District Of Columbia Government
ADVISORY NEIGHBORHOOD COMMISSION 6A
Vice Chairman, Daniel M. Pernell, III (SMD6A02)
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April 23. 2002

Mr. Geoffrey Griffis
Chairperson
Board of Zoning and Adjustment
441 4th Street NW # 210
Washington DC 20001

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RE: Appeal of USA Waste of DC
BZA Appeal No. 16239

Dear Mr. Griffis:

On Wednesday March 13, 2002, at 900 G Street the members of Advisory Neighborhood Commission 6A Zoning and Licensing Subcommittee met at 7:00 pm with nine members present constituting a quorum.

Representatives from USA Waste, their attorney Carolyn Brown of Holland and Knight, community members from the Near Northeast community and their attorneys from the Georgetown University Law Center presented their individuals cases before the subcommittee. The primary concern was whether the Department of Consumer and Regulatory Affairs properly denied USA Waste and its affiliates a certificate of occupancy. Each party presented testimony regarding the validity of the 1994 C of O and whether the C of O application properly identified the facility as a solid waste handling facility. Also the appellants' new application filed at the directive of DCRA and subsequent court rulings and appeals were addressed.

Also at issue was the external effect of this Trash Solid Waste Transfer Facility, which is directly across from residential property owners. The issues presented by the community were: persistent and foul odorous gases, objectionable amounts of dust, possible toxic emissions, disease vectors, vermin, lowered property values, damage to public infrastructure, due to large trucks transporting solid waste to and from the facility, damage to private property and the incompatible use for that facility in a area with children and residential property within 250 feet of the facility.

After over two hours of testimonies the subcommittee voted to oppose the appeal and to make recommendation to the full ANC6A Commission to adopt the subcommittee's recommendation. On April 4, 2002 at Miner Elementary School located at 15th and Gales Street NE, Advisory Neighborhood Commission 6A met at 7:00 pm with eight Commissioners present, which constituted a quorum. Carolyn Brown of Holland and Knight, Georgetown University Law Center and

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members of the Near Northeast Task Force were present and reiterated their concerns presented at the subcommittee hearing. Advisory Neighborhood Commission 6A voted eight to 0 to oppose the appeal. ANC6A has consistently opposed the location of this Solid Waste Transfer Facility and has repeatedly supported the buffer zone requirement both legislatively and regulatory. The legal issues that will be presented at the BZA hearing are issues that this Board will ultimately decide administratively. However this community has suffered diminished quality of life and has endured the negative impacts directly linked to the operation of this facility. The community is currently anticipating the new Metro Station on New York Avenue, the new ATF building and Station Place Commercial office building to bring new hope and revitalization to our community. US Waste presents is incompatible with current projects and offers no enhancements to our community only a public nuisances that reduces the potential for residential revitalization and increases in property values that is essential to our communities efforts to attract new home ownership by reducing the number of vacate and abundant property in our neighborhood.

Sincerely

Daniel M. Pernell III
Vice Chairman ANC6A

Gregory J. Ferrell
Chairman Z&L Subcommittee