ANYTHING OTHER THAN THE CONSTRUCTION AND  
25 DEMOLITION. THAT WAS WHAT WAS ENCOMPASSED IN THE

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1 '99 M.N.D. WE DON'T BELIEVE THAT THEY SHOULD  
2 RECEIVE ANY HOUSEHOLD WASTE OR ORGANICS. ORGANICS  
3 CREATE MAJOR ODOR PROBLEMS AND --  
4 PANELIST HENSHAW: REMEMBER, KEEP  
5 YOUR COMMENTS TO TWO MINUTES, SO YOU'RE ALMOST UP.  
6 MS. CHATTEN-BROWN: OKAY. THERE --  
7 IN MAY OF 2006 WE GAVE A VERY DETAILED LETTER  
8 RECOMMENDING MITIGATION MEASURES, SHOULD THIS  
9 PROJECT BE ALLOWED TO CONTINUE. I URGE YOU TO  
10 TAKE A LOOK AT THAT.  
11 THAT WOULD INCLUDE A COMMUNITY HOT  
12 LINE, DAILY OFF-SITE PATROLS FOR ODOR AND DUST, 15  
13 MAXIMUM FOOT HEIGHT ON THE PILES OF DEBRIS, CLEAN  
14 FUEL VEHICLES AND THE QUIETEST GRINDING AND  
15 OPERATING EQUIPMENT.  
16 THIS SHOULD ALL DEFINITELY BE, WE  
17 BELIEVE, IMPOSED DURING THIS INTERIM PERIOD WHERE  
18 THE FACILITY IS NOT BEING OPERATED.  
19 THANK YOU.  
20 PANELIST HENSHAW: THANK YOU.  
21 JUANA VALDIVIA?  
22 VALDIVIA.  
23 WILLIAM EICK.  
24 MS. VALDIVIA: HELLO. GOOD MORNING  
25 TO YOU. THE REASON I'M HERE TODAY --

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1 PANELIST HENSHAW: STATE YOUR NAME.  
2 MS. VALDIVIA: JUANA VALDIVIA.  
3 AND I LIVE IN A COMMUNITY WHERE  
4 THIS COMPANY IS WORKING, YOU KNOW, WITHOUT PERMIT.  
5 AND ONE OF MY MAIN CONCERNS HERE IS TODAY, AS YOU  
6 CAN SEE, I TOOK THE TIME TO COME TO JUST LET YOU  
7 KNOW THAT I THINK THE CITY NEEDS TO REALLY ENFORCE  
8 THIS COMPANY TO BE WORKING UNDER A PERMIT.  
9 THE CONDITIONS, THE WAY THEY'RE  
10 OPERATING, IS UNHEALTHY. THEY SHOULDN'T BE  
11 OPERATING IN THAT SITUATION AND I THINK IT MAKES  
12 OUR COMMUNITY UNHEALTHY LIVING. WE HAVE CHILDREN,  
13 WE HAVE ELDERS AND I THINK THAT'S SOMETHING  
14 EVERYONE NEEDS TO REALLY LOOK AT.  
15 AND SO I'M VERY DISAPPOINTED AT THE  
16 FACT THAT THEY'VE BEEN WORKING THAT WAY WITHOUT A  
17 PERMIT.  
18 PANELIST HENSHAW: THANK YOU.  
19 MR. EICK: WILLIAM EICK, E-I-C-K.  
20 RESIDE AT 9647 STONEHURST AVENUE, SUN VALLEY,  
21 CALIFORNIA. AND I'M PRESIDENT OF THE SHADOW HILLS  
22 PROPERTY OWNERS ASSOCIATION AND WE ARE ADJACENT --  
23 PROBABLY THE COMMUNITY MOST ADJACENT FROM A  
24 RESIDENTIAL POINT OF VIEW.  
25 I DO WANT TO SAY THAT ATHENS DID

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## TRANSCRIPT OF PROCEEDINGS

1 HAVE A MEETING WITH ME YESTERDAY AND DID COMMIT TO  
2 AT LEAST DISCUSS THESE ISSUES WITH THE SHADOW  
3 HILLS AREA, SO I APPRECIATE THAT AND I THINK  
4 THAT'S A GOOD GESTURE.

5 I AM CONCERNED ABOUT A COUPLE OF  
6 THINGS. ONE IS, AGAIN, WE DIDN'T HAVE AN  
7 OPPORTUNITY TO COMMENT ON THIS STIPULATED  
8 AGREEMENT UNTIL AFTER IT WAS CREATED. WE WOULD  
9 HAVE PERHAPS ADDED A COUPLE OF THINGS.

10 FOR INSTANCE, CONDITION NUMBER 28  
11 SPECIFICALLY PROVIDES THAT THEY ARE ENTITLED TO  
12 KEEP 15 DAYS' WORTH OF MATERIAL THERE, SO 15 TIMES  
13 400 -- THAT'S 6,000 TONS OF MATERIAL.

14 IT'S NOT LIKE IT'S JUST IN THERE.  
15 IT'S NOT LIKE IN AND OUT. IT'S LIKE IN AND IT'S  
16 THERE FOR 15 DAYS, SO THAT'S KIND OF NOT THE SAME  
17 AS 400 TONS, IN MY MIND.

18 WITH RESPECT TO THE ENVIRONMENTAL  
19 IMPACT REPORT, I BELIEVE THAT SOME CONSIDERATION  
20 SHOULD BE GIVEN TO THE FACT THAT THE BASELINE MAY  
21 END UP HAVING TO BE ZERO INSTEAD OF 400. AND THE  
22 REASON FOR THAT IS, DEPENDING UPON THE TYPE OF  
23 MATERIAL AND WASTE THAT YOU ARE COLLECTING.

24 IF YOU ARE ONLY COLLECTING 400 OF  
25 THE DEMOLITION AND THEN THE OTHER 1,100 IS GOING

30

1 TO BE SOLID WASTE, YOU KNOW, GARBAGE STUFF, THAT'S  
2 ONE THING. BUT IF THE 1,500 IS ALL GOING TO END  
3 UP BEING SOLID WASTE GARBAGE AND THE DEMOLITION IS  
4 GOING TO BE SUBSTANTIALLY LESS, THEN MAYBE --  
5 THERE ARE DIFFERENT TYPES OF TRUCKS THAT PICK UP  
6 THIS MATERIAL.

7 AND SO THE BASELINE WILL BE A  
8 FUNCTION OF THE TYPES OF MATERIAL THAT THEY'RE  
9 PROPOSING AND SO THAT'S VERY IMPORTANT.

10 NUMBER 22, CONDITION NUMBER 22,  
11 TALKS ABOUT PUTTING ALL THIS MATERIAL INSIDE THE  
12 BUILDING WHEN CONSTRUCTED. HOWEVER, THERE -- YOU  
13 KNOW, THE FACILITY NOW, CURRENTLY, IS A  
14 THREE-SIDED BUILDING. I MEAN, IT'S JUST -- YOU  
15 KNOW, IT'S NOT ENCLOSABLE FOR THE MOST PART. IT'S  
16 JUST THREE SIDES.

17 SO I THINK THAT IT'S IMPORTANT THAT  
18 THE INSIDE OF THE BUILDING PART -- ESPECIALLY WHAT  
19 JAN CHATTEN-BROWN SAID ABOUT THE CONDITIONAL --  
20 THE JUDGMENT REQUIRING IT TO BE, YOU KNOW,  
21 ENCLOSED NEEDS TO BE ADDRESSED AS PART OF THIS.

22 I'M CONCERNED ABOUT CONTINUING THIS  
23 MATTER UNTIL 2008 WITHOUT SOME -- IT'S NOT JUST  
24 THE PROGRESS REPORTS. I THINK THAT THERE OUGHT TO  
25 BE SOME SORT OF -- YOU KNOW, IF THEY HAVEN'T

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1 COMPLIED, IF THEY HAVEN'T MET SOME OF THE -- I  
2 MEAN, YOU KNOW, I THINK THAT THEIR SCHEDULE IS  
3 AMBITIOUS, BUT YOU SHOULD GIVE THEM SOME DEADLINE  
4 THAT SAYS, YOU KNOW, "BY THIS DATE, YOU'LL HAVE A  
5 DRAFT ENVIRONMENTAL IMPACT REPORT, AND IF YOU  
6 DON'T, WE'RE GOING TO HAVE A HEARING" -- JUST  
7 GIVING THEM CARTE BLANCHE FOR THE NEXT YEAR SEEMS  
8 TO ME TO BE SOMETHING THAT YOU MIGHT WANT TO GIVE  
9 SOME ADDITIONAL CONSIDERATION TO.

10 I'M ALSO CONCERNED, YOU KNOW -- AND  
11 ATHENS DID TALK ABOUT HOW IT WAS HELPING THE CITY  
12 OF LOS ANGELES, BUT A LOT OF THE GARBAGE IS  
13 COLLECTED NOT FROM THE CITY OF LOS ANGELES.  
14 BASICALLY, WE'RE COLLECTING GARBAGE FROM OTHER  
15 PLACES, OTHER CITIES, OTHER AREAS, AND BRINGING IT  
16 TO THE CITY OF LOS ANGELES.

17 YOU KNOW, MAYBE WE SHOULD IMPORT  
18 OTHER STUFF AND LET THOSE OTHER CITIES HAVE THEIR  
19 OWN TRANSFER STATIONS.

20 THAT'S IT. THANK YOU VERY MUCH.

21 PANELIST HENSHAW: THANK YOU.

22 JERRY PIRO.

23 MR. PIRO: MORNING. MY NAME IS

24 JERRY PIRO. I'M A RESIDENT OF SUN VALLEY FOR 50

25 YEARS AND I'VE WATCHED THE PLACE GO DOWN, DOWN,

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1 DOWN.

2 WE'VE GOT A CUMULATIVE EFFECT, IS  
3 BASICALLY WHAT I'M REALLY CONCERNED ABOUT. IT'S  
4 NOT ONLY THAT IN THE TRASH FACTORIES -- THAT'S  
5 WHAT THEY ARE -- ALL INUNDATED AROUND, SURROUNDED  
6 BY HOMES, BUT ALSO THE TRAFFIC. THEY'RE ALL  
7 TALKING ABOUT DOUBLING THE SIZE, TRIPLING THE SIZE  
8 OF THEIR BUSINESS.

9 THESE TRUCKS AND VEHICLES THAT THEY  
10 USE HAVE LONG LINES OF CONGESTION -- CARS --  
11 BEHIND THEM. EVEN IF THESE TRUCKS ARE RETROFITTED  
12 WITH CLEAN AIR, THE CARS THAT THEY'RE HOLDING UP  
13 ARE ALSO GOING TO BE UNDER THE SAME CONDITIONS,  
14 NOT RETROFITTED AND BE POLLUTING.

15 THE ASTHMA PERCENTAGE FOR THE  
16 NATION IS -- SUN VALLEY IS DOUBLE THE SIZE. I'VE  
17 GOT A 4-YEAR-OLD CHILD THAT LIVES ON MY BLOCK  
18 THAT'S GOT ASTHMA. 4 YEARS OLD. AND IT'S A  
19 TERRIBLE MESS AND THE CITY DOESN'T SEEM TO WANT TO  
20 PUT A STOP TO IT. THEY JUST KEEP ON LETTING THEM  
21 EXPAND AND EXPAND AND EXPAND.

22 AND LIKE I SAY, EVERY ONE OF THEM  
23 WANTS TO DOUBLE ITS SIZE. SO WE NEED TO PUT A  
24 STOP TO IT. THERE ARE PLACES THAT ARE IN  
25 REMOTE LOCATIONS THAT THEY SHOULD BE WORKING IN.

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# TRANSCRIPT OF PROCEEDINGS

<p>1           THANK YOU.</p> <p>2           PANELIST HENSHAW: THANK YOU.</p> <p>3           CYNTHIA DESPRES.</p> <p>4           MS. DESPRES: HELLO. MY NAME IS</p> <p>5 CYNTHIA DESPRES AND I'M A RESIDENT OF SHADOW</p> <p>6 HILLS. I'M ALSO THE PRESIDENT OF THE EAST VALLEY</p> <p>7 COALITION. WE'RE A LOCAL COMMUNITY GROUP. WE'RE</p> <p>8 JUST TRYING TO PROTECT OUR COMMUNITY FROM --</p> <p>9 ESPECIALLY FROM ALL THE HAZARDS FROM THE WASTE</p> <p>10 INDUSTRIES THAT CONTINUE TO EXPAND.</p> <p>11          I HAVE A COUPLE OF CONCERNS. I</p> <p>12 ALSO AGREE TOO -- AN ITEM MENTIONED IN THE LAWSUIT</p> <p>13 BY AMERICAN WASTE, THAT L.E.A.'S DELAYS DO RESULT</p> <p>14 IN SUBSTANTIAL DAMAGE TO OPERATING BUSINESSES, BUT</p> <p>15 I ALSO THINK THEY ALSO CAUSE COMMUNITY DAMAGE.</p> <p>16          SO I ALSO HAVE A LOT OF GRIPE</p> <p>17 AGAINST THE WAY THE L.E.A. IS MONITORING AND</p> <p>18 PERMITTING THE -- ISSUING PERMITS IN THE</p> <p>19 COMMUNITY. I AM VERY CONCERNED ABOUT THE PERMIT,</p> <p>20 SHOULD IT GO FORWARD, THAT THE BUILDINGS ARE NOT</p> <p>21 ADEQUATELY ENCLOSED, ALLOWING DEBRIS AND ODORS TO</p> <p>22 PERMEATE INTO THE COMMUNITY.</p> <p>23          SHOULD THE PERMIT GO FORWARD, I</p> <p>24 WOULD LIKE TO SEE THAT THE L.E.E.D. STANDARDS BE</p> <p>25 USED TO INSURE GREEN PRACTICES ARE IMPLEMENTED.</p> <p style="text-align: right;">34</p>	<p>1           MS. SHELDON: I'M SORRY. I SPEAK</p> <p>2 MUCH BETTER IN SPANISH. IS OKAY? CAN I TALK IN</p> <p>3 SPANISH?</p> <p>4           TRANSLATOR: I'LL BE TRANSLATING</p> <p>5 FOR HER.</p> <p>6           MS. SHELDON: MY NAME IS ROSAURA</p> <p>7 SHELDON. I LIVE IN SUN VALLEY FOR 23 YEARS, AND</p> <p>8 EVERY DAY, DIFFERENT CITIES SEND TRASH OR</p> <p>9 DIFFERENT ITEMS THEY DON'T WANT TO OUR CITIES AND</p> <p>10 IT KEEPS PROGRESSING MORE EVERY DAY.</p> <p>11          AMERICAN WASTE NEEDS TO CONTINUE</p> <p>12 OPERATING, BUT WITH THE APPROPRIATE PERMITS TO</p> <p>13 IMPROVE THE ENVIRONMENTAL QUALITY, AS IS</p> <p>14 RECOMMENDED BY THE CITY ATTORNEY. THEY ARE</p> <p>15 VIOLATING THE LAWS AND I'M HERE TO REPRESENT THE</p> <p>16 HISPANIC COMMUNITY.</p> <p>17          THEY'RE HARMING THE QUALITIES OF</p> <p>18 OUR AIR, AND PARTICULARLY ON THE WEEKENDS, I DO</p> <p>19 NOT KNOW WHAT TAKE PLACE OR WHAT THEY DEMOLISH</p> <p>20 THERE, BUT OUR CHILDREN ARE BEING AFFECTED,</p> <p>21 ESPECIALLY ON THE WEEKENDS. THAT'S WHEN OUR</p> <p>22 FAMILIES AND OUR CHILDREN ARE HOME AND THAT'S THE</p> <p>23 AIR QUALITY THAT WE BREATHE IN AND INTAKE.</p> <p>24          THANK YOU.</p> <p>25          PANELIST HENSHAW: THANK YOU.</p> <p style="text-align: right;">36</p>
<p>1           I'M VERY CONCERNED WITH THE CLOSE</p> <p>2 PROXIMITY OF THIS ESTABLISHMENT TO THE HOMES THAT</p> <p>3 ARE LITERALLY SEVERAL FEET BEHIND THE BUSINESS.</p> <p>4           I THINK THE OPERATING HOURS SHOULD</p> <p>5 BE LOOKED AT. AS MR. EICK DID MENTION, THERE ARE</p> <p>6 OTHER COMMUNITIES WHO HAVE REGULATIONS NOT</p> <p>7 ALLOWING A SEVEN-DAY OPERATION AND I DO THINK 8:00</p> <p>8 P.M. IS A LITTLE LATE. I THINK IT SHOULD BE</p> <p>9 LOOKED AT AS A 6:00 P.M. OR 7:00 P.M. CLOSURE.</p> <p>10          I THINK THE AMOUNT OF TIME THAT THE</p> <p>11 TRASH IS ALLOWED TO REMAIN AT THE SITE IS NOT</p> <p>12 ACCEPTABLE. 6,000 TONS PER DAY REMAINING FOR A</p> <p>13 LENGTHY PERIOD LIKE THAT JUST ALLOWS FOR MORE</p> <p>14 NUISANCE ODORS AND POLLUTION IN THE NEIGHBORHOOD.</p> <p>15 I THINK WE NEED TO LOOK AT 24 OR 48 HOURS AS A</p> <p>16 MAXIMUM TIME.</p> <p>17          I THINK THE MITIGATION MEASURES</p> <p>18 NEED TO BE SERIOUSLY ADDRESSED. AGAIN, I DON'T</p> <p>19 THINK CUMULATIVE IMPACTS ARE BEING SERIOUSLY</p> <p>20 ANALYZED AND IT'S JUST VERY DISTURBING THAT,</p> <p>21 AGAIN, YET ANOTHER WASTE FACILITY IS EXPANDING IN</p> <p>22 SUN VALLEY.</p> <p>23          THANK YOU.</p> <p>24          PANELIST HENSHAW: THANK YOU.</p> <p>25          MS. SHELDON.</p> <p style="text-align: right;">35</p>	<p>1           VALDIVIA.</p> <p>2           MR. VALDIVIA (THROUGH INTERPRETER):</p> <p>3 MY NAME IS PORFIRIO VALDIVIA. I'VE BEEN WORKING</p> <p>4 HERE FOR ABOUT 45 YEARS AND THEY DON'T TAKE.</p> <p>5 PRECAUTIONARY MEASURES, SUCH AS HAVING EMPLOYEES</p> <p>6 PUT ON THEIR MASKS. AGAIN, AS I SAID, THEY DON'T</p> <p>7 TAKE PRECAUTIONARY MEASURES, JUST HAVING EMPLOYEES</p> <p>8 POSITION MASKS ON THEIR FACE.</p> <p>9           I'VE WORKED FOR THIS COMPANY -- FOR</p> <p>10 ANOTHER COMPANY, RATHER, FOR 22 YEARS, AND SOME OF</p> <p>11 MY FELLOW CO-WORKERS WHO ARE YOUNGER THAN ME HAVE</p> <p>12 PASSED AWAY. ONE OF THE JOBS WHICH I HAD WAS TO</p> <p>13 HAVE PESTICIDE THROWN ON OR PLACED ON LAWNS AND I</p> <p>14 DIDN'T USE PRECAUTIONARY MEASURES, AND I FEEL THAT</p> <p>15 THAT MIGHT BE HARMFUL.</p> <p>16          THANK YOU.</p> <p>17          PANELIST HENSHAW: THANK YOU.</p> <p>18          AND THEN, AMY FORBES, YOU HAD A</p> <p>19 SPEAKER?</p> <p>20          OKAY. ANYBODY ELSE FOR THE PUBLIC?</p> <p>21 ANYBODY WITH A SLIP?</p> <p>22          RUIZ? WHO IS THIS SLIP FOR?</p> <p>23          MR. RUIZ: MY NAME IS EXIQUIO RUIZ</p> <p>24 AND I'M A RESIDENT OF SUN VALLEY FOR 31 YEARS.</p> <p>25 I'M A MEMBER OF OUR PARISH, OUR LADY OF THE HOLY</p> <p style="text-align: right;">37</p>

# TRANSCRIPT OF PROCEEDINGS

<p>1 ROSARY, 7800 VINELAND, AND I'M ALSO AFFILIATE WITH 2 ONE L.A. AND THIS IS MY SECOND TIME IN THIS 3 MATTER WITH AMERICAN WASTE. 4 I BELIEVE THAT THIS -- IT HAS BEEN 5 TOO FAR. IT'S JUST SO -- SO MANY ABNORMALITIES, 6 YOU KNOW, THAT THEY BEEN NOT COMPLYING WITH 7 EVERYTHING, THAT WE JUST TIRED. I'M JUST TIRED OF 8 BEING THE DUMP SITE FOR EVERYBODY IN LOS ANGELES. 9 PUT IT THAT WAY. 10 IT'S NOT ENOUGH TO HAVE NINE DUMP 11 SITES IN SUN VALLEY, THAT WE WANT IT TO GROW MORE 12 AND, YOU KNOW, CONTINUE SUFFERING. THE WAY OF 13 LIFE RIGHT NOW IS VERY LOW, VERY POOR, AS MAYBE 14 YOU KNOW, MAYBE YOU DON'T. YOU HAVE TO LIVE IN 15 THERE IN ORDER TO KNOW WHAT IT IS LIKE TO LIVE IN 16 SUN VALLEY, YOU KNOW. 17 AND I'M VERY, VERY UPSET OF, YOU 18 KNOW, THIS ORGANIZATION, THE WAY I HAVE BEEN GOING 19 TO THE FACILITY, AND IT'S REALLY UNHUMANE, THE 20 WAY, YOU KNOW, THE SYSTEM WORKS. AND IT JUST -- 21 I'M ASKING YOU, PLEASE, STOP THIS NONSENSE ONCE 22 FOR ALL. 23 • YOU KNOW, I'M NOT SPEAKING JUST FOR 24 MYSELF. I HAVE A COMMUNITY THAT I REPRESENT AND 25 WE NEED, YOU KNOW, TO LOOK ELSEWHERE, YOU KNOW,</p> <p style="text-align: right;">38</p>	<p>1 5:00 TO 5:30 AND ON SATURDAY AROUND 2:00. THAT'S 2 GENERALLY OPERATING CONDITIONS RIGHT NOW, AS FAR 3 AS THE WAY WE'RE OPERATING. 4 PERMIT CONDITIONS OBVIOUSLY OFFER A 5 LARGER WINDOW IN ORDER TO ACCOMMODATE THE 6 DIFFERENT THINGS THAT MAY BE HAPPENING WITHIN THE 7 INDUSTRY OR THINGS THAT NEED TO BE ACCOMMODATED. 8 I KNOW THAT IN THE COMMUNICATIONS 9 THAT I SAW FROM THE L.E.A. RELATIVE TO OTHER 10 PERMITS IN THE AREA, MOST OF THOSE OTHERS HAVE 11 MUCH LARGER PERMITTED OPERATING HOURS. I WOULD 12 SAY THAT OURS IS PROBABLY THE MOST RESTRICTIVE 13 WITH THE CITY OF L.A. THAT WE'RE SEEING RIGHT NOW. 14 AND THOSE ARE THE HOURS THAT ARE GOING TO BE 15 ANALYZED WITHIN THE E.I.R. 16 PANELIST TSO: OKAY. AND THE 17 RATIONALE FOR THE TONNAGE BEING ALLOWED TO REMAIN 18 A CERTAIN PERIOD OF TIME, IS THAT, MR. TSUDA, 15 19 DAYS -- IS THAT A NORMAL INDUSTRY PRACTICE THAT 20 WOULD BE ALLOWED UNDER -- 21 MR. TSUDA: THAT'S THE MAXIMUM 22 ALLOWED UNDER STATE LAW. 23 PANELIST TSO: THAT IS THE MAXIMUM 24 ALLOWED UNDER STATE LAW. 25 AND, MR. HERBERT, IN TERMS OF</p> <p style="text-align: right;">40</p>
<p>1 FOR THIS TO GO ON. 2 THANK YOU. 3 PANELIST HENSHAW: THANK YOU. 4 OKAY. SO WILL THE PARTIES RETURN 5 TO THE TABLE. 6 KAREN, DO YOU HAVE SOME QUESTIONS, 7 BASED ON THE -- 8 PANELIST TSO: WELL, ONE THING THAT 9 I KIND OF HEARD OF PEOPLE COMMENT WAS WITH REGARD 10 TO THE PERMITTED HOURS OF OPERATION. IS THIS A 11 TYPICAL AMOUNT OF TIME THAT'S USUALLY PROVIDED FOR 12 THESE TYPES OF OPERATIONS? I MEAN, MONDAY THROUGH 13 SUNDAY -- FROM MONDAY THROUGH SUNDAY, 7:00 TO 14 8:00. 15 MS. TSUDA: WITHIN THE INDUSTRY 16 ITSELF, IT VARIES. THERE ARE FACILITIES OPEN 24 17 HOURS, SEVEN DAYS A WEEK. WE HAD COMPILED THAT 18 INFORMATION OF WHAT IS TYPICAL, AND THIS FACILITY 19 IS NOT OPERATING AS LONG AS MANY OF THE OTHERS, SO 20 I WOULD SAY IT'S PRETTY TYPICAL. 21 PANELIST TSO: MR. HERBERT, IN 22 TERMS OF ACTUAL PRACTICE, DO YOU NORMALLY CEASE 23 FROM 7:00 TO 8:00? 24 MR. HERBERT: NO. GENERALLY 25 SPEAKING, OUR OPERATION CLOSES ON FRIDAY ABOUT</p> <p style="text-align: right;">39</p>	<p>1 ACTUAL PRACTICE, WHAT -- 2 MR. HERBERT: THE MATERIAL -- 3 THERE'S REALLY A COUPLE DIFFERENT MATERIALS ON THE 4 SITE. THE MATERIALS WE'RE TALKING ABOUT ARE THE 5 CONSTRUCTION AND DEMOLITION WASTE, NOT THE 6 COMPRESSIBLE OR ANYTHING ELSE THAT MIGHT BE PART 7 OF THAT LOW VOLUME TRANSFER OPERATION. THAT'S A 8 LOT MORE RESTRICTIVE. 9 SO IT'S 15 DAYS OF THE OTHER 10 MATERIAL. AND OFTENTIMES, BETWEEN THE PROCESSING 11 OF ACTUALLY RECEIVING WOOD, SEPARATING IT, 12 GRINDING IT, SHIPPING IT OUT, YEAH, THERE ARE A 13 NUMBER OF DAYS THAT THAT GOES BEFORE THAT'S 14 COMPLETED. 15 THAT IS PRETTY TYPICAL FOR A 16 CONSTRUCTION AND DEMOLITION WASTE OPERATION. 17 PANELIST TSO: AND THAT'S THE ONLY 18 TYPE OF WASTE WE'RE TALKING ABOUT, IS THE 19 CONSTRUCTION/DEMOLITION? 20 MR. HERBERT: ON THAT TIME FRAME, 21 YES. THE LOW VOLUME TRANSFER OPERATION IS A 22 SEPARATE OPERATION. THAT WAS THE 15 TONS WE WERE 23 SPEAKING TO. 24 MR. TSUDA: THAT IS PERMITTED. 25 PANELIST TSO: SO THAT IS</p> <p style="text-align: right;">41</p>

# TRANSCRIPT OF PROCEEDINGS

<p>1 PERMITTED?</p> <p>2 MR. HERBERT: WE'RE THE PERMITTED</p> <p>3 SITE.</p> <p>4 PANELIST HENSHAW: GLEN, DO YOU</p> <p>5 HAVE ANY QUESTIONS?</p> <p>6 PANELIST DAKE: YEAH. I'D JUST</p> <p>7 LIKE TO RECOGNIZE THE COMMITMENT THE MEMBERS OF</p> <p>8 THE PUBLIC WHO MADE IT ALL THE WAY DOWN TO CITY</p> <p>9 HALL MADE TO GET HERE. I KNOW IT'S NOT EASY.</p> <p>10 AND I'D ENCOURAGE THE PEOPLE</p> <p>11 PARTICIPATING IN THE PRESENTATION OF THE</p> <p>12 ENVIRONMENTAL REPORT TO, OF COURSE, HAVE THE</p> <p>13 MEETINGS IN SUN VALLEY.</p> <p>14 PANELIST HENSHAW: I HAVE QUESTIONS</p> <p>15 ABOUT HOURS. IS THAT PART OF THE EXISTING</p> <p>16 CONDITIONAL USE PERMIT, TO ALLOW THOSE HOURS?</p> <p>17 MR. HERBERT: YES.</p> <p>18 MR. TSUDA: I THINK IT GOES BACK TO</p> <p>19 THE 1999 CONDITIONAL USE PERMIT.</p> <p>20 PANELIST HENSHAW: SO THOSE HAD</p> <p>21 WHAT KIND OF ENVIRONMENTAL DOCUMENT FOR THAT</p> <p>22 CONDITIONAL USE PERMIT?</p> <p>23 MR. HERBERT: IT WAS A MITIGATED</p> <p>24 NEGATIVE DECLARATION THAT WAS DONE FOR THAT BACK</p> <p>25 IN 1999.</p> <p style="text-align: right;">42</p>	<p>1 THOSE CUSTOMERS.</p> <p>2 BUT WE ARE AT THIS TIME NOT</p> <p>3 PROCESSING ANY WASTE OR NOT OPERATING ANY</p> <p>4 EQUIPMENT. IT'S JUST OPEN FOR THOSE CUSTOMERS.</p> <p>5 PANELIST HENSHAW: THAT'S RECEIVING</p> <p>6 CONSTRUCTION/DEMOLITION WASTE?</p> <p>7 MR. HERBERT: OR -- YES, OR FOR</p> <p>8 RECYCLABLES, YES.</p> <p>9 PANELIST HENSHAW: "RECYCLABLES"?</p> <p>10 MR. HERBERT: YES.</p> <p>11 PANELIST HENSHAW: AND THE EXISTING</p> <p>12 OPERATION AND THE CONTRACTS YOU HAVE FOR THAT</p> <p>13 OPERATION, YOU NEED TO CONTINUE TO OPERATE ON</p> <p>14 SATURDAY AND ON THIS LIMITED BASIS ON SUNDAY IN</p> <p>15 THIS INTERIM TIME PERIOD?</p> <p>16 MR. HERBERT: YES, I BELIEVE SO.</p> <p>17 PANELIST HENSHAW: WOULD YOU BE</p> <p>18 ABLE TO MAKE ADJUSTMENTS FOR THAT?</p> <p>19 MR. HERBERT: WELL, AGAIN, I THINK</p> <p>20 I STATED WHAT OUR CURRENT OPERATING PRACTICES ARE.</p> <p>21 YOU KNOW, I BELIEVE WE DO HAVE THAT ABILITY, BASED</p> <p>22 ON THE C.U.P. APPROVAL ON THE TIME FOR THE</p> <p>23 SEVEN-DAY.</p> <p>24 PANELIST HENSHAW: ON SATURDAY, DO</p> <p>25 YOU ALSO TAKE IN "TRUSS BOWLS" OR THE LIMITED</p> <p style="text-align: right;">44</p>
<p>1 PANELIST HENSHAW: WERE THOSE HOURS</p> <p>2 ESTABLISHED DURING THAT PROCESS?</p> <p>3 MR. HERBERT: YES. MAY I ADD ONE</p> <p>4 THING, BECAUSE I KNOW ONE OF THE DISCUSSIONS</p> <p>5 THAT'S BEEN RELATIVE TO THIS ISSUE IS THAT '99</p> <p>6 PERMIT ALSO ESTABLISHED 1,500 TONS PER DAY OF</p> <p>7 CONSTRUCTION AND DEMOLITION WASTE, WHICH HAS BEEN</p> <p>8 THE DISCUSSION WE HAD LAST TIME, AND WHY THIS</p> <p>9 ISSUE, WHAT IS THE APPROPRIATE BASELINE.</p> <p>10 THAT WAS WHAT WAS ANALYZED BY THE</p> <p>11 CITY PLANNING DEPARTMENT IN '99. IT ESTABLISHED</p> <p>12 THAT ORIGINAL USE PERMIT AND, OF COURSE, IT WAS</p> <p>13 THESE CHANGES IN STATE LAW THAT REQUIRED THE</p> <p>14 ADDITIONAL PERMIT THAT WE'RE ALL NOW TRYING TO</p> <p>15 SPEAK TO.</p> <p>16 PANELIST HENSHAW: AND YOU WERE</p> <p>17 SAYING THAT YOU OPERATE ON SATURDAY USUALLY TO</p> <p>18 LIKE 2:00, BUT YOU'RE NOT NEEDING THE SUNDAY TIME</p> <p>19 FRAME? OR DO YOU --</p> <p>20 MR. HERBERT: ON SOME OCCASIONS</p> <p>21 BECAUSE OF SOME CUSTOMER NEEDS, WE DO BRING ONE OR</p> <p>22 TWO LOADS IN. WE HAVE SOME CUSTOMERS IN THE CITY</p> <p>23 OF LOS ANGELES THAT OPERATE ON A 24-HOUR A DAY</p> <p>24 BASIS AND THEY NEED THAT, SO WE DO OPEN UP. WE</p> <p>25 HAVE A SECURITY GUARD THERE AND WE DO OPEN UP FOR</p> <p style="text-align: right;">43</p>	<p>1 VOLUME PART OF THAT?</p> <p>2 MR. HERBERT: THE LIMITED VOLUME</p> <p>3 TRANSFER OPERATION IS ALSO ABLE TO DEAL WITH THAT</p> <p>4 ON SATURDAY. GENERALLY SPEAKING, WE DON'T GET</p> <p>5 THAT KIND OF WASTE, BUT IT IS AVAILABLE FOR USE.</p> <p>6 PANELIST HENSHAW: AND DOES THAT --</p> <p>7 DO YOU PROCESS THAT OR TAKE IT TO LANDFILL DURING</p> <p>8 THAT TIME PERIOD OR --</p> <p>9 MR. HERBERT: IF IT'S REFUSE, YES.</p> <p>10 AND ALSO, WE DO PROCESS THE</p> <p>11 CONSTRUCTION/DEMOLITION WASTE ON SATURDAY.</p> <p>12 PANELIST HENSHAW: ANOTHER THING I</p> <p>13 HEARD WAS THIS -- THE BUILDING. WHAT'S THE TIME</p> <p>14 SCHEDULE FOR GETTING THAT COMPLETED?</p> <p>15 MR. HERBERT: THE PREVIOUS OWNERS</p> <p>16 HAD ACTUALLY PURCHASED THE MAIN BUILDING. THAT</p> <p>17 WAS THE ROUGHLY 45,000 SQUARE FOOT BUILDING. IT'S</p> <p>18 ACTUALLY SITTING ON THE GROUND. WE HAVE BEEN</p> <p>19 RELUCTANT TO PUT IT UP PENDING KIND OF WHERE WE'RE</p> <p>20 AT WITH THIS PROCESS.</p> <p>21 IT'S OUR COMMITMENT, IF WE'RE GOING</p> <p>22 TO GO FORWARD WITH THIS AND WE'RE ABLE TO SORT OF</p> <p>23 ACCOMPLISH THE PERMITTING NEEDED, THEN, OBVIOUSLY,</p> <p>24 ALL THOSE THINGS WILL BE CONSTRUCTED.</p> <p>25 PANELIST HENSHAW: BUT NOT DURING</p> <p style="text-align: right;">45</p>

# TRANSCRIPT OF PROCEEDINGS

<p>1 THIS TIME PERIOD OF THE YEAR --</p> <p>2 MR. HERBERT: AT THIS POINT I CAN'T</p> <p>3 COMMIT TO DO THAT BECAUSE IT'S A SIGNIFICANT</p> <p>4 INVESTMENT IN MONEY AND, OBVIOUSLY, WE'RE UNCLEAR</p> <p>5 AS TO WHERE THE END OF THIS PROCESS IS GOING TO</p> <p>6 TAKE US.</p> <p>7 PANELIST HENSHAW: BUT RIGHT NOW,</p> <p>8 THERE'S A THREE-SIDED --</p> <p>9 MR. HERBERT: THERE ARE A NUMBER OF</p> <p>10 STRUCTURES THAT WERE BUILT BY AMERICAN WASTE WHERE</p> <p>11 MATERIAL IS STORED AND PROCESSED, BUT THE LARGEST</p> <p>12 BUILDING WAS THE ONE I JUST MENTIONED THAT WAS --</p> <p>13 HAS NOT BEEN PUT UP YET.</p> <p>14 PANELIST HENSHAW: I ALSO HEARD</p> <p>15 FROM THE PUBLIC THAT THEY WOULD LIKE THIS PANEL TO</p> <p>16 MEET AT SOME POINT TO MAYBE GET A STATUS PART. I</p> <p>17 DIDN'T KNOW HOW YOU GUYS FELT ABOUT, AT SOME TIME</p> <p>18 FRAME WITHIN THE YEAR --</p> <p>19 I DON'T KNOW HOW LEGAL COUNSEL MAY</p> <p>20 FEEL --</p> <p>21 MR. WESTHOFF: SURE. JUST -- MY</p> <p>22 INTENT IN RECOMMENDING THAT YOU GET THE REPORTS</p> <p>23 BACK WOULD BE THAT THOSE REPORTS COULD THEN</p> <p>24 TRIGGER THE PANEL TO CALL A MEETING IF IT FELT IT</p> <p>25 WAS NECESSARY.</p> <p style="text-align: right;">46</p>	<p>1 ACTION, WE COULD CONTINUE IT TO A DATE OR TO</p> <p>2 SOMETHING -- WHAT WOULD SERVE THAT PURPOSE?</p> <p>3 MR. WESTHOFF: YOU COULD DO IT</p> <p>4 EITHER WAY. AND AGAIN, IF YOU REQUIRE THE L.E.A.</p> <p>5 TO REPORT BACK TO YOU ON A QUARTERLY BASIS ON</p> <p>6 PROGRESS ON THE E.I.R., IT'S FINE.</p> <p>7 IF SIX MONTHS FROM NOW AT THE</p> <p>8 SECOND QUARTER OF THE REPORTS YOU'RE NOT HAPPY</p> <p>9 WITH THE PROGRESS, YOU CAN SCHEDULE A MEETING.</p> <p>10 YOUR OTHER OPTION, OBVIOUSLY, IS TO</p> <p>11 JUST, YOU KNOW, SIX MONTHS FROM NOW SCHEDULE A</p> <p>12 MEETING TO -- AUTOMATICALLY.</p> <p>13 BUT I JUST THOUGHT THAT THE</p> <p>14 REPORTING BACK WOULD GIVE YOU AN OPTION TO LOOK AT</p> <p>15 HOW THE OPERATION IS BEING CONDUCTED ON A</p> <p>16 DAY-TO-DAY BASIS; ON A MONTHLY BASIS REPORT BACK</p> <p>17 AND THEN HOW THE E.I.R. IS PROGRESSING ON A</p> <p>18 QUARTERLY BASIS, BECAUSE, AS YOU KNOW, E.I.R.'S</p> <p>19 ARE SOMEWHAT DIFFICULT THINGS AND THEY TAKE A LOT</p> <p>20 OF LEAD TIME AND SO I JUST DON'T THINK THAT A</p> <p>21 MONTHLY REPORT BACK IS GOING TO GET YOU A LOT OF</p> <p>22 USABLE INFORMATION, BUT MORE OF A QUARTERLY BASIS</p> <p>23 PROBABLY WOULD AT LEAST ALLOW YOU TO SEE IF THERE</p> <p>24 WAS ANY PROGRESS BEING MADE DURING THE PREVIOUS</p> <p>25 QUARTER.</p> <p style="text-align: right;">48</p>
<p>1 IF THE OPERATOR'S OPERATING</p> <p>2 PURSUANT TO THE AGREEMENT AND IF THE E.I.R. IS</p> <p>3 MAKING REASONABLE PROGRESS THROUGH THE PROCESS, I</p> <p>4 WOULD NOT THINK THAT YOU WOULD NECESSARILY NEED TO</p> <p>5 MEET UNLESS YOU REALLY WANTED TO.</p> <p>6 AND THAT WAS MY INTENT IN</p> <p>7 SUGGESTING THE REPORTING BACK ON A MONTHLY BASIS</p> <p>8 FOR OPERATIONS AND ON A QUARTERLY BASIS FOR</p> <p>9 PROGRESS WITH THE E.I.R. AND THAT THEN THE PANEL</p> <p>10 USE THAT AS A MEANS TO DECIDE WHETHER OR NOT YOU</p> <p>11 NEEDED TO CALL ANOTHER MEETING, BECAUSE YOU CAN.</p> <p>12 AND I'M NOT SURE, I THINK AS LONG</p> <p>13 AS YOU GET REASONABLE NOTICE, YOU CAN SET A</p> <p>14 MEETING ON A FAIRLY SHORT TIME FRAME IN ORDER TO</p> <p>15 ADDRESS ANY CONCERNS THAT MIGHT COME TO YOU VIA</p> <p>16 THE L.E.A. REPORT ON EITHER OF THE TWO SITUATIONS,</p> <p>17 EITHER OPERATIONS OR UPON COMPLETION OF THE E.I.R.</p> <p>18 PANELIST DAKE: I LIKE WHAT</p> <p>19 MR. WESTHOFF IS SAYING ON THAT BECAUSE IT KEEPS</p> <p>20 THE FEET TO THE FIRE ON THE PART OF THE E.I.R.</p> <p>21 PREPARERS. IT'S A DIFFICULT PROCESS TO PREPARE</p> <p>22 THAT E.I.R. AND IT'S GOING TO REQUIRE A LOT OF</p> <p>23 FOCUSED PROJECT MANAGEMENT TO FOLLOW THE SCHEDULE</p> <p>24 THAT'S BEEN PRESENTED.</p> <p>25 SO IN THAT RESPECT, IN TERMS OF OUR</p> <p style="text-align: right;">47</p>	<p>1 AND IF AT ANY TIME YOU WERE</p> <p>2 DISSATISFIED WITH EITHER THE OPERATIONS OR WITH</p> <p>3 THE PROGRESS, YOU COULD THEN CALL A MEETING OF THE</p> <p>4 PANEL.</p> <p>5 PANELIST HENSHAW: AS GLEN SAID</p> <p>6 BEFORE, THIS PANEL IS HERE REALLY TO ADDRESS THE</p> <p>7 ACTIONS OF THE L.E.A. AND THE CEASE AND DESIST AND</p> <p>8 THE INTERIM AGREEMENT. I DON'T WANT THE PUBLIC TO</p> <p>9 THINK THAT WE HAVE ACTUAL POWER IN THE C.E.Q.A.</p> <p>10 PROCESS.</p> <p>11 MR. WESTHOFF: WHICH YOU DON'T.</p> <p>12 PANELIST HENSHAW: SO MY CONCERN</p> <p>13 ABOUT HAVING A PUBLIC MEETING, ESPECIALLY DURING</p> <p>14 THE COMMENT PERIOD, IT WOULD BE MISLEADING TO THE</p> <p>15 PUBLIC TO THINK THAT WE SOMEHOW HAD SOME SPECIFIC</p> <p>16 ABILITY TO TAKE ACTION, AS FAR AS MITIGATION OR</p> <p>17 ANYTHING.</p> <p>18 I'M OBVIOUSLY MORE CONCERNED AS TO</p> <p>19 HOW EVERYTHING'S OPERATING UNDER THE INTERIM</p> <p>20 AGREEMENT. IF THERE'S ANY OTHER PROBLEMS RELATED</p> <p>21 TO THE AGREEMENT, IT NEEDS TO BE ADDRESSED, NOT</p> <p>22 NECESSARILY THE C.E.Q.A. PROCESS.</p> <p>23 WOULD YOU TWO AGREE?</p> <p>24 PANELIST TSO: YES.</p> <p>25 PANELIST HENSHAW: SO THAT'S WHY --</p> <p style="text-align: right;">49</p>

# TRANSCRIPT OF PROCEEDINGS

1 THAT'S THE ONLY THING ABOUT A MEETING. I JUST  
2 DON'T WANT TO MISLEAD THE COMMUNITY TO THINK THAT  
3 WE HAVE SOME POWER THAT WE DON'T.  
4 SO I THINK MAYBE LEAVING IT UP FOR  
5 US TO, AS WE HEAR THE PROGRESS OF IT, AND MAYBE  
6 MORE THAN QUARTERLY, BUT ANY SIGNIFICANT TIMELINE  
7 BEING MET OR GOAL BEING MET, WE COULD ALWAYS  
8 COMMUNICATE, SAYING WE WANT TO HAVE A MEETING TO  
9 HEAR HOW IT'S GOING, AS FAR AS THE OPERATIONS  
10 DURING THIS TIME PERIOD, ESPECIALLY IF THERE START  
11 TO BE SOME DELAYS.

12 PANELIST TSO: I THINK THAT AS LONG  
13 AS IT'S CLEAR THAT WE RESERVE THE RIGHT AT ANY  
14 TIME TO CALL A MEETING TO HEAR IF THERE ARE ANY  
15 CONCERNS, DELAYS, MISSED DEADLINES OR ANYTHING OF  
16 THAT SORT, OR IF SOMETHING IS HAPPENING WITH  
17 REGARD TO THE OPERATION THAT DOESN'T SOUND QUITE  
18 RIGHT -- AS LONG AS IT'S CLEAR THAT WE RESERVE  
19 THAT RIGHT TO MEET AT ANY TIME.

20 BUT IT IS IMPORTANT, I THINK, AT  
21 THIS TIME THAT WE CONTINUE THE HEARING WITH THAT  
22 UNDERSTANDING AND TO ASK MR. TSUDA TO PROVIDE US  
23 WITH THE NECESSARY UPDATES.

24 I'D KIND OF LIKE MAYBE EVERY COUPLE  
25 OF MONTHS, AND ALSO TO INSURE THAT THE PUBLIC IS

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1 PANELIST HENSHAW: I'D ALSO WANT TO  
2 MAKE A STATEMENT FOR THE PUBLIC TO REALIZE THAT,  
3 YOU KNOW, THIS IS ONE APPEAL PROCESS FOR THE CEASE  
4 AND DESIST, BUT WHEN THE -- DURING THE PERMITTING  
5 PROCESS, WHEN THE L.E.A. ACTUALLY DRAFTS THE  
6 PERMIT, TO SEE THAT THERE IS ADDITIONAL ABILITY  
7 FOR THE PUBLIC TO PROVIDE COMMENTS, LIKE AT THE  
8 WASTE BOARD, AT THE L.E.A.'S PUBLIC MEETING, AND  
9 THERE ALSO IS AN APPEALS PROCESS THAT IS NOW PART  
10 OF CRISIS PROVISIONS IN THE SOLID WASTE FACILITY  
11 PERMIT.

12 I JUST WANTED TO STRESS THERE ARE A  
13 LOT OF OPPORTUNITIES FOR THE COMMUNITY TO BE  
14 INVOLVED AND TO HAVE THEIR VOICE HEARD, AND SO US  
15 NOT MEETING DOES NOT LIMIT YOUR ABILITY TO MAKE  
16 SURE THAT YOU ARE HEARD.

17 PANELIST TSO: AND IF I CAN MAKE  
18 JUST ONE MORE REQUEST OF MR. HERBERT, WITH REGARD  
19 TO YOUR WEEKEND OPERATION, YOU INDICATED THAT  
20 TYPICALLY, YOU CLOSE ON FRIDAY.

21 IS THERE ANY WAY THAT YOU CAN  
22 PROVIDE TO THIS PANEL KIND OF AN UPDATE OR KIND OF  
23 SOME INFORMATION TO US WITH REGARD TO WHEN YOU  
24 MIGHT ACTUALLY BE OPENING YOUR FACILITIES ON  
25 SATURDAYS AND SUNDAYS? I'D JUST LIKE TO SEE A

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1 MADE AWARE OF YOUR STATUS REPORTS, WHETHER IT BE  
2 PUBLISHED ON YOUR WEBSITE OR ANSWERING QUESTIONS  
3 THAT MAY COME IN TO THE L.E.A., BUT TO MAKE SURE  
4 THAT THEY ARE APPRISED OF WHAT IS HAPPENING WITH  
5 REGARD TO YOUR INSPECTIONS AND WITH REGARD TO THE  
6 REQUIREMENTS OF THE INTERIM OPERATING AGREEMENT.

7 MR. TSUDA: I UNDERSTAND WHAT  
8 YOU'RE SAYING AND WE WILL FOLLOW THROUGH. WE WILL  
9 DEFINITELY PUT OUR STATUS REPORTS ON LINE AND MAKE  
10 ANNOUNCEMENTS, NOTIFICATIONS OF THEIR AVAILABILITY  
11 TO OUR MAILING LIST.

12 MR. PRITSKER: MAY I ASK A QUESTION  
13 OF MR. HERBERT?

14 MR. HERBERT, WAS THERE NOT AN  
15 AGREEMENT, I THINK, BY THE PREVIOUS OWNER OF  
16 AMERICAN WASTE WITH THE CITY ATTORNEY'S OFFICE TO  
17 ENCLOSE THIS FACILITY?

18 MR. HERBERT: I BELIEVE THERE WAS A  
19 STIPULATION THAT THEY ENTERED INTO.

20 MR. PRITSKER: OKAY. AND WERE  
21 THERE ANY SPECIFIC DATES BY WHICH THAT HAD TO BE  
22 DONE?

23 MR. HERBERT: I DON'T HAVE THE  
24 DOCUMENTS IN FRONT OF ME. I'D HAVE TO REVIEW  
25 THEM.

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1 HISTORICAL NEXT TIME WE RECONVENE.

2 MR. HERBERT: OKAY. I'D LIKE TO  
3 JUST BE CLEAR. WE ARE CURRENTLY OPERATING ON  
4 SATURDAY.

5 PANELIST TSO: OKAY. BUT I THINK  
6 YOU INDICATED IT WAS FROM 8:00 TO 2:00?

7 MR. HERBERT: WE CLOSE EARLIER,  
8 AROUND 2:00 O'CLOCK.

9 PANELIST TSO: IF YOU CAN JUST  
10 PROVIDE US SOME HISTORIC CONFIRMATION DURING THE  
11 COURSE OF THE YEAR.

12 MR. HERBERT: MAY I MAKE A  
13 SUGGESTION? I'LL PROVIDE IT TO THE L.E.A. AND  
14 THEY'LL FORWARD IT.

15 PANELIST TSO: THAT WOULD BE FINE.  
16 THANK YOU.

17 MR. HERBERT: THANKS.

18 PANELIST HENSHAW: OKAY. LET'S  
19 JUST CLARIFY WHAT THE MOTIONS ARE ON THE TABLE.  
20 THE REQUEST FROM THE PARTIES ARE  
21 THAT WE CONTINUE THIS APPEAL, THE STAY OF APPEAL,  
22 I GUESS IT IS.

23 PANELIST DAKE: I WOULD JUST  
24 MOVE -- I'LL MAKE A MOTION THAT WE CONTINUE THE  
25 ITEM FOR UP TO ONE YEAR AND ASK THE L.E.A. FOR

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## TRANSCRIPT OF PROCEEDINGS

1 QUARTERLY PROGRESS REPORTS.  
2 PANELIST HENSHAW: I THINK SHARON  
3 WAS ASKING FOR EVERY OTHER MONTH. WOULD YOU LIKE  
4 EVERY TWO MONTHS RATHER THAN QUARTERLY?  
5 PANELIST DAKE: EVERY TWO MONTHS OR  
6 SOONER. IT SHOULD BE CLEAR, I THINK, EVERY OTHER  
7 MONTH.  
8 PANELIST HENSHAW: EVERY OTHER  
9 MONTH. OKAY. AND THEN THE HEARING PANEL HAS THE  
10 POWER TO CONVENE ANOTHER MEETING, IF NECESSARY, AS  
11 WE SEE THE PROGRESS REPORTS.  
12 PANELIST DAKE: AGREED.  
13 PANELIST HENSHAW: OKAY.  
14 MR. WESTHOFF: THERE NEEDS TO BE A  
15 SECOND.  
16 PANELIST HENSHAW: ALL IN FAVOR?  
17 PANELIST DAKE: AYE.  
18 PANELIST TSO: AYE.  
19 PANELIST HENSHAW: THANK YOU.  
20  
21 (CONCLUSION OF PROCEEDINGS.)  
22  
23  
24  
25

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1 STATE OF CALIFORNIA )  
 )SS  
2 COUNTY OF LOS ANGELES)  
3  
4 I, KELLI C. NORDEN, CERTIFIED SHORTHAND  
5 REPORTER, CERTIFICATE NUMBER 7200, FOR THE STATE  
6 OF CALIFORNIA, HEREBY CERTIFY:  
7 THE FOREGOING PROCEEDINGS WERE TAKEN  
8 BEFORE ME AT THE TIME AND PLACE THEREIN SET FORTH;  
9 THE PROCEEDINGS WERE RECORDED  
10 STENOGRAPHICALLY BY ME AND WERE THEREAFTER  
11 TRANSCRIBED;  
12 THE FOREGOING TRANSCRIPT IS A TRUE AND  
13 CORRECT TRANSCRIPT OF MY SHORTHAND NOTES SO TAKEN;  
14 I FURTHER CERTIFY THAT I AM NEITHER  
15 COUNSEL FOR NOR RELATED TO ANY PARTY TO SAID  
16 ACTION, NOR IN ANY WAY INTERESTED IN THE OUTCOME  
17 THEREOF.  
18 IN WITNESS WHEREOF, I HAVE HEREUNTO  
19 SUBSCRIBED MY NAME THIS 5TH DAY OF FEBRUARY, 2007.  
20  
21  
22  
23  
24  
25

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# TRANSCRIPT OF PROCEEDINGS

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