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February 14, 2002
By Hand Delivery

D.C. RECEIVED
OFFICE OF ZONING
2002 FEB 14 PM 3:59

Board of Zoning Adjustment
441 4th Street, N.W.
Suite 441
Washington, D.C. 20001

Re: Appeal No. 16239 (L.G. Industries)

To Whom it May Concern:

It has come to my attention, upon a review of the Board of Zoning Adjustment (BZA) file for Appeal No. 16239 (L.G. Industries), that a document I filed in that appeal, on behalf of the Near Northeast Neighborhood Task Force (NNNTF), has not been completely entered into the docket. Please accept and enter this letter into BZA's formal appeal docket, *along with the attached copy of my original filing*, to correct this defect. A brief explanation of the situation follows.

On October 11, 2000, I submitted the attached letter on behalf of NNNTF, requesting that Appeal No. 16239 be scheduled promptly for a hearing, and re-iterating NNNTF's request to intervene in the appeal. Attached to that October 11, 2000 letter were copies of two earlier letters sent by my office -- dated May 5, 1997 and July 7, 1998, respectively -- requesting intervention in this appeal on behalf of NNNTF. The October 11, 2000 letter was not entered into the BZA file for this appeal. However, it appears that the copy of the May 5, 1997 letter that was attached to the October 11, 2000 letter was stamped "Received 11/27/01" and entered into the case file as Exhibit No. 22. (This is the only reason I can think of why the May 5, 1997 letter appears as Exhibit No. 22 in the file. According to my records, my office re-submitted the May 5, 1997 letter as an attachment to the October 11, 2000 letter, but did not re-submit it again in November 2001.)

BZA
Case No. 16239
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO.16239
EXHIBIT NO.26

I now ask that you correct the docket by entering the attached copy of my October 11, 2000 letter into the case file. I believe this should sufficiently cure any defects in the official file, as the original attachments to that October 11, 2000 letter are already in the case file separately.

Thank you for your attention to this matter. Please call me at (202) 662-9549 if you have any questions regarding this admittedly confusing matter.

Sincerely,

Lawrence M. Levine
Counsel for NNNTF

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October 11, 2000

BY FACSIMILE (202-727-4925) AND 1st CLASS MAIL

Ms. Jerrily Kress
Director
Office of Zoning
441 4th Street, N.W.
Suite 441
Washington, D.C. 20001

Dear Ms. Kress,

The Institute for Public Representation ("IPR"), a public interest law firm at Georgetown University Law Center, submits this letter on behalf of our client, the Near Northeast Neighborhood Task Force ("NNNTF").[1] NNNTF is a group of citizens owning or renting residential and commercial properties across the street from and within the blocks immediately surrounding the "Uline" trash transfer facility. We write to re-state NNNTF's request to intervene in proceedings regarding this facility, operated by L.G. Industries, Inc. ("LGI") (and owned by USA Waste of D.C., Inc.),[2] and to request further information on your office's plans to proceed with the case.

In May 1997, NNNTF requested permission to intervene in an appeal involving the denial of a Certificate of Occupancy ("CO") application filed by LGI. (See Attachment 1.) In

[1] In previous correspondence, we have referred to NNNTF as Near Northeast Task Force, or NNTF. In the future, we will refer to the group – and request that you refer to the group in any future correspondence – as Near Northeast Neighborhood Task Force ("NNNTF").

[2] USA Waste, Inc. has bought Waste Management, Inc., and now goes by the name of Waste Management, Inc. We are uncertain whether LGI is still the operator under the current ownership. However, because the original CO application and appeal, as well as the judicial proceedings, were conducted in the names of LGI and USA Waste, we will continue to use the latter two company names in this letter.

July 1998, no further hearings having been scheduled, we wrote again to your office asking for clarification of the status of the appeal, and requesting that your office take further action to prevent LGI's continued operation without a valid CO. (See Attachment 2.) In January 1999, we received a copy of the letter sent by the Board of Zoning Adjustment ("BZA") to LGI, inquiring about LGI's intention to pursue the appeal. In reaction to that letter, LGI obtained a temporary injunction from the D.C. Superior Court ordering the BZA to suspend any further action on the matter. As you know, the District appealed the injunction and the D.C. Court of Appeals, by an opinion issued August 31, 2000, reversed the lower court's order, thus lifting the injunction

This latest judicial ruling now clears the way for the BZA to proceed once again with LGI's appeal and for the District to take enforcement action against LGI for operating without a valid CO. After six years of living with LGIs's noxious and illegal operations, and four years of petitioning the District government for a conclusive enforcement action, NNNTF urges the BZA to use this opportunity to bring this matter – and the LGI facility itself -- to a close.

We again wish to reiterate our request that NNNTF be be allowed to intervene in LGI's appeal or any other formal action by LGI before the BZA, such as an application for a special exception. We also request a response stating how the BZA intends to handle LGI's CO application and appeal, now that the court injunction has been lifted. If you have any questions or would like to discuss this issue further, please contact Larry Levine at (202) 662-9549.

Sincerely,

Hope M. Babcock
Senior Attorney/Associate Director

Lawrence M. Levine
Graduate Law Fellow