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VIA HAND DELIVERY

Board of Zoning Adjustment for the
District of Columbia
441 4th Street, N.W.
Suite 210-S
Washington, D.C. 20001

Re: BZA Appeal No. 16239 -- Appeal of USA Waste of DC, Inc. (formerly known as L.G. Industries, Inc.)

To whom it may concern:

On behalf of the Near Northeast Neighborhood Task Force (NNNTF), the Institute for Public Representation files herewith one original and twelve (12) copies of its Pre-Hearing Brief in connection with the Appeal No. 16239, the hearing of which is currently scheduled for April 7, 2002.

Please contact Lawrence Levine at (202) 662-9549 with any question about this filing.

Sincerely,

Hope M. Babcock, Esq.
Counsel for the Near Northeast
Neighborhood Task Force

Enclosure

cc: Appellant, USA Waste of D.C., Inc. (formerly known as L.G. Industries, Inc.)
Office of Corporation Counsel
Advisory Neighborhood Commission 6A

BZA
Case No. 16239
Exhibit No. 33

Board of Zoning Adjustment
District of Columbia
CASE NO.16239
EXHIBIT NO.33A1

#33

BEFORE THE
BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

In the Matter of:	)	
	)	
Appeal of USA Waste of DC, Inc.	)	**Hearing Date: May 7, 2002**
(formerly known as L.G. Industries, Inc.),	)	**ANC 6A**
pursuant to 11 DCMR §§ 3100 and 3101,	)	
from the administrative decision of the Zoning	)	
Administrator to withhold the issuance of a	)	**BZA Appeal No. 16239**
certificate of occupancy for a trash transfer station	)	
in the C-M-1 and C-M-3 Districts (the subject	)	
property was zoned M at the time that the	)	
application was filed) at premises	)	
1140 3rd Street, NE (Square 748,	)	
Lots 8, 9, 10, 11, 42, 43, 809 through 812).	)	
	)	

PRE-HEARING BRIEF OF INTERVENOR
NEAR NORTHEAST NEIGHBORHOOD TASK FORCE

The Near Northeast Neighborhood Task Force ("NNNTF") submits this Pre-Hearing Brief in support of the Department of Consumer and Regulatory Affairs' ("DCRA") denial of LGI/USA Waste's 1996 Application for a Certificate of Occupancy ("CO") for its solid waste transfer facility ("SWTF") located in the former Uline Arena. NNNTF is composed of residents of the community adjacent to the facility.

BACKGROUND

Since 1994, LGI/USA Waste has owned and operated a SWTF at the former Uline Arena, at 1140 3rd Street, N.E., pursuant to a CO allowing the property's use for "Shipping, Freight & Cargo, Transfer Station, Warehousing and Trucking." Each day the facility receives large volumes of municipal solid waste, as well as other types of waste, which it first unloads off of

garbage trucks, and then re-loads onto tractor trailers for transport to sanitary landfills outside of the District. Less than 250 feet from LGI/USA Waste's SWTF (the "Uline SWTF") are private homes. Many of the residents of this surrounding community lived in the neighborhood when the Uline Arena hosted concerts and other community events, before it became a SWTF.

For almost eight years, members of NNNTF have reported foul odors of rotting garbage coming from the Uline SWTF, and some members have experienced nausea and headaches from the odors, as they will testify and as the Exhibits to this brief demonstrate.[1] *See, e.g.*, Testimony of Helena Darden, NNNTF member, before the Zoning Commission, regarding Case No. 96-5 (10/3/96) (attached as Exhibit 2). Because of the smells, "no longer are residents sitting on their front porches or their window open for just a breath of fresh air." Testimony of Venious Parker, NNNTF member, before the Zoning Commission, regarding Case No. 96-5 (10/3/96) (attached as Exhibit 3). Many members have stopped entertaining guests because of the embarrassing, nauseating smells. *See, e.g.,* Letter from Institute for Public Representation to Mayor Williams of 8/4/00, at 3 (attached as Exhibit 4). NNNTF members have also complained that, since the Uline SWTF's arrival, the dust levels in their homes have increased, posing a serious health concern for members who suffer from asthma. *See, e.g.*, *id.* at 6; Exhibit 3. Rodents, raccoons, flies, and cockroaches have all increased dramatically since the SWTF began operating. *See, e.g.*, Exhibit 4 at 9. Because of the rodents, many residents have lost the use of their front and back yards and are concerned about their and their families' health and safety. *See, e.g.*, Exhibit 4 at 9; Exhibit 2; Exhibit 3. Finally, property values in the neighborhood have significantly diminished. *See, e.g.*, Letter from Hopkins to Wirt of 9/26/96 (attached as Exhibit 5); Letter from Thibeaux to Wirt of 9/30/96. As the attached petition with over 1300 signatures

[1] The local ANC has filed a formal statement with the BZA reaching the same conclusions. *See* Letter from Pernell and Ferrell to Griffis of 4/23/02 (attached as Exhibit 1).

demonstrates, NNNTF and the residents of the Near Northeast Community attribute each of these problems to the Uline SWTF. Petition to Zoning Commission (attached as Exhibit 7).

In 1994, when LGI/USA Waste began operating the Uline SWTF, the District had no laws or regulations designed explicitly for the regulation of SWTFs. The next year, however, the District enacted the Solid Waste Facility Permit Act of 1995 ("SWFPA"), which established health, safety, and environmental standards for privately-owned SWTFs and required such facilities to obtain solid waste operating permits.[2] D.C. Code § 8-1051 *et seq.* (2001). Based on the SWPFA and the regulations implementing the Act, DCRA directed LGI/USA Waste to apply for an interim operating permit. *See* Statement of the Appellant at Exhibit D.

In August 1996, the District issued LGI/USA Waste an "interim operating permit" under the SWFPA, which was subject to the condition that the company must apply within thirty days for a CO describing the Uline SWTF as a "solid waste handling facility." *Id.* at 2; *Dist. of Columbia Dep't of Pub. Works v. L.G. Indus., Inc.*, 758 A.2d 950, 951-55 (D.C. 2000) (describing the history of the dispute over LGI/USA Waste's CO). On September 3, 1996, LGI/USA Waste filed a CO application under protest, arguing that its 1994 CO allowed it to continue operating the Uline Arena as a SWTF. *See* Statement of the Appellant at Exhibit F. DCRA's Building and Land Regulation Administration denied LGI/USA Waste's application, informing LGI/USA Waste that, under a proposed zoning regulation then pending before the Zoning Commission, obtaining a new CO would require a special exception, which only the

[2] In 1999, the District enacted amendments to the SWFPA, which included, among other things, a requirement for a 500-foot buffer zone between any SWTF and surrounding properties, a moratorium on new SWTFs, and requirements regarding, for example, vermin abatement, tire washing, and maintenance of an enclosed facility to capture odors. *See* 46 D.C. Reg 3435 (1999) (codified as D.C. Code § 8-1051 *et seq.*) LGI/USA Waste has challenged the SWFPA, both as originally enacted and as amended, in a court action that remains pending. *See Dist. of Columbia Department of Pub. Works v. L.G. Indus., Inc.*, 758 A.2d 950, 951-55 (D.C. 2000) (reversing a Superior Court ruling and remanding for further proceedings; describing the procedural history of that case).

Board of Zoning Adjustment ("BZA") could grant.[3] *See* Statement of the Appellant at Exhibit G.

LGI/USA Waste filed this appeal with the BZA, reasserting that it had a valid CO from 1994 and requesting that the BZA declare that the facility was "grandfathered" both from any requirement imposed by DCRA to apply for a CO, and from the new special exception requirements for SWTFs contained in the then-proposed Zoning Regulations.[4] *See* Statement of the Appellant at Exhibit H. NNNTF intervened in this appeal in May 1997, in opposition to LGI/USA Waste, and in order to protect the interests of the residents living adjacent to the Uline SWTF. *See* Letters from IPR to BZA, Case Jacket, Exhibit No. 15, 22.

On September 21, 1998, the D.C. Superior Court issued a preliminary injunction in the case involving LGI/USA Waste's challenge to the validity of the SWFPA, which stayed all administrative proceedings regarding the validity of the 1994 CO, so that the court could rule on zoning matters that had been raised in the litigation. *See L.G. Indus., Inc.* , 758 A.2d at 953-54 (D.C. 2000). The Superior Court included within the scope of its injunction this proceeding before the BZA. The District appealed the stay, and on August 31, 2000, the D.C. Court of Appeals reversed, holding that the BZA has primary jurisdiction to rule on the matters that had

[3] Prior to issuing the interim permit, DCRA originally explained in a letter to LGI/USA Waste that, as a procedural matter, LGI/USA's application for a CO would automatically be denied, and LGI/USA Waste would have to apply to the BZA for a *variance*. *See* Statement of the Appellant at Exhibit D. DCRA also stated that for the period that the variance application was pending before the BZA, LGI/USA Waste could operate the SWTF so long as the company was in compliance with the terms of the interim operating permit and all other laws and regulations governing SWTFs. When LGI/USA actually applied for the CO, however, regulations were pending before the Zoning Commission that would require solid waste handling facilities to apply for special exceptions from the BZA. *See* 43 D.C. Reg. 4410 (1996). Based on that pending zoning regulation, DCRA, in its letter to LGI/USA Waste denying the company's 1996 CO application, opted to inform LGI/USA Waste that it would require a *special exception* from the BZA, instead of a *variance*. *See* Statement of the Appellant at Exhibit G.

[4] Since LGI/USA Waste filed its appeal, the pending zoning regulations have been adopted, classifying SWTFs as a use requiring a "special exception" in both M and C-M Districts. 11 DCMR §§ 822.3 and 802.4.

been brought before it by LGI's zoning appeal. *Id.* at 956. LGI/USA Waste's appeal of DCRA's denial of its CO application is, once again, before this Board.

SUMMARY OF ARGUMENT

The Uline SWTF was never a legal use with a valid CO because the facility did not meet the "standards of external effects" in 1994, the Zoning Regulations applicable in 1994 prohibited SWTFs in M Districts, and LGI/USA Waste failed to submit an accurate and complete CO application in 1994. Therefore, LGI/USA Waste is not "grandfathered" from the requirement to obtain a new CO for a use as a "solid waste handling facility," as DCRA directed it to do in 1996. Neither the District nor NNNTF is estopped from making those arguments now.

LGI/USA Waste's alternative argument, that DCRA's denial of the company's 1996 CO application should be reversed because DCRA relied on improper grounds for the denial, also fails. The BZA is not limited to ruling on the same grounds offered by DCRA for its denial, and under regulations that were undisputedly applicable in 1996, LGI/USA Waste was not entitled to a CO in 1996 for reasons similar to those that make the 1994 CO invalid. Finally, the BZA should rule conclusively that LGI/USA Waste is not entitled to a CO pursuant to its 1996 application.

ARGUMENT

LGI/USA Waste has appealed DCRA's denial of a 1996 application for a CO. However, because LGI/USA Waste's chief argument on appeal is that its operations are "grandfathered" by a disputed 1994 CO, NNNTF will first address the invalidity of LGI/USA Waste's original, 1994 CO. This brief will then proceed to establish the propriety of DCRA's 1996 denial of LGI/USA Waste's second CO application, based on the applicable law in 1996.

I. LGI/USA Waste's 1994 CO Did Not "Grandfather" the Company Against Compliance With Zoning Regulations in Effect in 1996 Because the 1994 CO Has Always Been Invalid

The Uline SWTF has never had a valid CO. Therefore, the facility was not exempted from DCRA's 1996 directive to apply for a new CO, but rather, had to obtain a new CO in order to operate legally.[5] *See* D.C. Code § 6-641.09 (2001) (requiring owners to obtain a CO pursuant to the Zoning Regulations prior to establishing a use); 11 DCMR § 3203.1. LGI/USA Waste did not have a right to the CO that the District erroneously granted in 1994 because the Uline SWTF violated the Zoning Regulations' "standards of external effects," with which all uses were required to comply. 11 DCMR § 825. Moreover, the Zoning Regulations prohibited uses in M Districts that have "objectionable" characteristics similar to those of certain prohibited uses, 11 DCMR § 823.1(o). Since SWTFs have such characteristics, they were prohibited in M Districts in 1994. The 1994 CO was also issued in error because LGI/USA Waste misled the Zoning Administrator by submitting an inaccurate and incomplete CO application. Finally, neither the District nor NNNTF is estopped from arguing, at this time, that the 1994 CO is invalid.

A. The Zoning Regulations in effect in 1994 prohibited the operation of the Uline SWTF

LGI/USA Waste was not entitled to a CO in 1994 for at least two reasons. First, the Uline SWTF could not comply with the "standards of external effects," which were binding on all uses under the Zoning Regulations. *See* 11 DCMR § 825.1 (requiring compliance with standards of external effects); 11 DCMR § 826.2 (requiring consideration, at the time of the

[5] NNNTF understands LGI/USA Waste's "grandfathering" argument to be simply that the company did not have to apply for a CO in 1996 because it already held a CO issued in 1994, which had neither expired nor been revoked. *See* Statement of the Appellant at 9. NNNTF responds to this argument, here. LGI/USA Waste, later in its brief, confuses the issue by referring to the law concerning the status of non-conforming uses under newly adopted Zoning Regulations. *Id.* at 15-16. NNNTF does not respond to these vague arguments, other than to note that such an analysis appears to be misplaced given LGI/USA Waste's contention that the applicable Zoning Regulations in 1996 did not differ from those applicable in 1994. *Id.* at 16-18.

Zoning Administrator reviews a CO application, of whether a facility can satisfy the standards of external effects). For example, the facility violated then, and still violates now, the prohibition against uses that emit "offensive" odorous matter that can be detected beyond the boundaries of its zoning district, 11 DCMR § 825.8. *See supra* at 2. Additionally, the Uline SWTF emitted then, and continues to emit now, a significant amount of "objectionable" dirt and dust throughout the neighborhood, in violation of 11 DCMR § 825.10. *See supra* at 2. The Uline SWTF's inability to meet these external effects standards confirms that LGI/USA Waste could not operate legally under the Zoning Regulations and, therefore, did not satisfy the requirements to receive a CO in 1994. *See* 11 DCMR § 825.

Second, SWTFs were also a categorically prohibited use under the 1994 regulations for M Districts.[6] In an M District, all uses were permitted except those which were prohibited by the Zoning Regulations. 11 DCMR § 822.1. The M District regulations prohibited not only specifically enumerated uses, but all uses that have objectionable characteristics similar to those of the enumerated uses. 11 DCMR § 823.1(o). SWTFs have objectionable characteristics similar to those of the prohibited uses because many of the uses emit foul and overwhelming smells and attract rodents and other vermin, as does the Uline SWTF. *See, e.g.*, 11 DCMR § 823.1(a) (abattoir or slaughter house), (d) (animal rendering), (j) (curing, tanning or storage of hides). Therefore, in 1994, SWTFs were a prohibited use in M Districts, pursuant to 11 DCMR § 823.1(o).

LGI/USA Waste's suggestion that the District necessarily allowed SWTFs in M Districts in 1994 because the District first enacted special exception regulations governing solid waste handling facilities in M Districts in 1998, 11 DCMR § 822.3, is misplaced. *See* Statement of the

[6] In 1994, the District in which the Uline SWTF is located was classified as an M District. The area was reclassified as C-M in 1996.

Appellant at 12. The fact that the Zoning Commission "subsequently found [solid waste] transfer stations to be appropriately located in the C-M and M Districts through special exception relief," *id.*, teaches one nothing about the state of the law in 1994, before that "subsequent" Zoning Commission action. LGI/USA Waste has shown no reason why, before the Zoning Commission enacted the special exception regulation, SWTFs could not have been flatly prohibited under 11 DCMR § 823, as described above, rather than permitted as of right under 11 DCMR § 820.4.[7]

LGI/USA Waste also mistakenly argues that the District endorsed SWTFs through the operation of the District's own facilities at Ft. Totten and Benning Road. *See* Statement of the Appellant at 12. However, the legal operation of these District-owned facilities sheds no light on the legality of the Uline SWTF under the Zoning Regulations because the *government-owned* Ft. Totten and Benning Road SWTFs, unlike the *privately-owned* Uline SWTF, were not required to comply with the Zoning Regulations in 1994. D.C. Code § 1-301.68 (a)(2) (2001).

B. LGI/USA Waste's 1994 CO is invalid because the company submitted an inaccurate and incomplete application for a CO, in violation of the Zoning Regulations

LGI/USA Waste did not meet its burden under the Zoning Regulations to disclose that it intended to use the Uline Arena as a SWTF. Therefore, its 1994 CO is invalid. LGI/USA Waste's arguments that the meaning of "transfer station" is clear, because of an unauthorized dictionary definition and the approval of its application by the Zoning Administrator, is without merit. Likewise, its argument that the Administrator was on notice of the intended use of the property because of a report by a plumbing inspector fails.

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[7] In fact, NNNTF's interpretation of its law appears to be DCRA's as well. In early 1996, based on the agency's reading of the law absent the pending special exception regulation, DCRA indicated to LGI/USA Waste not that the Uline SWTF was a permitted use, but, quite to the contrary, that the company would require a variance in order to obtain a CO, presumably because the use was prohibited. *See* Statement of the Appellant at Exhibit D.

An applicant for a CO must inform the Zoning Administrator of the intended use of the property. *See Kalorama Citizens Ass'n v. Dist. of Columbia Bd. of Zoning Adjustments*, 640 A.2d 179, 180 (D.C. 1994); BZA Appeal No. 10641 at 17 (5/17/95) *reprinted in* 43 D.C. Reg. 2269, 2285 (1996) (stating that the CO applicant has the duty to "take the initiative to provide the appropriate information to DCRA officers rather than waiting for officials to request further information"); *see also* 11 DCMR § 3203.9 (requiring applicants to submit CO applications with "information sufficiently complete" to allow processing of the application "without substantial change or deviation").

Although LGI/USA Waste included the term "transfer station" in its CO application, the application did not convey the property's actual use as a SWTF. The most direct way to *inform* the Zoning Administrator of its intended use of the former Uline Arena would have been simply to include "trash" or "solid waste" before the phrase "transfer station." But LGI/USA Waste elected not to include such a term, and thus misrepresented the true purpose of its activity by applying only for authority for "Shipping, Freight & Cargo, Transfer Station, Warehouse & Trucking." *See* Statement of the Appellant at Exhibit C. Given the impacts of a SWTF described above, such ambiguity is significant.

The phrase "transfer station" by itself does not convey what products or goods will be transferred, and certainly does not convey that those goods might be *solid waste*. Without any additional descriptive words, a transfer station could mean, for example, that the facility shipped boxed goods.[8] LGI/USA Waste's argument that the meaning of "transfer station" is clear

[8] *Webster's* does define "transfer" and "station" as separate words, and these definitions further indicate that a "transfer station" can mean many different uses. "Transfer" describes the act of carrying or taking from one person or place to another. *Webster's Third New International Dictionary of the English Language Unabridged* (1981). "Station" is a "stopping place in a transportation route." *Id.* Therefore, removed from any context, a transfer station does not mean that the facility handles solid waste. For example, a transfer station could be simply a place where people transfer from one train to another. *See, e.g., Hutchinson v. Capital Traction Co.*, 36 App. D.C. 251 (D.C. 1911). In a solid waste context, a "transfer station" could mean a *solid waste* transfer station. In fact, LGI/USA

because a non-authorized dictionary so defines the term is not persuasive.[9] The default definitional rule, in effect in 1994, was that when a term, such as "transfer station," was not defined in either the Zoning Regulations or an application, it should have the same meaning as found in *Webster's Unabridged Dictionary* ("Webster's"). *See* 11 DCMR § 199.2(g) (1996); *accord Concerned Citizens of Brentwood v. Dist. of Columbia Bd. of Zoning Adjustment*, 634 A.2d 1234, 1242 n.18 (D.C. 1993) (citing 11 DCMR § 199.2(g)). However, as LGI/USA Waste concedes, in 1994, *Webster's* did not define "transfer station." *See* Statement of the Appellant at 10. Therefore, the Zoning Administrator, who reviewed LGI/USA Waste's application, had no reason to think LGI/USA Waste meant a "*solid waste*" transfer station.

LGI/USA Waste's other arguments in its defense are also without merit. The fact that the box marked "approved" on the CO application was checked does not indicate that the Zoning Administrator understood the actual use from the language on the application. While Zoning Administrators ask for clarification when the description or words used on the application are unclear, the Zoning Administrator likely did not think the terms were ambiguous because by surrounding the phrase "transfer station" with the words "Shipping, Freight and Cargo" and "Warehousing & Trucking," LGI/USA Waste's application indicated to the Zoning Administrator that the activity involved shipping, and had nothing to do with solid waste.

Waste recognized the importance of context because it cites, in its Statement to this Board, *solid waste* guidance documents that discuss "transfer stations" as a place where solid waste is transferred. *See* Statement of the Appellant at 10-11, Exhibit I. But, LGI/USA Waste's CO application lacked a similar context.

[9] LGI/USA Waste suggests that because one dictionary, *Random House Dictionary of the English Language* (1987 ed.) ("*Random House*"), defined "transfer station" as a location handling trash, the phrase necessarily implies that the facility transfers "solid waste." *See* Statement of the Appellant at 10, Exhibit J. But the regulations explicitly required *Webster's* dictionary, not *Random House*, to control in the absence of a specific definition in the regulations themselves. 11 DCMR § 199.2(g) (1996). Even if this Board were to look to other dictionaries, notwithstanding the regulation, no other major dictionary defines "transfer station." *See Oxford English Dictionary* (2d ed. 1989); *Supplement to the Oxford English Dictionary* (1986); *The American Heritage Dictionary of the English Language* (3rd ed. 1992). LGI/USA Waste's discovery of one outlier dictionary should not be dispositive, especially when *Random House* is not the specified default dictionary under the Zoning Regulations.

LGI/USA Waste's second argument, that it met its obligation to inform the District of its use of the site because a District plumbing inspector saw trash at the facility, is similarly without merit. An unreported random observation by an inspector assessing the facility's compliance with the plumbing codes, *see* Statement of the Appellant at 11, Exhibit L, hardly meets LGI/USA Waste's affirmative burden to inform the Zoning Administrator of the intended use of its property accurately.[10]

Last, the Zoning Regulations require that CO applications demonstrate that the proposed use can comply with the standards of external effects, 11 DCMR § 826.2, but LGI/USA Waste did not even discuss the external effects of the SWTF. This Board held that the CO applicant must include with its application information to show compliance with the external effects regulations.[11] BZA Appeal No. 10641 at 17 (5/17/95) *reprinted in* 43 D.C. Reg. 2269, 2285 (1996). The plain language of the regulations for M Districts require all uses to comply with the standards of external effects, 11 DCMR § 825.1, and all applicants for a new CO must submit information with their applications to demonstrate compliance with those standards, 11 DCMR § 826.2.

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[10] While NNNTF cannot determine for certain for what purposes LGI/USA Waste submitted the form attached as Exhibit 8, the document suggests that it was part of LGI/USA Waste's CO application. If so, its application was further incomplete and misleading because the company did not include the neighboring residential properties in its list of properties adjacent to LGI/USA Waste's facility. Even if this document was not a part of its CO application, LGI/USA Waste's answers are illustrative of the company's repeated attempts to ignore the impacts of its SWTF on the residents living in the neighborhood. In a section designed to clarify the potential effects of the proposed use, the document asks applicants to list all adjacent properties. LGI/USA Waste listed every adjacent commercial property and interpreted "adjacent" to include Central Armature Works, which is across M Street from the Uline SWTF. However, LGI/USA Waste did not include any residential properties, some of which are less than 250 feet from the SWTF. In fact, private homes are also across the street from the SWTF, on the 3rd Street side of the facility and, therefore, adjacent to it. LGI/USA Waste chose not to include these, even though some houses are closer to the SWTF than Central Armature Works. *See* Statement of the Appellant at Exhibit A. This exclusion of the residential properties created a false impression that no residential properties would be affected by the SWTF.

[11] Although this Board altered the basis for its decision in Appeal No. 16041, upon request of the Appellee, *see* Appeal No. 10641 (4/4/97) *reprinted in* 44 D.C. Reg. 6156 (1997), the original discussion by the BZA is, nonetheless, persuasive.

Because of basic flaws in its application, the 1994 CO was granted in error and is invalid. Thus, LGI/USA Waste cannot argue that the 1994 CO for the Uline SWTF permits it to continue operating. Allowing LGI/USA Waste to profit from its failure to be forthcoming by allowing it to continue to operate would be rewarding it for its initial misdeeds.

C. The District and NNNTF are not estopped from arguing that LGI/USA Waste cannot operate under the 1994 CO

LGI/USA Waste cannot prevail in its argument that the District is estopped from claiming that the 1994 CO is invalid when the District accepted the filing as complete in 1994. *See* Statement of the Appellant at 13-15. The doctrine of equitable estoppel is judicially disfavored in zoning cases because of the important public interests in the integrity and enforcement of zoning regulations. *Interdonato v. Dist. of Columbia Bd. of Zoning Adjustment*, 429 A.2d 1000, 1003 (D.C. 1981). To invoke an estoppel defense successfully, a petitioner must show that it has made (1) expensive and permanent improvements, (2) in good faith and (3) with justifiable and reasonable reliance upon (4) affirmative acts by the District government, (5) without notice that the improvements might violate the zoning regulations, *and* (6) that the balance of equities strongly favors the petitioner. *Id.*; *Goto v. Dist. of Columbia Bd. of Zoning Adjustment*, 423 A.2d 917, 925 (D.C. 1980); *Weick v. Dist. of Columbia Bd. of Zoning Adjustment*, 383 A.2d 7, 10 (D.C. 1978). LGI/USA Waste's estoppel defense fails because the company cannot satisfy *every* element—indeed, it can only satisfy two of these elements, as shown below.

Although NNNTF recognizes that LGI/USA Waste may have made costly improvements to the Uline Arena SWTF, these financial investments were not made in good faith because, as explained above, LGI/USA Waste failed to submit a complete and accurate CO application and

misled the Zoning Administrator by failing to disclose, in 1994, that the facility would be a SWTF. *See supra* Section I.B.

Likewise, any reliance upon the District's erroneous approval of the 1994 CO application cannot constitute a justifiable reliance on an act by the District. LGI/USA Waste cites *District of Columbia v. Cahill*, 54 F.2d 453, 454-55 (D.C. 1931), where the D.C. Court of Appeals found that the appellee properly relied on the District's affirmative act because the building inspector had complete knowledge that the property was to be used as a garage, even though such a use violated the Zoning Regulations. However, unlike *Cahill*, the District never had complete knowledge of LGI/USA Waste's intended use of its property. *See supra* Section I.B.

In addition, LGI/USA Waste had constructive notice that use of the property as a SWTF would violate the Zoning Regulations because the use would exceed the standards of external effects. *See* 11 DCMR § 825. In *Rafferty v. District of Columbia Zoning Commission*, 662 A.2d 191, 193 (D.C. 1995), the Court rejected an estoppel claim because the facts and circumstances were sufficient for a person of ordinary prudence to discover the actual condition of the title upon inquiry with proper diligence. *Id.* (citing *Rosenthal v. J. Leo Kolb, Inc.*, 97 A.2d 925, 927 (D.C. 1953)). The Rafferty court found that the petitioner should have known he could not build an addition to his townhouse and, therefore, could not justifiably rely on the issuance of a building permit. *Rafferty*, 662 A.2d at 193. Similarly, LGI/USA Waste would have discovered that it could not comply with the Zoning Regulations, if the company had inquired about the applicable regulations with proper diligence. Therefore, the facts and circumstances of this case are "equivalent to knowledge direct and certain," *Rosenthal*, 97 A.2d at 927, and LGI/USA Waste cannot rely on any affirmative acts by the District.

In arguing the District is estopped, LGI/USA Waste states the equities weigh in its favor, but disregards the detrimental effects of its SWTF on the community since 1994. In fact, the equities weigh heavily *against* LGI/USA Waste. The operation of the Uline SWTF has harmed the residents surrounding the SWTF by exposing them to noxious odors, dust, rodents, and other disease vectors. *See supra* at 2. NNNTF acknowledges that SWTFs perform a public benefit, but when that benefit is weighed against the cost to the community's health and quality of life, any benefit is far outweighed by the harm to the community.

Thus, the District is not estopped from arguing that the 1994 CO is invalid because LGI/USA Waste can satisfy only two of the six required elements of an estoppel defense.

II. DCRA Properly Denied LGI/USA Waste's 1996 Application for a CO

LGI/USA Waste challenges DCRA's denial of the company's CO application on the ground that the agency improperly applied a pending Zoning Regulation to its application. *See* Statement of the Appellant at 16-18. Regardless of the merits of this argument, the Board has the authority to uphold DCRA's denial on other grounds. In this case, such grounds exist because the Uline SWTF violated the standards of external effects, 11 DCMR § 804, and could not constitute a use-as-of-right in 1996, 11 DCMR § 801. In addition, LGI/USA Waste's argument fails on its merits because the Zoning Commission has never definitively prohibited the application of pending *text* amendments, and the application of such regulations in this case is warranted to protect the public's health.

This Board has the legal authority to uphold DCRA's denial on different grounds, if it so chooses. In an appeal of the Zoning Administrator's decision to the BZA, the BZA has all of the powers of DCRA. D.C. Code § 6-641.07(g)(4) (2001). Therefore, the BZA has the ability to determine independently whether LGI/USA Waste was entitled to a CO. In an analogous

situation, the Court of Appeals, in *Silverstone v. District of Columbia Board of Zoning Adjustment*, 372 A.2d 1286, 1287-88 (D.C. 1977), upheld a decision by the BZA even though it had based its decision on an erroneous interpretation of the regulations. The Court explained that, within its function of reviewing the law applicable to the BZA decisions, the Court can affirm a result that is correct, even if the BZA relied upon a wrong ground or gave a wrong reason. *Id.* at 1288 (citing *Helvering v. Gowran,* 302 U.S. 238 (1937)). Applying this rationale to the BZA's review of DCRA's denial, the BZA may affirm DCRA's denial regardless of the arguments supplied by DCRA.

There are sufficient legal grounds to affirm independently DCRA's decision because the Zoning Regulations, applicable in 1996, prohibited the Uline SWTF. LGI/USA Waste's SWTF violated the standards of external effect in 1996, with which *all* uses must comply. 11 DCMR § 804. As described in Section I.A., the Uline SWTF has not complied with the standards of external effects since it began operating and continues to emit offensive odorous matter and noxious fumes and causes a significant amount of dirt and dust, each of which violates the standards of external effects. *See supra* at 2.

Moreover, the Zoning Regulations prohibited SWTFs in C-M Districts, the applicable zoning for LGI/USA Waste's property in 1996.[12] Because the Zoning Regulations prohibited SWTFs in M Districts, as explained in Section I.A., SWTFs were necessarily prohibited in C-M Districts. *See* 11 DCMR § 800.6 (uses specifically prohibited in an M District also are

[12] As LGI/USA Waste concedes in its brief, *see* Statement of the Appellant at 17, pending map amendments apply to CO applications, if the Zoning Commission has scheduled a hearing on the map amendment before the application is filed. *See* 11 DCMR § 3202.7. In this case, the Zoning Commission held public hearings on the reclassification of the area on September 25, 1995 and November 9, 1995, and the record for the amendment remained open for additional comment until December 29, 1995. *See* Zoning Commission Order No. 821 (8/4/97) *reprinted in* 44 D.C. Reg. 5560 (1997). LGI/USA Waste did not apply for a new CO until almost a year later, in September 1996. *See* Statement of the Appellant at Exhibit E. Therefore, in 1996, the requirements for C-M Districts were the appropriate regulations for the Uline SWTF. 11 DCMR § 3203.7.

prohibited in a C-M District). Even if one can construe the language in Section 821 as not prohibiting SWTFs in M Districts, a use-as-of-right must be expressly listed in Section 801 to be permitted in C-M Districts, and none of the permitted uses describes or is similar to a SWTF. 11 DCMR § 800.5. Although LGI/USA Waste included terms in its CO application that are permitted, *e.g.*, "carting or hauling terminal or yard" and "processing establishment," these permitted uses do not accurately describe SWTFs,[13] and LGI/USA Waste improperly included the categories on its application. The act of including unrelated terms on a CO application cannot create a use-as-of-right when the actual use, a SWTF, is prohibited. Therefore, this Board can find that DCRA properly denied LGI/USA Waste's CO application because the Uline SWTF violated the standards of external effects and because SWTFs were not a use-as-of-right.

LGI/USA Waste argues that DCRA erred in its decision to deny the company's CO application because the decision was based on pending regulations and cites Z.C. Order No. 588, (Case No. 87-2) (9/15/98) *reprinted in* 36 D.C. Reg. 741 (1989), to support its argument. However, the decision to rely on the pending regulations was within DCRA's inherent authority to implement the District's zoning laws, and Order No. 588 does not state that DCRA can *never* apply pending *text* amendments. The Order only sets out a blanket rule that pending *map* amendments may apply to CO applications. *Id.* at 3. In that case, the Zoning Commission elected not to adopt a blanket rule for text amendments because, unlike the reclassification of a District, these can be more complex and may have widespread impact, making it difficult to

[13] 11 DCMR § 801.7(j) permits "light manufacturing, processing, fabricating, or repair establishment[s]." The BZA has used the term to describe the act of making a product useful for another purpose. *Concerned Citizens of Brentwood v. Dist. of Columbia Bd. of Zoning Adjustment*, 634 A.2d 1234, 1242 (D.C. 1993). In *Concerned Citizens of Brentwood*, the court agreed with the BZA's reasoning that the petitioners were "subject[ing] the materials collected to a particular method of handling...to effect a particular results (having marketable units to sell to recycling facilities)" and the term "process" applied to such activities. *Id.* Thus, as this Board and the D.C. Court of Appeals have used the term, "process," the word does not describe the act of moving solid waste from one truck to another, the activity conducted by LGI/USA Waste at its Uline SWTF.

apply the text regulations to each proposed use. *Id.* These rationales for not adopting a blanket rule for text amendments are inapplicable to LGI/USA Waste's CO application. The text regulations, pending in 1996, were not complicated and were not of widespread applicability, as they clearly applied to all facilities that handled solid waste, like the Uline SWTF. *See* 43 D.C. Reg. 4410 (1996) (codified as 11 DCMR § 802.4).

Moreover, by applying the pending regulations, DCRA furthered the purposes of the District's Zoning Regulations—to promote the public's health and general welfare. D.C. Code § 6-641.02 (2001). DCRA's decision to apply the pending regulations gave the BZA the opportunity to mandate that LGI/USA Waste comply with SWTF-specific requirements and implement certain practices and technologies to protect the neighboring community. This opportunity was especially important for the Uline SWTF given the harms the facility has caused to the residents since 1994. *See supra* at 2. Furthermore, DCRA's application of the pending regulations should be viewed as an extension of the standards of external effects because both ensure the protection of the public's health, and, therefore, did not represent a major change in the review by DCRA.

While DCRA had the authority to deny LGI/USA Waste's CO because the pending regulations required the company to apply for a special exception, the propriety of basis for DCRA's decision is not dispositive. Rather, this Board can also find that DCRA properly denied LGI/USA Waste's CO application on the separate grounds that the facility violated the standards of external effects and was not a use-as-of-right in a C-M District.

III. The BZA Should Resolve All Zoning Issues Presented by LGI/USA Waste's 1996 CO Application by Conclusively Denying the Application

For the foregoing reasons, the BZA should rule that LGI/USA Waste's 1994 CO is invalid and does not permit the operation of the Uline SWTF, and that DCRA properly rejected LGI/USA Waste's 1996 application for a CO and referred the matter to the BZA. Additionally, because the ultimate issue presented by LGI/USA Waste's 1996 CO application is whether LGI/USA Waste shall receive a CO to operate the Uline SWTF, the BZA should resolve this issue finally and unequivocally, by entering a declaratory judgment, which states that the BZA's decision has the effect of conclusively *denying* LGI/USA Waste's 1996 CO application.

Such a conclusive judgment is both necessary and proper. It is necessary because the Uline SWTF has been operating for nearly eight years, this appeal has been pending for over five of those years, and the neighboring residents deserve a final resolution to this zoning dispute. Moreover, a final resolution to the zoning issues is necessary in order to proceed with LGI/USA Waste's long-delayed permitting process under the SWFPA because LGI/USA Waste's interim operating permit, under the SWFPA, provides that the permit terminates upon a decision by the BZA to deny a CO to operate as a "solid waste handling facility." *See* Solid Waste Handling Facility Interim Operating Permit issued to LG Industries, Inc. (8/2/96) (attached as Exhibit 9). If the ultimate fate of the 1996 CO application remains unresolved by the BZA's order in this case, the status of the interim permit will remain in limbo.

A final and conclusive judgment as to the 1996 CO application is legally proper because it would advance the sound policy of judicial economy. The BZA should rule that LGI/USA Waste has forfeited the right to request either a special exception or a variance from the BZA, pursuant to its 1996 CO application, by failing to do so as an alternative argument in this five-year old appeal. The BZA exercises broad authority over matters brought before it, and is not

limited to ruling on the legality of the precise grounds DCRA's decisions, *see* D.C. Code 6-641.07(g)(4) (2001). Common norms of judicial economy indicate, therefore, that an appellant should be required to present all potential bases for the BZA to reach a different result than DCRA in a single proceeding, rather than being afforded the opportunity to return to the BZA on multiple occasions to make alternative arguments, all of which the BZA could have heard initially.

D.C. Court of Appeals case law regarding the timeliness of appeals to the BZA also suggests this principle. In *Waste Management of Maryland, Inc., v. District of Columbia Board of Zoning Adjustment*, the D.C. Court of Appeals affirmed the BZA's dismissal of another SWTF-owner's appeal from a DCRA decision to deny a CO, on the ground that the entire appeal was "untimely," where it was filed three years after the original DCRA decision. 775 A.2d 1117 (D.C. 2001). The Court held that "at least in the absence of exceptional circumstances . . . outside the party's control . . . two months between notice of a decision and appeal therefrom [is] the limit of timeliness."[14] *Id.* at 1122. Under the same rationale, a party should not be allowed an unlimited time to raise alternative grounds for reversal that could have been raised in an initial, timely appeal. Indeed, the *Waste Management* Court noted that, from the time DCRA issued its decision denying the application for a CO as-of-right, the applicant "could have taken

[14] NNNTF recognizes that the Court of Appeals based its decision upon an interpretation of BZA's Supplemental Rules of Practice and Procedure, which require that "appeals" to the BZA be "timely," *id.* at 1121 (citing 11 DCMR 3315 (1985); since re-located to 11 DCMR § 3112.2 (Weils 2001)), and that the BZA procedural rules treat "applications" for special exceptions and variances separately from "appeals," but do not explicitly impose a timelines requirement on such applications. *See* 11 DCMR § 3316 (1985) (now at 11 DCMR § 3113 (Weils' 2001)). However, guided by norms of judicial economy, the BZA should apply the same principles governing timeliness of "appeals" to right of LGI/USA Waste to file an "application" for a special exception or variance. Such an analogy would be consistent with District statutory law, because the statute creating the BZA and defining its jurisdiction treats requests for special exceptions and variances, formally, as *types of appeals*. *See* D.C. Code §§ 6-641.07(g) (2001) (providing that BZA jurisdiction "upon appeal" includes authority to adjudge allegations of error in an order of the enforcing agency, requests for special exceptions, and requests for variances).

. . . an appeal *and applied for a variance or special exception simultaneously*," *id.* at 1123 (emphasis added), thereby implying that a party in LGI/USA Waste's situation should raise all grounds for obtaining a CO concurrently.

In this appeal, because well over five years have passed since DCRA's denial of the 1996 CO application, any attempt by LGI/USA Waste to argue now for a special exception or variance, as bases for obtaining a CO, would be contrary to the norms of judicial economy and untimely under the principles enunciated by the Court of Appeals. Moreover, even if the time to file an appeal had been tolled during the pendency of the injunction staying this proceeding, nearly two years have passed since the Court of Appeals issued its decision to reverse the injunction, *see* 758 A.2d 950 (decided Aug. 31, 2000), and over five months have passed since the BZA informed LGI/USA Waste that it would be proceeding with this case, *see* Letter from BZA to Counsel for LGI/USA Waste (Case Jacket, Exhibit No. 20). In that time, LGI/USA Waste has still declined to amend the grounds for its appeal. Therefore, the BZA should rule that LGI/USA Waste has forfeited its right to request a special exception or variance in connection with its 1996 CO application, and that the 1996 application is, conclusively, denied.

CONCLUSION

For the foregoing reasons, NNNTF respectfully requests that the BZA declare that the 1994 CO is invalid, affirm the disputed decision of DCRA to deny LGI/USA Waste's 1996 CO application, and order that the 1996 CO application is now, conclusively, denied.

Respectfully submitted,

Hope M. Babcock (D.C. Bar # 14639)
Lawrence M. Levine (D.C. Bar # 475075)
Carrie F. Jenks, Law Student Intern
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Georgetown University Law Center
600 New Jersey Ave., N.W., Suite 312
Washington, D.C. 20001

Counsel for the Near Northeast Neighborhood Task Force

Dated: April 30, 2002

EXHIBITS

The following exhibits are submitted in support of this Brief:

Exhibit 1	Letter from Daniel M. Pernell, Vice Chairman ANC 6A, and Gregory J. Ferrell, Chairman Z&L Subcommittee, to Geoffrey Griffis, Chairperson Board of Zoning and Adjustment, dated April 23, 2002
Exhibit 2	Testimony of Helena Darden, NNNTF member, before the Zoning Commission, regarding Case No. 96-5, October 3, 1996
Exhibit 3	Testimony of Venious Parker, NNNTF member, before the Zoning Commission, regarding Case No. 96-5, October 3, 1996
Exhibit 4	Letter from Institute for Public Representation to Mayor Williams, dated August 4, 2000 (original attachments not included)
Exhibit 5	Letter from Gregg R. Hopkins, Associate Broker at Paradoe Real Estate, Inc., to Karen Wirt, Advisory Neighborhood Commissioner 6A, dated September 26, 1996
Exhibit 6	Letter from Pat Thibeaux, Realtor at Weichert Realtors, to Karen Wirt, Advisory Neighborhood Commissioner 6A, dated September 30, 1996
Exhibit 7	Petition to Zoning Commission from residents of the Near Northeast Community
Exhibit 8	Site Description of LGI/USA Waste's Property
Exhibit 9	Solid Waste Handling Facility Interim Operating Permit issued to LG Industries, Inc. on August 2, 1996

EXHIBIT 1

District Of Columbia Government
ADVISORY NEIGHBORHOOD COMMISSION 6A
Vice Chairman, Daniel M. Pernell, III (SMD6A02)
1132 4Th., Street, NE Washington, D.C. 20002
Office 202 547-5175 * Fax 202 544-4874

April 23. 2002

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

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 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.

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

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

EXHIBIT 2

October 3, 1996

I believe the zoning purpose is to prevent nuisance and incompatible use of land and property.

However, under the existing and the proposed amendments (case No. 96-5), as a 3rd St., NE,. homeowner in a M zone, the citizens health, safety, and the quality of living conditions is at risk. In addition, our property value is rapidly declining while property taxes are steadily increasing. This proposals would allow a garbage waste dump, called a solid waste facility (like L & G , located at 3rd & M st., NE) to continue to operate within 300 feet of the residents homes if the homes are in an M or CM zone. These homes (built before 1954) were in this community during the better times--when the Uline Arena was an "entertainment showplace" that drew people from all parts of the country to see World class shows/entertainers- Beatles, Ice Capades, Circus, etc.

The Uline Arena is no longer the entertainment center for this community. It has become a garbage waste dump facility that has an adverse impact on the character of the neighborhood and its residents. We are being held hostage in our homes. A very fowl odor comes from the building, travels thru the air, into residential and business areas around North Capitol Street, West Virginia Ave., H St, and the Union Station. The odor is so offensive and fowl that on various occassions when my back door has been open and I was eating, I vomited. I and no one else should have to live under these types of conditions. Would you want to live in conditions such as this...?. Would you even consider buying my house? I do not believe anyone in their right mind would live or buy a house in any area where a garbage facility is located.

We not only get the fowl odor from the facility, we get the noise and odors from the huge "solid waste/garbage trucks that enter our streets. These trucks come thru during early morning hours (4 am) and evenings even though there is a "do not enter" sign posted for trucks over a certain weight.

As a homeowner/ member of the 3rd St corridor, I/my neighbors are seeking relief and protections from these hazardous and bankrupt conditions that are being forced upon us. I ask you --the Zoning Commissioners-- Hear the DC Tax Paying Citizens CALL--Give us relief--As DC Governmental Agencies/officials listen to us, the community citizens, visit and investigate these solid waste facilities before you approve these proposed zoning regulations. DO NOT APPROVE THE DOLLARS YOU THINK WILL BE GENERATED FROM THESE FACILITIES...LOOK TO THE BIGGER PICTURE---THAT BEING THE QUALITY OF LIFE FOR THE RESIDENTS WHO LIVE IN THESE AREAS. Further, I recommend that the DC Office of Planning (OP) listen and hear its citizens, visit and investigate the solid waste facitilies before petitioning the zoning commission to act on an "idea or potential dollars for DC" without giving it much thought or seeking the communities input.

THE CITIZENS OF DC WILL HOLD THE DC GOVERNMENT & ITS OFFICIALS ACCOUNTABLE.

ZONING COMMISSION
CASE No. 96-5
EXHIBIT No. 70

ATTACHMENTS:
Lay out of 3rd St Corridor

Helena D. Warden

TESTIMONY

ZONING HEARING
THURSDAY, OCTOBER 3, 1996

GOOD EVENING, MADAM CHAIR AND FELLOW BOARD MEMBERS.

FOR THE RECORD MY NAME IS "VENIOUS A. PARKER, JR." I COME BEFORE YOU IN TWO CAPACITIES, ONE AS A MEMBER OF THE NEAR NORTHEAST NEIGHBORHOOD TASK FORCE AND SECONDLY AS A RESIDENT OF THIRD STREET, N.E. FOR FOURTEEN YEARS. IN BRIEF, THE NEAR NORTHEAST NEIGHBORHOOD TASK FORCE IS MADE UP OF RESIDENTS, ESTABLISHED BY THE NEIGHBORHOOD TO MONITOR AND TRACK THE EFFECTS OF THE ULINE ARENA AS A SOLID WASTE TRASH TRANSFER FACILITY.

I SIT BEFORE YOU IN SUPPORT WITH THE AMENDMENTS TO THE OFFICE OF PLANNING PROPOSED REGULATIONS FOR SOLID WASTE FACILITIES IN THE DISTRICT OF COLUMBIA. I MUST NOTE THAT THE NEAR NORTHEAST NEIGHBORHOOD TASK FORCE CALLS FOR NO SOLID WASTE FACILITIES ADJACENT TO RESIDENTIAL

ZONING COMMISSION
CASE No. 96-5

UNITS . I AM EMBARRASSED THAT I MUST ADDRESS THIS ISSUE.

I COME BEFORE YOU AS PROOF THAT LIVING ADJACENT TO A SOLID WASTE FACILITY IS NOT ONLY UNHEALTHY, DEGRADING, BUT A LIVING NIGHTMARE. LET ME SIMPLY TELL YOU WHAT IT'S LIKE LIVING IN THE BOUNDARIES OF THE ULINE ARENA TRASH TRANSFER FACILITIES. FOR MANY OF YOU ARE AWAKENED BY THE SOUND OF AN ALARM CLOCK, WE ARE AWAKENED BY THE RUMBLE OF TRASH TRUCKS AT 4:00 A.M. OR EARLIER. EVEN BEFORE DEPARTING FOR WORK ON ANY GIVEN DAY (EXCEPT SUNDAY) BECAUSE ULINE ISN'T IN OPERATION, I CAN STAND ON MY FRONT PORCH AND COUNT 20 TO 25 TRASH TRUCKS TRAVELING DOWN MY STREET (THIRD STREET, N.E.) YOU MUST KEEP IN MIND THAT THIS COUNT OF TRUCKS IS WITHIN ONE HOUR, AS THEY (TRUCKS) ENTER OR EXIT THIS FACILITY MY FLOORS AND WINDOWS SHAKE. MANY OF THE HOUSING UNITS THAT MAKE UP THE 1100 BLOCK OF THIRD STREET WERE BUILT IN THE LATE 1930S.

IN AN EFFORT TO RESOLVE THE PROBLEM OF HEAVY TRUCK TRAFFIC, THE NEAR NORTHEAST NEIGHBORHOOD TASK FORCE PROPOSED TO THE OPERATORS OF THE ULINE ARENA (L G

INDUSTRIES) A TRAFFIC PLAN TO ELIMINATE TRUCKS FROM USING NEIGHBORHOOD STREETS. A COPY OF THIS PROPOSAL IS ENCLOSED.

MANY OF YOU ARE ALSO AWAKENED BY THE SMELL OF FRESH COFFEE OR AN ENGLISH MUFFIN. WERE ARE AWAKENED TO THE SMELL OF GARBAGE AND GAS ODORS FROM TRUCKS. THE RESIDENTS LIVING NEAR THIS FACILITY ARE PRISONERS IN THEIR OWN HOMES. NO LONGER ARE RESIDENTS SITTING ON THEIR FRONT PORCHES OR THEIR WINDOWS OPEN FOR JUST A BREATH OF FRESH AIR. WHEN THE TEMPERATURE DURING THE SUMMER MONTHS REACH 90 DEGREES OR ABOVE, IT IS TRULY DIFFICULT FOR RESIDENTS, SPECIFICALLY THE SENIOR RESIDENTS. NOT ONLY DO WE (RESIDENTS) LOOK BEHIND US WHEN COMING HOME LATE AT NIGHT BUT MUST ALSO LOOK DOWN IN FEAR THAT A RODENT WILL ESCORT US IN.

WE HAVE HAD THE 1100 BLOCK OF THIRD STREET. ABATED TWICE YEARLY SINCE THE ARRIVAL OF THE ULINE ARENA AS A TRASH TRANSFER FACILITY. I BELIEVE THE PROBLEMS WITH ULINE ARENA AND MY ANGER WILL EVENTUALLY COMPOUND MUCH

GREATER. AFTER READING AN ARTICLE THAT APPEARED IN THE WASHINGTON POST BUSINESS SECTION (SEPTEMBER 30) I WAS SHOCKED. I LEARNED THAT "USA WASTE" ONE OF THE THIRD LARGEST SOLID WASTE FIRMS IN NORTH AMERICA HAD PURCHASED THE ULINE ARENA LESS THAN 150 FEET FROM MY FRONT DOOR (SEE ARTICLE). I IMMEDIATELY CALLED LONG AND FOSTER, I AM LOOKING TO SELL. HAS ANYONE RESEARCHED THE THOUGHT OF THE IMPACT ON PROPERTY VALUE? I THINK NOT.

BETWEEN ONE THIRD AND ONE HALF OF THE DISTRICT 'S COMMERCIAL TRASH PASSED THROUGH THIS FACILITY DAILY THE ARTICLE STATED. THE HEADLINE STATES "TURNING TRASH INTO CASH" OR BETTER SHOULD READ "NEIGHBORHOODS INTO TRASH FOR CASH". I OFTEN ASK MYSELF, "WHERE ARE MOST OF D.C.'S SOLID WASTE FACILITIES?" MADAM CHAIR, I AM AFRAID TO ANSWER, THE TRUTH WOULD ONLY BRING MORE ANGER.

WITH THE CAPITOL AND UNION STATION IN OUR BOUNDARIES, IT IS ALL TO IMPORTANT THAT THIS BODY PROTECT THE FABRIC OF THIS COMMUNITY NOW INFESTED WITH A SOLID WASTE FACILITIES. SOLID WASTE FACILITY COULD NEVER BE NEIGHBORS TO

COMMUNITIES OF FAMILIES, HOMES AND PEACE. IF THIS BODY FAILS TO TAKE THE NECESSARY ACTION TO BRING ABOUT RELIEF TO NEIGHBORHOODS ADVERSELY IMPACTED BY SOLID WASTE FACILITIES, ZONING WIILL NO LONGER BE AN EFFECTIVE TOOL TO SOLVE NEIGHBORHOOD LAND USE PROBLEMS.

I ASK THAT THE RECORD REMAIN OPEN FOR 10 DAYS.

THANK YOU.

EXHIBIT 4

File.

GEORGETOWN UNIVERSITY LAW CENTER

INSTITUTE FOR PUBLIC REPRESENTATION

Douglas L. Parker
Director
Hope Babcock
Associate Director
Environmental Law Project
Angela J. Campbell
Associate Director
Citizens Communications Center Project
Caroline S. Park
Fellow

August 4, 2000

The Honorable Anthony A. Williams
Mayor of the District of Columbia
Government of the District of Columbia
441 4th Street, N.W.
Washington, D.C. 20001

Re: Petition For Enforcement Action Against the USA Waste of D.C./Waste Management Solid Waste Transfer Facility at 1140 Third Street, N.E.

Dear Mayor Williams:

The Institute for Public Representation (IPR) submits this petition on behalf of the Near Northeast Neighborhood Task Force (NNNTF), a group of residents living near the former Uline Arena, 1140 Third Street, N.E., in Advisory Neighborhood Commission (ANC) 6A-02, to urge the Mayor's Office to take action to abate the adverse health effects caused by the USA Waste of D.C./Waste Management trash transfer facility (TTF) in the Arena ("Uline TTF"). For five years, residents have suffered from foul, overwhelming smells of rotting garbage, an increase in rodents and other vermin, and irritating dust from the facility.[1] NNNTF's efforts to shut down the facility or to stop the facility from being a nuisance have not yet been successful.

The predominantly minority, lower-income, Near Northeast neighborhood had no input into the siting of the TTF. The facility arrived unannounced, without informing the community, simply after applying for and receiving a certificate of occupancy (CO) from the District. Authorized to process up to 2,500 tons of garbage daily, and situated less than 250 feet from private residences, the Uline TTF has profoundly and adversely affected the ability of long-time home and business owners to use and enjoy their properties and community. In January, 2000,

[1] The Uline Arena TTF originally was owned by USA Waste of D.C. and operated by LG Industries, Inc. In the summer of 1998, USA Waste merged with Waste Management, Inc. See Attachments A1 and A2 for maps of area and facility and Attachment B for newspaper articles on the District's TTF problems.

the Mayor made a promise to residents impacted by TTFs: ". . . this mayor is behind you . . . There will be results; you will see action."[2] The time for action is now.

NNNTF hereby petitions the Mayor to use his authority to enforce the Solid Waste Facility Permit Act of 1995 (1995 Solid Waste Act) and its implementing regulations,[3] the Solid Waste Facility Permit Amendment Act of 1998 (1998 Solid Waste Act),[4] and odorous air pollution regulations[5] to remedy the myriad, adverse effects of the Uline TTF.[6] See Attachment C for regulatory history of the TTF. NNNTF also petitions the Mayor to request that the Department of Regulatory Affairs (DCRA) and Corporation Counsel's Office more aggressively enforce these laws and the standards of external effects under District zoning regulations.[7]

The Mayor clearly has authority to act. The 1995 and 1998 Solid Waste Acts authorize the Mayor to issue penalties and fines, and issue cease and desist orders, order abatement, or seek temporary or permanent shut down of TTFs.[8] Similarly, for air pollution violations, the Mayor can order necessary corrective action or initiate an action for penalties, injunctions, or other appropriate relief.[9] DCRA also may assess penalties and fines under the solid waste

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[2] Spencer S. Hsu, *Williams Promises 'Action' on Dumps*, WASH. POST, Jan. 30, 2000, at C03 (reporting on Solid Waste Transfer Facility Site Selection Advisory Panel hearings).

[3] D.C. Code § 6-3451 et seq. (1999); 21 DCMR Chapter 7 (1998).

[4] D.C. Code § 6-3451 et seq.

[5] 20 DCMR § 903.1 (1997).

[6] On May 17, 2000, the Agency for Toxic Substances and Disease Registry (ATSDR) wrote to the Environmental Health Administration regarding the agency's visit to TTFs in the District in September, 1999. Letter from Robert C. Williams, Dir., Division of Health Assessment and Consultation, Dep't of Health and Human Services, to Theodore J. Gordon, Deputy Dir., Envtl. Health Admin., Dep't of Health (May 10, 2000). This petition addresses environmental concerns that were not the subject of ATSDR's letter.

[7] See D.C. Code § 5-426; 11 DCMR § 3201.2; 11 DCMR Chapter 8. Businesses in the District must obtain a certificate of occupancy that confirms that its property use is consistent with applicable zoning regulations. In addition, they must comply with the "standards of external effects" — regulations on odors, dust, noise, and other impacts — for the district in which the property is situated. 11 DCMR § 825. This letter cites to the external effects regulations for M zoned uses because the Uline TTF was in a M district when it started operations. See Attachment C for further background information.

[8] See D.C. Code § 6-3460(a)-(c). The government also may prosecute violations criminally. Id. § 6-3460(i) (authorizing $1,000 per day penalty or imprisonment not to exceed 30 days).

[9] 20 DCMR § 102.

regulations.[10] For violations of the external effects regulations, the Corporation Counsel's Office can initiate a lawsuit for an injunction, to correct or abate a violation, to prevent occupancy of a building, or to seek civil fines, penalties, and fees.[11]

I. THE MAYOR SHOULD ENFORCE DISTRICT LAW SO AS TO ABATE THE ULINE TTF'S FOUL ODORS AND DUST EMISSIONS.

The Mayor should enforce District law to abate the facility's harmful odors and dust emissions.[12] The 1998 Solid Waste Act flatly prohibits the emission of dust and odors from a TTF "into public space or adjoining private or public property."[13] TTF regulations state that a facility "shall not emit odor(s) beyond its property line which are injurious to the public health or welfare, or which interfere with the reasonable enjoyment of life and property."[14] To prevent odor and dust emissions, the 1998 Solid Waste Act requires that TTF truck doors and bays remain closed except when vehicles enter or exit.[15] TTFs also must install an entry and exit system, using "Best Available Control Technology" (BACT)[16] and "implement effective dust

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[10] 21 DCMR § 741.1. Violations of DCMR §§ 733.1(m)(emission of odors and air pollutants) and 733.1(p) (disease and vector harborage) are subject to a fine of $2,500 per incident. See id.

[11] Pursuant to §5-426, the Corporation Counsel or affected property owners, who are specially damaged, are authorized to initiate litigation to enforce § 5-413 and other Code provisions related to zoning, and regulations promulgated thereunder. D.C. Code § 5-426. See also 11 DCMR § 3201.2. The external effects regulations were promulgated under the zoning code, so they are enforceable under D.C. Code § 5-426. The government also can prosecute cases criminally. Id. ($100 per day penalty).

[12] Waste Management is currently involved in litigation against the District. See Attachment C for further background information. The company challenges the validity of several solid waste regulations, including the restrictions on hours of operation and truck queuing. The company also asserts that the Uline TTF is operating validly under the July 1994 certificate of occupancy (CO) and should not have to obtain an interim or final operating permit. Acknowledging the pending litigation, this letter identifies solid waste, zoning, and air pollution provisions that relate to public health and safety, but does not address the validity of the CO or operating permits.

[13] D.C. Code § 6-3455(c)(4).

[14] 21 DCMR § 733.1(m).

[15] D.C. Code § 6-3455(c)(6).

[16] Id. BACT is defined as "measures, processes, methods, systems, or techniques to contain the emission of odors and air and liquid pollutants through procedures including enclosing processes or systems to eliminate emissions, and by collecting, capturing or treating pollutants before release from a process, stack, storage or fugitive emissions point." Id. § 3451(18).

control measures and minimize dust generation."[17] In addition, D.C. air pollution regulations prohibit emissions of "odorous or other air pollutants . . . in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life and property."[18] The standards of external effects also prohibit the emission of "odorous gases or other odorous matter" in offensive or noisome quantities at any point along the boundaries of the district in which the TTF is located,[19] and the discharge of "objectionable amounts" of dust.[20]

The Uline TTF is not meeting these requirements. Odors from the Uline TTF are harming residents and commercial stakeholders alike. For five years, NNNTF members have been unable to open the windows of their homes and use their yards because of the "extremely strong and foul" and "overwhelming" garbage odors.[21] Some residents have experienced nausea

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[17] 21 DCMR § 733.1(l). See also D.C. Code § 6-3455(c)(6)(requiring entry system using BACT to prevent dust and odors from escaping).

[18] 20 DCMR § 903.1 (as amended by Section 14 of the 1995 Solid Waste Act).

[19] 11 DCMR § 825.8.

[20] Id. § 825.10.

[21] See, e.g., Interview with Alva Abdussalaam, 15-year resident of Uline neighborhood (June 17, 1999)(describing "extremely strong and foul" odors that are "overwhelming" on hot, humid days and the need to keep her windows closed); Interview with Dolores Brown, 38-year resident (Apr. 19, 1999)(reporting having to keep her windows closed and refraining from going outside because of the offensive odors); Roselind Fowler, 15-year resident (Apr. 19, 1999)(stating that she walks to work every day and has to cover her face and hold her breath because of the TTF's odors); Interview with Kenny Luster, 33-year resident (Apr. 26, 1999)(complaining that constant, strong garbage odors have woken him on some occasions); Interview with Carolyn Preston, 30-year resident (Apr. 20, 1999)(explaining that she cannot use her porch or balcony and refrains from going outside because of the odors); Interview with James Ross, 19-year home owner (Apr. 13, 1999)(complaining about constant, "very noticeable" garbage odors); Testimony of Venious Parker, NNNTF member, before the Committee on Public Works and the Environment, D.C. Council, regarding Bill 12-582 (1998 Solid Waste Act)(Sept. 28, 1998)(testifying about lingering odor of rotten garbage); Testimony of Helena Darden, NNNTF member, before the Zoning Commission, regarding Case No. 96-5 (Oct. 3, 1996)(complaining about foul, offensive odors); Testimony of Venious Parker, NNNTF member, before the Zoning Commission, regarding Case No. 96-5 (Oct. 3, 1996)(complaining about garbage and diesel fumes making residents "prisoners in their own homes"); Testimony of Karen Wirt, ANC 6A Commissioner, before the Zoning Commission regarding Case No. 96-5 (Oct. 3, 1996)(complaining that TTF's strong, nauseating odors interfere with residents' use of their property). In telephone conversations with IPR on August 2 and 3, 2000, residents confirmed that, during the summer of 2000, odors from the TTF continued to be a problem. Alva Abdussalaam also stated that she now refrains from using M Street, N.E., because it carries heavy truck traffic and the garbage trucks produce terrible odors.

and headaches from the odors.[22] Many have stopped entertaining guests because of the embarrassing, nauseating smells.[23] Even with their windows closed, some residents still cannot escape the odors inside their homes.[24] The TTF's odors, dust, and other adverse impacts, discussed below, also have depreciated property values[25] and made it difficult, if not impossible, for residents to sell their properties and move away.[26]

Neighboring businesses also are adversely affected by noxious odors from the Uline TTF. Amtrak has a railway bridge that runs directly next to Uline, and its personnel and passengers "frequently experience noxious odors that emanate from the trash facility. These odors have caused headaches and nausea to Amtrak staff and passengers."[27] Employees have described the

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[22] Testimony of Darden, supra note 21 (stating that odors caused her to vomit at her dinner table); Interview with Luster, supra note 21 (experiencing headaches and nausea when the odors are the worst); Interview with Fowler, supra note 21 (stating that she has suffered from respiratory infections and allergies since the TTF arrived and had to purchase an air purification device for her home).

[23] See, e.g.,Interview with Ross, supra note 21 (explaining that odors prevented him from having visitors, hosting cook outs, or opening his windows and airing out the house); Interview with Preston, supra note 21 (stating that she cannot entertain guests or use her outdoor cooker because of the odors).

[24] See, e.g., Interview with Brown, supra note 21.

[25] See Interview with Wilfred Gray, President, Gray Paper Products (July 12, 1999)($180,000 decrease in property value); Interview with Luster, supra note 21 ($10,000 decrease as of 1999); Interview with Ross, supra note 21 ($10,000 decrease as of 1999); Interview with Brown, supra note 21 ($4,000 decrease as of 1999); Interview with Fowler supra note 21 ($15,000 decrease as of 1997-1998; property also suffered structural damage from vibrations from TTF's trucks). In telephone conversations with IPR on August 2, 2000, both Kenny Luster and James Ross stated that the depreciation in their properties' values in 2000 was probably closer to $15,000.

[26] See Letter from Delores Ginyard, Century 21, to Karen Wirt, ANC 6A (Sept. 26, 1996)(stating that listed property at 1125 Third St. N.E. "is difficult to sell because it is located directly across from a solid waste transfer company"); Letter from Gregg R. Hopkins, Associate Broker, Pardoe Real Estate, Inc. (Georgetown Office), to Karen Wirt, ANC Commissioner (Sept. 26, 1996)(stating that the value of residential property near the Uline TTF is "nil" because of the TTF); Letter from Kitty Kaupp, Pardoe Real Estate, Inc., to Karen Wirt, ANC 6A (Sept.10, 1996)(stating that listed property at 1118 3rd Street N.E. has been "difficult to market because of the purchasers reaction to the solid waste transfer company, LG Industries, Inc. located at 1140 3rd St. N.E."); Letter from Pat Thibeaux, Realtor, Weichert Realtors (White Oak Office), to Karen Wirt, ANC 6A (Sept. 30, 1996)(stating that listed property at 1113 3rd St. N.E. "has been and continues to be difficult to sell" because of the TTF). Karen Wirt, ANC 6A Commissioner, submited the aforementioned letters to the Zoning Commission on October 3, 1996. See Testimony of Wirt, supra note 21. See also Interview with Ross, supra note 21 (stating that he could not sell his property and had difficulty renting it because of the TTF).

[27] Testimony of Dennis M. Moore, General Counsel, Amtrak, before the National Capital Planning Commission, Regarding Proposed Amendments to Zoning Regulations (Feb. 5, 1998).

garbage odors as smelling like rotten meat or dead or decaying flesh.[28] The odor is "so objectionable as to cause nausea and vomiting from even the shortest duration of exposure."[29] One employee has stated that the odors made his eyes burn.[30] Amtrak had to change its business practices to try to limit the amount of time a train sits on the bridge awaiting the shifting of other trains and engines to allow for departing and arriving trains.[31] In addition, Gray Paper Products and Central Armature Works often have to close their windows to avoid being overwhelmed by garbage smells, and customers have complained about the odors.[32]

The TTF also emits objectionable levels of dust. These emissions adversely affect human health, and collect on cars and streets.[33] Area residents have complained that, since the TTF's arrival, the dust levels in their homes have increased, which poses a serious health concern for residents suffering from asthma.[34] One resident has observed dust from the TTF covering cars with a "grotesque," "white film, slime."[35] It can take as little as twenty minutes for dust from the

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[28] See Trash Facility Nuisance Surveys of Amtrak Employees (Oct. 1997); Interview with Gray, supra note 25 (indicating that odor is akin to something dying in Gray Paper Product's building).

[29] Trash Facility Nuisance Surveys, supra note 28.

[30] Id.

[31] Interview with Alvin Richardson, Safety Engineer, Mid-Atlantic Division, Amtrak (July 19, 1999). Richardson recently affirmed that the Uline TTF's odors continued to bother Amtrak employees during the summer of 2000. Telephone interview with Alvin Richardson, Safety Manager, Amtrak (Aug. 3, 2000). On hot days, the odors are so strong that Richardson can smell them in his car when he drives to work, even with his air conditioning on and windows rolled up.

[32] Interview with Gray, supra note 25; Interview with Bill Kuhnsman, Treasurer and Chief Financial Officer, Central Armature Works (July 20, 1999). In telephone conversations with IPR on August 1, 2000, Gray and Kuhnsman confirmed that they still experience odors from the TTF.

[33] Interview with Luster, supra note 21 (noting that dust from the TTF pervades the air and that he cannot open his windows because of dust); Interview with Ross, supra note 21 (stating that dust from the TTF accumulates very quickly on windows and cars and that Ross tries not to be outside because of the dust and odors); Interview with Brown, supra note 21 (expressing concern about how dust affects her asthmatic granddaughter, who resides with her); Interview with Preston, supra note 21 (stating that odors and dust from the TTF aggravate her asthma and allergies).

[34] See Interview with Abdussalaam, supra note 21 (noting increased dust build up in her home); Interview with Brown, supra note 21 (stating that it only takes short time for dust to accumulate and noting concern about her asthmatic granddaughter); Interview with Luster, supra note 21 (stating that it only takes few days before dust accumulates inside his home); Interview with Preston, supra note 21 (stating that odors and dust aggravate her asthma and allergies).

[35] Interview with Preston, supra note 21 (Apr. 22, 1999)(distinguishing TTF dust from pollen).

Uline TTF to accumulate from the time that a car window is cleaned.[36] According to a Central Armature employee, dust from the trucks builds up on the streets[37] and blows onto the company's loading dock.[38] It is believed that because of the dust from the Uline TTF Central Armature no longer can store the large motors that they rebuild on the loading dock.

The effects of odor and dust from the Uline TTF continue unabated. Accordingly, human health continues to decline, residents and workers are being harmed, business is adversely affected, and property values deteriorate. Nonetheless, Waste Management continues to operate the Uline TTF with the bay doors open,[39] in direct violation of D.C. Code § 6-3455(c)(6). The time for Mayoral action is now. NNNTF thus urges the Mayor to:

1. Order the facility to keep its truck bays and doors closed unless vehicles are entering or exiting the building;[40]

2. Order the facility to install an entry and exit system, using BACT, and to employ further measures to abate the odor and dust problem;[41]

3. Monitor the facility vigorously to ensure that its truck doors and bays remain closed when trucks are not entering and exiting, and that it does not

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[36] Id.

[37] Interview with Kuhnsman, supra note 32.

[38] Interview with Bill Kuhnsman, Treasurer and Chief Financial Officer, Central Armature Works (Oct. 1997).

[39] Interview with Gray, supra note 25.

[40] See supra notes 8, 15, and accompanying text (requiring TTFs to keep doors closed and describing Mayor's enforcement authority).

[41] See supra notes 8, 16-17, and accompanying text (describing BACT, dust control requirements, and Mayor's enforcement authority). A properly-designed entry and exit system may ameliorate the odor and dust nuisances of the TTF. For example, Biddeford, Maine, has a waste-to-energy plant, 300 yards from city hall, that successfully contains odors using an air lock system. Under this system, trucks enter into a foyer, then the outer door closes while an inner opens to allow the vehicles into the waste handling area. See Letter from Myles Glasgow, Esq., to Henry McCoy, Legal Advisor, DCRA, at 7 (Sept. 23, 1996)(submitting comments on Applications from Caslin Associates, L.P., and Waste Management of Maryland, Inc., to operate a TTF at 2160 Queens Chapel Road, N.E.). Some TTFs control odors and dust through air filters or by minimizing the amount of time that garbage sits on the floors. Id. Using a "gravity feed" approach, TTFs can have their trucks dump garbage directly onto a truck or barge that is waiting on a platform or level below, rather than let the garbage remain on the facility floor. Id. at 8.

emit odors and dust that interfere with the reasonable use and enjoyment of property;[42]

4. Assess fines or penalties for each day that the TTF violates the solid waste laws and air pollution regulations on odors and dust;[43] or alternatively, request that DCRA assess fines for violations of the solid waste regulations;[44] and

5. If these measures fail, request that the Corporation Counsel's Office initiate litigation to enjoin the TTF from operating or to seek abatement of the odor and dust emissions.[45]

II. THE MAYOR SHOULD ENFORCE DISTRICT LAW SO AS TO ABATE FOR THE INCREASE IN RODENTS, VERMIN, AND OTHER DISEASE VECTORS CAUSED BY THE ULINE TTF.

The Mayor also should act to abate for the wholly unacceptable quantities of rats and other disease-carrying animals caused by the Uline TTF. To reduce these "disease vectors,"[46] TTFs must keep their doors and bays closed when no trucks are servicing the building, and install an entry and exit system, using BACT.[47] TTFs also must "continuously abate for disease vectors within a 4 block radius of the site, or demonstrate to the satisfaction of the Department of Health, Environmental Health Administration and the Department of Consumer and Regulatory Affairs that the facility is not providing vector harborage."[48] TTFs must also be kept "free from

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[42] See supra notes 8, 9, 13, 14, 18, and accompanying text (describing odor and dust regulations and Mayor's enforcement authority).

[43] See supra notes 8, 9, 13-18, and accompanying text.

[44] See supra notes 10 and 14 and accompanying text.

[45] See supra notes 11, 19-20, and accompanying text (describing violations of standards of external effects and Corporation Counsel's enforcement authority).

[46] Disease vectors are "[r]odents, flies, mosquitoes, cockroaches, or other animals or insects capable of transmitting disease to humans." 21 DCMR § 799.1.

[47] D.C. Code § 6-3455(c)(6). See supra note 16 (defining BACT).

[48] D.C. Code § 6-3455(c)(9).

rodent and other disease vector harborage" and carry out rodent and pest control operations "sufficient to eradicate all rodent and disease vectors."[49]

The Uline TTF does not comply with these requirements. The facility attracts and serves as harborage to a huge number of rodents and other disease vectors, and keeps its doors and bays open during operations hours.[50] Since the TTF arrived, the community has suffered from dramatically increased numbers of rats, racoons, flies, and other animals and insects.[51] This summer, rats have flourished in the neighborhood,[52] and earlier in the year, residents suffered from cockroach problems in their homes.[53] Large, "healthy" rats establish homes under private residences, and run freely through people's yards and the streets.[54] This past spring, one resident had to replace his whole kitchen floor because rats burrowed underneath it and entered his home.[55] Another resident had to elevate her Rubbermaid garbage cans on a platform, but even then, the rats chewed through the heavy-duty, plastic receptacles.[56] Because of the rats, many residents have lost the use of their front and back yards and are concerned about their and their families' health and safety.[57]

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[49] 21 DCMR § 733.1(p) and (q).

[50] Interview with Gray, supra note 25.

[51] See Interview with Abdussalaam, supra note 21 (stating that she had to bait her home for rats more in the past three years than over the past 12-13 years); Interview with Brown, supra note 21 (complaining about increase in raccoons, rats, possums, and "big, black flies"); Interview with Fowler, supra note 21 (noticing increase in rats since TTF arrived); Interview with Preston, supra note 21 (claiming "100% increase" in rats and raccoons since TTF's arrival); Interview with Ross, supra note 21 (noting "big time" increase in rats since TTF arrived and increase in the size of individual rats). Alva Abdussalaam stated that the community recently signed a petition to Vector Control for more rodent baiting in the area. Telephone interview with Alva Abdussalaam (Aug. 2, 2000).

[52] Interview with Venious Parker, NNNTF member (July 28, 2000).

[53] Telephone interview with Dolores Brown (Aug. 2, 2000). Brown stated that she never had cockroach problems before the TTF arrived, but one day earlier in the year, cockroaches came crawling off the streets into the residents' homes. Id.

[54] Interview with Ross, supra note 21 (stating that most homes in the neighborhood have no basements, but instead rest on top of ventilation spaces within which rodents can establish homes).

[55] Telephone interview with Kenny Luster (Aug. 2, 2000). Luster grew up in his Near Northeast neighborhood home and does not recall having rat problems before the TTF arrived. In addition to replacing his floor, he had to take out his stove in 1999, to block another hole through which rats gained access to his home. Id.

[56] Interview with Abdussalaam, supra note 21.

[57] Interview with Preston, supra note 21 (stating that she cannot use her yards because of her fear of rodents); Interview with Abdussalaam, supra note 21 (expressing fear for the safety of her children).

Surrounding businesses are also suffering from the abundance of uncontrolled vectors caused by the Uline TTF. Since the TTF arrived, Central Armature has been infested with "very healthy rats" and "very large cockroaches,"[58] and Gray Paper Products has struggled with raccoons, rats, and fleas in its building.[59] Raccoons in particular have been troubling for Gray Paper Products because the animals moved into its building, urinated on ceiling tiles, and have fallen into offices, causing health concerns among employees. As a consequence, Central Armature had to hire an extermination service, and Gray had to use an exterminator, set traps for the raccoons, and call the District's Animal Control services on several occasions.[60]

Homes and businesses within a four-block radius of the TTF continue to experience serious rat and pest problems that were not present before the facility began operations. When private homeowners cannot even use their yards, for fear of large, potentially-disease carrying rats,[61] and businesses are adversely affected, more must be done. Therefore, NNNTF urges the Mayor to:

1. Order the facility to keep its truck bays and doors closed unless vehicles are entering or exiting the building;[62]

2. Order the facility to install an entry and exit system, using BACT;[63]

3. Order the facility to conduct more abatement measures that will eradicate disease vectors within a four-block radius;[64]

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[58] Interview with Kuhnsman, supra note 32.

[59] Interview with Gray, supra note 25 (stating that company also had a flea infestation in 1998, likely as a result of the raccoon and rat problem).

[60] Interview with Kuhnsman, supra note 32; Interview with Gray, supra note 25. Central Armature recently had to increase its extermination efforts. Telephone Interview with Bill Kuhnsman, Treasurer and Chief Financial Officer, Central Armature Works (Aug. 1, 2000).

[61] See Testimony of Gregory Gurri Glass, Johns Hopkins University School of Hygiene and Public Health, before the Committee on Public Works and the Environment, D.C. Council, in support of Litter Control Fine Amendment Act (Apr. 29, 1994). Dr. Gurri testified that the common rat carries viruses, bacteria, and parasitic worms that can cause kidney and liver damage and diarrheal disease. Id.

[62] See supra notes 8, 15, and accompanying text (requiring TTFs to keep doors closed and describing Mayor's enforcement authority).

[63] See supra note 41 (describing air lock and other control technologies).

[64] See supra note 8, 48, and accompanying text (describing abatement requirement and Mayor's enforcement authority).

4. Assess fines or penalties for each day that the TTF violates the solid waste laws and regulations on rodents and other disease vectors,[65] or alternatively, request that DCRA assess fines for violations of the solid waste regulations;[66] and

5. If Uline fails to eradicate the disease vectors, take corrective measures to abate the nuisances or shut the facility down.[67]

III. SUMMARY

For all of the above reasons, NNNTF implores the Mayor's Office to enforce the District's laws aggressively against the Uline TTF, and to request that District agencies do the same. Odors, dust, rats, and other vermin attributable to the facility persist in the neighborhood, causing property values to decline and leaving residents with serious health concerns. Thus, we sincerely hope that the Mayor will act quickly to ameliorate the conditions in the Uline neighborhood. If you have any questions about this letter or require further information, please contact Hope Babcock, Associate Director, IPR, at (202) 662-9535. NNNTF and IPR also would be pleased to meet with your staff to follow up on the issues raised herein.

Sincerely,

James R. May
Visiting Associate Director

Caroline S. Park
Staff Attorney

cc: Robert R. Rigsby, Corporation Counsel
Robert Warren, Legal Advisor, DCRA
Carol Schwartz, Chairman, D.C. Council
Sharon Ambrose, D.C. Councilmember
Kevin Chavous, D.C. Councilmember
Vincent Orange, D.C. Councilmember

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[65] See supra notes 8, 48-49, and accompanying text (describing vermin control requirements and Mayor's enforcement authority).

[66] See supra notes 10, 49, and accompanying text (describing solid waste regulations and DCRA's enforcement authority).

[67] See supra note 8 and accompanying text (describing Mayor's enforcement authority).

EXHIBIT 5

PARDOE

REAL ESTATE, INC.

GEORGETOWN OFFICE • 2828 PENNSYLVANIA AVENUE, N.W. • WASHINGTON, D.C. 20007 • 202-333-6100 • FAX 202-342-9118

September 26, 1996

Karen Wirt
Advisory Neighborhood Commissioner
234 E Street, N.E.
Washington, D.C. 20002

Dear Karen,

This is in response to your inquiry about the effect of the trash transfer site in the 1100 Block of Third St., N.E., on surrounding residential property values--particularly if the operation were changed to a trash handling site.

There is not doubt that the existing trash transfer site usage has put a pall on sales of nearby houses; in a real estate market which is slow in the District of Columbia for many other reasons, sale of property located near this nuisance is made even more difficult than sale of other property not encumbered by this disadvantage. If the site were changed to a trash handling site, with the resulting increase in truck traffic, trash volume and odor and vermin pollution, the chance of a sale of any property in visual or aural range of this site is further decreased.

In my opinion, the value of such property for residential use is nil.

I have been licensed as a real estate broker in the District of Columbia since 1969, specializing in residential property in the Capitol Hill and Union Station areas.

Yours truly,

Gregg R. Hopkins
Associate broker

Exhibit 6

Weichert, Realtors®

White Oak Office
10801 Lockwood Drive, Suite 1(
Silver Spring, MD 20901
(301) 681-0400
Fax: (301) 593-0593

September 30, 1996

Commissioner Karen Wirt
Advisory Neighborhood Commission 6A
700 Constitution Avenue, N.E.
Washington, D.C. 20002

Dear Commissioner Wirt:

As per our telephone conversation, this letter confirms that the property at 1113 - 3rd Street, N.E., Washington, D.C., listed for sale with my real estate company has been and continues to be difficult to sell because it is located directly across from a solid waste transfer company, LG Industries, Inc., at 1140 - 3rd Street, N.E., Washington, D.C.

If this trash transfer facility, is any way converted to a trash handling facility, as is currently proposed by the District of Columbia, the additional truck traffic, noise, pollution, odors, rodents and health concerns within proximity to residential property will make it even more difficult to sell the property presently listed as well as any future property listed by Weichert, Realtors.

Sincerely,

Pat Thibeaux

Pat Thibeaux
Realtor

ZONING COMMISSION
CASE No. 96-5
EXHIBIT No. 90

Please Complete Each Question - Indicate N.A. if not applicable

A. SITE DESCRIPTION

1. Present land use: a. ☒Industrial ☐Commercial ☐Residential
☐Public/Institutional ☐Other _____
b. Percent of impervious area 100 %; Percent of pervious area 0 %

2. What is the current zoning classification(s) of the site? Heavy Industrial --- "M"

3. What are the predominant land uses and zoning classifications within a ¼ mile radius of the project site?
Zoning: "M" & "CM-1"

4. Total size of project land area: 80,000 Square feet/Acres

5. What is predominant soil type(s) on project site? Alluvial Fill

6. What is the Federal Emergency Management Administration (FEMA) flood zone designation for the project site? "X"

7. Approximate percentages of project site with slopes: ☒0-10% 0 % ☐10-15% _____ %
☐greater than 15% _____ %

8. List all adjacent properties and describe the current usage of each:
Central Armature Works --- R/R Electrical Co. repair & Transfer
AmTrak, CSX, ConRail Rail Lines --- Transfer
Cash & Carry --- Bulk Products Transfer
Storage Garage --- Equipment Storage: Ice House --- Abandoned
a. List any of the adjacent properties or buildings on the adjacent properties which are listed on the National Register of Historic Places: None

9. What is the depth of the water table? >25 (in feet, if known)

10. Does the project site contain any species of plant or animal that is identified as threatened or endangered?
☐Yes ☒No Identify each species _____
Note: If you answer YES to this question, you must contact the U.S. Fish and Wildlife Service office in Annapolis, Maryland at (410) 573-4542.

11. Are any streams within or contiguous to the project site? ☐Yes ☒No
a. Name of the stream and the river to which it is a tributary _____

12. Are any lakes, ponds, springs or wetlands within or contiguous to the project site? ☐Yes ☒No
a. Name _____ b. Size _____

13. Is the site served by existing public utilities? ☐Gas ☒Electric ☒Water
☒Sanitary sewer ☐Storm Sewer ☐Combined Sewer

a. Does sufficient capacity exist to allow connection? ☒Yes ☐No
b. Will improvements be necessary to allow connection? ☐Yes ☒No

14. Has the site ever been used as a landfill, construction fill or for the disposal of solid wastes? ☐Yes ☒No

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

SOLID WASTE HANDLING FACILITY INTERIM OPERATING PERMIT

ISSUED ON AUGUST 2, 1996

This interim operating permit is being issued pursuant to the Solid Waste Facility Permit Act of 1995 (D.C. Code §6-3451 et seq.) and is an interim operating permit only. The issuance of this interim operating permit is conditioned on LG Industries, Inc. making an application for and obtaining a certificate of occupancy, which at a minimum describes the use of 1140 3rd Street, N.E., as a "solid waste handling facility." The certificate of occupancy application must be made with the Building and Land Regulation Administration of the Department of Consumer and Regulatory Affairs ("BLRA") within 30 days of the issuance of this permit. If the BLRA denies LG Industries' application, LG Industries must apply to the Board of Zoning Adjustment of the District of Columbia ("BZA") for the issuance of a solid waste handling facility certificate of occupancy within 30 days of the BLRA's denial.

This permit shall expire on the date when one of the following events occurs: (1) the Department issues the applicant a three year permit for a solid waste handling facility; (2) the Department denies the application for a solid waste handling facility; (3) the BZA denies the applicant's request for a certificate of occupancy for a solid waste handling facility; or (4) the permit is revoked. The terms and conditions of this interim operating permit include the obligation of the permittee to abide by all laws and regulations of the District of Columbia, including but not limited to, the regulations published in the District of Columbia Register on April 26, 1996 at pages 2232-2256 and successor regulations.

ISSUED TO:	LG Industries, Inc. Corporate Extensions, Registered Agent Attn: John Clark 720 7th Street N.W. Washington, D.C. 20001	**PHN:** 202-547-7731
IN A FACILITY OWNED BY:	LG Industries, Inc.	**PHN:** 202-544-3355
TO OPERATE A SOLID WASTE HANDLING FACILITY AT:	1140 3rd Street, N.E. Washington, DC 20002 SQUARE 748, LOTS 8, 9, 10, 11, 42, 43, 802, 808, 809, 810, 811, 812	**WARD:** 5 **PHN:** 202-544-3355
UNDER THE NAME:	LG Industries, Inc. Transfer Station	

MAXIMUM DAILY TONNAGE: 2,500 **MAXIMUM YEARLY TONNAGE:** 700,000

PERMITTED SOLID WASTE HANDLING: During the hours of 6:00 a.m. to 10:00 p.m., Monday through Saturday, the permittee is allowed to accept mixed and pre-sorted municipal solid waste, including construction and demolition debris, yard waste and recyclables, and to recover recyclable materials from waste delivered to the facility. Household appliances and white goods may be accepted at the facility provided that all refrigerant is removed from the appliances before delivery to the facility and is handled in accordance with federal regulations promulgated pursuant to Section 608 of the federal Clean Air Act. The permittee may crush, bale and/or compact waste received and shall ship all waste received at the facility for further processing and/or disposal.

PROHIBITED MATERIALS: The permittee shall not accept, process or transfer any:

(a) medical or pathological waste
(b) hazardous waste
(c) used oil
(d) antifreeze
(e) animal carcasses
(f) drums, tanks or other containers that have held hazardous waste
(g) septage or sewage scavenger waste
(h) chemical or petroleum cleanup material
(i) liquid waste or any waste containing free liquids as determined by the EPA method 9095 paint filter liquids test, as outlined in the EPA publication SW-846 "Test Methods for Evaluating Solid Waste, Volume Ones, Section C: Laboratory Manual Physical/Chemical Methods," Third Edition, dated November 1986. This prohibition does not apply to de minimis quantities of household products which may occur in the waste stream.
(j) radio-active waste
(k) asbestos or asbestos containing materials

THIS INTERIM OPERATING PERMIT SHALL NOT BECOME EFFECTIVE UNTIL LG INDUSTRIES OBTAINS AN ENVIRONMENTAL CLOSURE BOND.

THIS INTERIM OPERATING PERMIT IS NOT TRANSFERRABLE.

THIS INTERIM OPERATING PERMIT MUST BE POSTED IN A CONSPICUOUS PLACE AT THE FACILITY.

Hampton Cross
Director

BY: Patricia T. McGroary
Designee

Exhibit 7

NEIGHBORHOOD TASKFORCE

1131 Third Street, North East
Washington, DC 20002

Dear ZONING COMMISSION :

Please find attached signatures from residents of the Near North East Community, ANC-6A-02 petitioning the District of Columbia Government to cease the operation of L & G Industries, a trash and garbage transfer station located at 1140 Third Street, N.E.

We appreciate you for taking the time to review our concerns. Most importantly, we would be especially grateful for any support or assistance that you can lend to this effort.

Please contact ~~on~~ one of our co-chairpersons at your earlist convenience.

We are anxious to reach a resolution.

Sincerely yours,

Venious A. Parker, Jr.
Helena Darden
Alva Abdussalaam
Deborah Price
Willie Robinson
Terry Gray

Venious Parker 544-6857

P E T I T I O N

WE the undersigned residents of the Near Northeast Community, Advisory Neighborhood Commission 6A - 02, do hereby acknowledge that the following conditions exist in our neighborhood and thereby petition the District of Columbia Government to cease the operation of L and G Industries located at 1140 3rd Street, N. E. immediately and

WHEREAS all the residents of ANC 6A-02 were not informed by the Department of Consumer and Regulatory Affairs and/or L & G Industries that their operation was for the sole purpose of transferring waste, garbage, trash and chemicals

WHEREAS L & G Industries' purpose is to operate a "Trash Transfer Facility" located at 1140 3rd Street, N. E.

WHEREAS L & G Industries purpose of operating a "Trash Transfer Facility" is within 25 - 75 feet of residential units

WHEREAS trucks operating in and out of L & G Industries " Trash Transfer Facility" weighing 32,000 LBS travel throughout our residential streets where signs restrict such travel

WHEREAS these trucks that travel daily throughout our residential streets may cause structural damage to existing homes and buildings due to excessive tonnage

WHEREAS unknown liquids are spilled onto neighborhood streets by these trucks operating in and out of this facility producing odors and hazardous roadways in our community

WHEREAS noxious fumes from L & G Industries Facility and trucking operations in and out of this facility have produced an impact on the health, safety and well being of our community

WHEREAS an increase in rat population has also been observed not only at night but during light hours

WHEREAS the L & G Industries facility may create a negative impact on the financial assessment of our homes significantly causing devaluation of properties

we request immediate action regarding the above adverse conditions.

Name (Please Print)	Signature	Address
Ali Ali	Ali Ali	337 K ST NE
Cammie Mayne	Cammie Mayne	317 K St NE
Jerry James	Jerry James	227 K St N.E.
Cynthia Kelly	Cynthia Kelly	203 K St NE
Leroy Ware	Leroy Ware	~~205~~ NA
Hattie C. Ware	Hattie C. Ware	~~207~~ NA
Dorothy White	517 K St N.E.	211 K ST N.E.
Shyla White	Shyla White	517 K St 213
Dwayne D. Jones	Dwayne Lawrence	337 K ST 215
Brunetta Amber		940-44 ST NE 217
X Pauline Coles		219
Paul Sneed	337 K ST NE	225

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Name (Please Print)	Signature	Address
William Lee Brown		1121 - 4th St. NE. Washington
	William Lee Brown	
[illegible]		1134 - 7th ST NE DC 20002
Carrie L. Free		910 6th St. NE 20002
Jean Green	Jean Green	1123-4th St N.E. 20002
Pamela Leach		1023 4 St NE 20002
Ronald M [illegible]		1023 4th ST. NE WASH DC 20002
Tamara L. Gilbert		1021 4th St NE Wash DC 20002
Geraldine Riddick		1113 4th. N.E.
Kathryn Brame		1012 4th St. NE Wash DC
Beatrice Ivey		1010-4th ST. N.E. Wash. DC.
Joseph Young		1006 4th St. NE WDC 20002 DC.

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Name (Please Print)	Signature	Address
Tilahman Chastelle	Chastelle Tilahman	1102-44.5t NE
GUIDE IYASSU		
WALLACE CHASTELLE	Chastelle Wallace	1112 4St NE
JAMES RICHARDSON	James Richardson	1114 4ST NE
		1119 4ST NE
LAVONNE TALIAFERRO	LaVonne R Taliaferro	1120 4th St. N.E.
Wallacestine Talieferro-Curtis	Wallacestine Taliaferro-Curtis	1120-4th St. NE
Emma R. Taliaferro	E. R. T.	1120-4th St. NE
Lovie Wickes	Lovie Wickes	1122 4th St. NE
		1124 4th St NE.
Carrie L Bain		1124 4th St NE Carrie L Bain

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Name (Please Print)	Signature	Address
Yvette Dancy	Yvette Dancy	112X 4th St NE
Mary L Price	Mary L Price	1126 4th St. NE
Jeffrey L Quattlebaum	Jeffrey	1146 4th NE
Wayne Ballard	Wayne Ballard	1148 4th St NE
Julie Goodwin	Julie Goodwin	1127 4th St NE
Glen T Calder	Glen T Calder	1129-4th St NE
Debbie A Williams	Debbie A Williams	1138-4th St. NE
Corinne Young	Corinne Young	1142 4th St NE
MARLIN CALDER	Marlin E Calder	1129-4 ST. N.E
Vinta Murray	Vinta Murray	1130 4th St. N
MATT SHANNON	Matt Shannon	1154 4th NE
CHRISTINE FRANCIS	Christine Francis	1134-4th NE

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Name (Please Print)	Signature	Address
Wayne Upton	Wayne Upton	72 5th ST NE
[illegible]		
James McKenzie	James McKenzie	900 # ST N.E
[illegible]	[illegible]	1010 H ST N.E
[illegible]		
[illegible]	[illegible]	[illegible]
Gary Nelson	[illegible]	5[illegible]
[illegible]	[illegible]	[illegible]
Susan HARPER	[illegible]	1226 F ST NE
[illegible]	[illegible]	1736 [illegible]
[illegible]	[illegible]	1237 M UNIT 5
[illegible]	[illegible]	[illegible]

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Name (Please Print)	Signature	Address
Stromberg Co.	Walter S Calhoun	1120 3rd NE.
Stromberg Co.	Walter S Calhoun	1015 Congress St NE

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Name (Please Print)	Signature	Address
Michelle Bailey	Michelle Bailey	1213 5th St NE
Woodrow Beatty	Woodrow Beatty	1207 5th St NE
Wilhelmina Jefferies	Wilhelmina Jefferies	1120 5th St NE
Senetra Boykin	Senetra Boykin	315 K St. NE.
Lillie R. Matthews	Lillie R. Matthews	1121 5th ST NE
RAY LONG	Ray Long	1108 5 ST NE
ERCILIA PERDOMO	1038 5TH ST. NE	ERCILIA PERDOMO
Judy A Sabir	1020 5th ST NE	Judy A Sabir
SHELLY HOWARD	Shelly Howard	1016 5th Street, NE
Connie Sloan	Connie Sloan	1010 5th St. NE
J. F. Barnes	926 5 TH ST NE DC	
Rachel D. Henry	Rachel D. Henry	934 5th St NE WDC20002

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Name (Please Print)	Signature	Address
Florence Nibblins	F Nibblins	1202 5th St NE
Margaret Smith	Margaret Smith	1211 5th St NE
Ann Smith	Ann Smith	1211 5th St NE
Darryl Beatty	Darryl Beatty	1211 5th St NE
DONALD A FORD	Donald A Ford	1204 5th St. NE
Alimamy Sankoh	Alimamy Sankoh	1206 5TH St. N.E.
Orlando Lindsay	Orlando Lindsay	1209 5th St NE
Renée Johnson	Renée Johnson	1220 5th St. N.E.
Louise Matthews	1214-5th St. NE.	Louise Matthews
Cynthia R Williams	Cynthia R Williams	1215 5th St NE
Michelle R. Sadler	Michelle Sadler	1218 5th St NE
Michael Johnson	Michael John	1220 5th St NE

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Nicole Sadler	Nicole Sadler	1219 5th Street NE
Angela Fleming	Angela Fleming	1213 5th St NE
Penny Goodloe	Penny Goodloe	1213 5th NE
Keela Slater	Keela Slater	1215 5th St. N.E.
Thelma Jackson	Thelma Jackson	1209 5th ST. NE
Vicki Lindsay	Vicki Lindsay	" " " "
Catherine Brown	Catherine Brown	" " " "
John A. Hudgens		1159 Fifth NE St
Joseph J. Brooks	Joseph J. Brooks	1149 5th NE
Peter J. White	Peter J. White	1145 5th St. N.E.
Tawanda Hardy	Tawanda Hardy	1139 5th St. NE
J.D. Dozier		1126 E ST N.E. Washington DC.

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Name (Please Print)	Signature	Address
Eva Young	EVA YOUNG	922-5th St NE
Emily T Carroll	Emily Carroll	918 5th St NE
Ethel Harwell	Ethel Harwell	916-5th St NE
William C Smith	William C Smith	903-5th St NE
Kenneth K Clark	KEN CLARK	901 8th NE
Sterling Hines	Sterling Hines	909 5th St
Kenita D Wright	Kenita Wright	1140 5th St NE
Solemuel Wright	Solemuel Wright	1141 5th St. N. E.
VALERIE MORRIS	Valerie Morris	1160 5TH ST
ALVA ABDUSSALAAM		1158 5TH ST NE
JIHAD ABDUSSALAAM		1158 5TH ST NE
Delmar E Nelson	Delmar E. Nelson	1151 5TH ST. N.E.

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Name (Please Print)	Signature	Address
Regina Ritz Briscoe	Regina Ritz Briscoe	911 5th St. N.E.
GEORGE BENJAMIN	George Benjamin	501 I St. NE
Cornelius D. Fuller-Bey	Cornelius D. Fuller-Bey	1110 5th ST. NE
Edsel McMoore	Edsel McMoore	1126 5th St NE
ALBERTA FRYE	Alberta Frye	1128 5TH ST NE
JOHNSON, LUCIOUS	Lucious J. Johnson	1148 - 5th St NE
Idris Bilaal	IDRIS BILAAL	1154 5th St, NE

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Name (Please Print)	Signature	Address
Russell Alexander	Russell Alexander	FIFTH Dist.
Daniel M. Pernell	1132 4th St	Daniel M. Pernell (III)
Terri Bishop	TERRI B. SHOP	1341 2nd Ave N.E.
Allegra Smith	1401 Columbia Rd, N.W.	
Thomas J. Smith	1018 W St N.W.	D.C. 20001
Minister Mary Shall	335 L St. N.E.	D.C. 20002
Ken Mitchell	624 D St. NE	DC 20002
Joyce A. Parker	518 9th ST NE #306	DC 20002
Sally Byington	1231 MO Ave NE	
Manuela Rios de Silva	500 G St. NE	547-2758
[illegible]	81 74-54 St. NE	483-9424
[illegible]	800 45 St NE	20002

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Name (Please Print)	**Signature**	**Address**
		229
		231
		233
		235
		237
		239
		241
[illegible]	[illegible]	243
X [illegible]	[illegible]	243
		300-305 CHURCH
Arthur Brown	[illegible]	315
		307
		309

P E T I T I O N

WE the undersigned residents of the Near Northeast Community, Advisory Neighborhood Commission 6A - 02, do hereby acknowledge that the following conditions exist in our neighborhood and thereby petition the District of Columbia Government to cease the operation of L and G Industries located at 1140 3rd Street, N. E. immediately and

WHEREAS all the residents of ANC 6A-02 were not informed by the Department of Consumer and Regulatory Affairs and/or L & G Industries that their operation was for the sole purpose of transferring waste, garbage, trash and chemicals

WHEREAS L & G Industries' purpose is to operate a "Trash Transfer Facility" located at 1140 3rd Street, N. E.

WHEREAS L & G Industries purpose of operating a "Trash Transfer Facility" is within 25 - 75 feet of residential units

WHEREAS trucks operating in and out of L & G Industries " Trash Transfer Facility" weighing 32,000 LBS travel throughout our residential streets where signs restrict such travel

WHEREAS these trucks that travel daily throughout our residential streets may cause structural damage to existing homes and buildings due to excessive tonnage

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WHEREAS noxious fumes from L & G Industries Facility and trucking operations in and out of this facility have produced an impact on the health, safety and well being of our community

WHEREAS an increase in rat population has also been observed not only at night but during light hours

WHEREAS the L & G Industries facility may create a negative impact on the financial assessment of our homes significantly causing devaluation of properties

we request immediate action regarding the above adverse conditions.

Name (Please Print)	Signature	Address
		317
		319 burn out
		333 board up
		334
		335 (337
NO		401 NO
X Minerva Silva		403
		405
		407
		409
		411
		413

P E T I T I O N

WE the undersigned residents of the Near Northeast Community, Advisory Neighborhood Commission 6A - O2, do hereby acknowledge that the following conditions exist in our neighborhood and thereby petition the District of Columbia Government to cease the operation of L and G Industries located at 1140 3rd Street, N. E. immediately and

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Name (Please Print)	**Signature**	**Address**
		415
		417
		419
		421
		423
		425
		505
		507
Bobby E Goodwin	Bobby Goodwin	509
		511
		513
		515

P E T I T I O N

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Name (Please Print)	Signature	Address
		418
		416
Kerry Haynes	Kerry Haynes	414
Johnnie Simons	Johnnie Simons	412
THOMAS H. ELLIS	Thomas H. Ellis	410
Roberto Ortega	Roberto Ortega	408

P E T I T I O N

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Name (Please Print)	Signature	Address
Sheila White	Sheila White	517
Dorothy White	Dorothy J. White	517
		519
Anthony Green	Anthony Green	521
		523
Charles Kim	Charles Kim	522
		520
		518
		516 Burn out
		514 Church Boarded up
		422

P E T I T I O N

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Name (Please Print)	**Signature**	**Address**
R [illegible]	[signature]	123 I St NE

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Name (Please Print)	Signature	Address
WILSON, MARY	Mary Wilson	3705-24 ST NE
Maurice Wills	Maurice Wills	306 K ST N.E
Michelle Lee	Michelle Lee	929 7th St N.E.
[illegible]	[illegible]	[illegible]
Dianne Dewitt	Dianne Dewitt	1300 Adams St NE
Cynthia Henry		1000 K. St. N.E. WASH DC Ad Cross
Cleo J. Wright		5901 East Capitol St. S.E. Clev 1.3 mile
Lucy Wilson		1410 Saratoga St NE
Julius Wilson		3128 Apple Rd NE

P E T I T I O N

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Name (Please Print)	Signature	Address
Lensie Howell	913-7 Fnt.	20002

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CONSTANCE - CHAMPION	Constance Champion	1157 3rd St N.E.
DOROTHY E. EVANS	Dorothy E Evans	1012½ 6th St NE
BRENDA DONOVAN	Brenda Donovan	1109 4th St. NE
MC DONALD TOBIAS	Reginald Tobias	1104 4th St NE
Jesse Myers	Jesse Myers	1121 4TH ST N.E.

P E T I T I O N

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WHEREAS noxious fur tions in and out of this facility have produced an impact c

WHEREAS an increase ght but during light hours

WHEREAS the L & G Ir inancial assessment of our homes significantly causing devalu

we request immediate s.

3rd & Abbey Pl.

65

Petition A.

Name (Please Print	Address
VENIOUS A. PAR	1131 3rd St NE
LOVELENE E. Looper	Lovelene E Looper 1129 3rd ST. NE.
Everette Morton	Everette Morton 1117 3 St NE
Audrey Tinker	Audrey Tinker 1117-3 St N.E
Dolores Brown	Dolores Brown 1115 3rd St. N. E.
Johnetta Brown	Johnetta Brown " "
Joseph L. Washington	Joseph L. Washington 1106 3R St. NE.
Roy Brown	1105 3rd NE
Richard Williams	1155 3rd NE
Roberta Kinard	1137 3rd St NE
Madam Warfield	1139 3 St NE
Vicente Alfaro Hurtado	1143 3rd NE W.D.C.

P E T I T I O N

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Name (Please Print)	Signature	Address
Viola Canady	Viola Canady	1109 Aubrey NE
Leslie Dunaby	Leslie Dunaby	1167 3rd St NE
James Ross	James Ross	1141 3rd St N.E (269-4941)
Mike Williams	Mike Williams	1127 3rd St NE
Pastor [illegible]	[illegible]	1149-3RD ST NE
[illegible]	[illegible]	1143 3RD ST NE
[illegible]	Kenneth	1133-3rd Street N.E.
Bonnie Johnson		1125 - 3rd St, NE
Charles Hawkins		1010 3RD ST NE
Walter Reed		1006 2nd NE
DAVID Kosko, Phd		235 K ST NE Wash DC 20002
Tashonda Jordan		233 K St. N.E. WASH., D.C. 20002

P E T I T I O N

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Name (Please Print)	Signature	Address
Robert Theophilus	Robert Theophilus	1167 Abbey Pl.
Cecila Harley	Cecila Harley	1167 Abbey Place
Gerald Clinton	Gerald Clinton	1153 Abbey Pl. N.E.
Melvina Baylor	Melvina E. Baylor	1141 Abbey Pl. N.E.
Maggie Champion		1107 Abbey Pl.
Willie Batie		1144 Abbey Pl. N.E.
Carolyn M. Potter		1133 Abbey Pl. N.E.
Kaby L. Whitfield		1125 Abbey Pl. N.E.
Emma Haines		1119 Abbey Pl N.E
John Brown		1115 Abbey Pl. NE
L.C. McClam		1018 3 St NE
Clifton Conroy		1109 Abbey Pl. N.E.

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Name (Please Print)	Signature	Address
Helen B. Darden	Helen B Darden	1111 3rd ST NE.
Patricia Jones	Patricia Jones	1119 3rd St. NE
Lorraine Jackson	Lorraine Jackson	1118 ABBEY PL. NE.
CARLTON BASSEY	C Bassey	1122 ABBEY PL NE
Robert Thornton	R T	1124 ABBEY PL. N-E.
James E White	J E W	1123 Abbey pl. N.E.
Lawrence M. Byrd		1130 Abbey Place, N.E.
Vernice M. Greenlee		1145 Abbey Pl N E
Wanda Murphy		1143 Abbey P.L.NE.
Jewel Robinson		1146 Abbey Pl NE
Ronnie Thaxton	RONNIE THAXTON	1150 ABBEY PL N.E.
Raymond H. Parker	1169 abbey pl ne	

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CONSTANCE - CHAMPION	Constance Champion	1157 3rd St. N.E.
NORMA ATKINSON	Norma Atkinson	1155 3rd St. N.E.
Ruby Sampler	Ruby Sampler	1165 - 3rd. St N.E.
[illegible]	[illegible]	1169 - 3rd st NE -
Earnest Alston		1175 3 st NE
Melvin Little		1161 - 3rd St NE.
Nannie Howard		1177 3rd St NE.
Alma West		1171 3rd St NE
Mary A White		1173 3rd St N.E.
Raynus T Pack		1145 3rd St. N.E.
M. Eartha Harrod		612 - 3rd St. N.E.
V. T. Reingold		616 - 3rd St. N.E.

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Name (Please Print)	Signature	Address
Beatrice Mitchell		907 3rd St NE
Charlie Evans	Charlie Evans	833-3rd ST NE
Karla Powell	Karla Powell	309 T St NE
Lorraine G. Wills	Lorraine G. Wills	316-K St. N.E.
Jimmy Barnes	312 K ST	547-1541

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Name (Please Print)	Signature	Address
Sandra Jones	Sandra Jones	1113 - 3rd St NE
[illegible]	[illegible]	1112 Abbey Pl. NE
Marie Branch	Marie Branch	1117 Abbey Pl. NE
Mildred Whitlock	Mildred Whitlock	1120 Abbey Pl NE
[illegible]	[illegible]	1126 Abbey Pl NE.
[illegible] Brooks	[illegible] Brooks	1140 Abbey Pl NE
[illegible] McBoyd	[illegible] McBoyd	1136 Abbey Pl NE
Orlando T Jackson	Orlando T Jackson	1120 Abbey Pl NE
Brian D Mitchell	Brian D. Mitchell	1102 Abbey Pl. NE.
[illegible]	[illegible]	1102 Abbey Pl NE
[illegible]	[illegible]	1119 Abbey
Mary Wingfield	[illegible]	1129 Abbey Pl. NE.

P E T I T I O N

WE the undersigned residents of the Near Northeast Community, Advisory Neighborhood Commission 6A - 02, do hereby acknowledge that the following conditions exist in our neighborhood and thereby petition the District of Columbia Government to cease the operation of L and G Industries located at 1140 3rd Street, N. E. immediately and

WHEREAS all the residents of ANC 6A-02 were not informed by the Department of Consumer and Regulatory Affairs and/or L & G Industries that their operation was for the sole purpose of transferring waste, garbage, trash and chemicals

WHEREAS L & G Industries' purpose is to operate a "Trash Transfer Facility" located at 1140 3rd Street, N. E.

WHEREAS L & G Industries purpose of operating a "Trash Transfer Facility" is within 25 - 75 feet of residential units

WHEREAS trucks operating in and out of L & G Industries " Trash Transfer Facility" weighing 32,000 LBS travel throughout our residential streets where signs restrict such travel

WHEREAS these trucks that travel daily throughout our residential streets may cause structural damage to existing homes and buildings due to excessive tonnage

WHEREAS unknown liquids are spilled onto neighborhood streets by these trucks operating in and out of this facility producing odors and hazardous roadways in our community

WHEREAS noxious fumes from L & G Industries Facility and trucking operations in and out of this facility have produced an impact on the health, safety and well being of our community

WHEREAS an increase in rat population has also been observed not only at night but during light hours

WHEREAS the L & G Industries facility may create a negative impact on the financial assessment of our homes significantly causing devaluation of properties

we request immediate action regarding the above adverse conditions.

Name (Please Print)	Signature	Address
SAM TAYLOR	Sam Taylor	1117 Abbey Pl NE
Ms Karen Blue	Karen V. Blue	1111 Abbey Pl. N.E.
Mary Frederick	Mary Frederick	1106 K St N.E.
Charles Haskins	Charles Haskins	1104 K St N.E.
Marie Tengleton	Marie Tengleton	1425 Twiddad Ave N.E
Sharrone Lee	Sharrone Lee	1708 K St SE #3
Lorice Hines	Lorice Hines	1120 C St SE #4
OPAL Daniel	Opal Daniel	660-K St. N.E.
JOHN Wilson	John Wilson	660 K St. NE.
James McNeil	JAMES McNeil	661 L St NE
		2000 2
Denise		K St N.E

P E T I T I O N

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we request immediate action regarding the above adverse conditions.

Name (Please Print)	Signature	Address
John L Lewis	John L. Lewis	660 K St. NE
Lydia Taylor	Lydia C. Taylor	1129 - 11th St. NE, #1
Kevin E Sykes	Kevin E Sykes	1 - 7th ST NE

P E T I T I O N

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we request immediate action regarding the above adverse conditions.

Name (Please Print)	Signature	Address
THERESA L. PIZZA	Theresa L. Pizza	651-K St. NE
E. [illegible]		643-K St. NE
[illegible]	[illegible]	641-K ST. NE
Lee A Harman	LEE GORMAN	634 K St NE
[illegible]		633 K ST NE
[illegible]	[illegible]	631-K St NE
Lorraine Green	Lorraine	631-K St NE
Beulah Little	633-K St NE	20002
CLARENCE MAYS	544-3237.	649K St NE.

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we request immediate action regarding the above adverse conditions.

Name (Please Print)	Signature	Address
Sharon Johnson	Sharon Johnson	326 34th St. NE
TAWANA D. TERRY	Tawana Terry	610 Oklahoma Pl. NE
Vanetta Garris	Vanetta Harris	1140 3rd St. NE
Thomas P. Brooks	1008 3rd St. NE.	
William Anderson	William Anderson	237 K St. NE
MARTHA CREEK	Martha Creek	837-3rd ST NE
Pauline Monroe	Pauline Monroe	911 3rd NE 20002
Shanna Sundard		323 Eye St NE
Mr. Mrs Morris	Irene	415 E St NE
Linda Lyles	316 K St. NE	Linda Lyles
Deborah Price	1121 3rd St NE	Deborah Price

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we request immediate action regarding these conditions.

4th St. N.E

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Name (Please Pri		Address
Charlotte Robi		1178 3rd St. NE
[illegible]		116 4th St NE
Gloria Th		650 Orleans Pl. NE
Edward Rob		160 4th St. N.E.
James C Mil		54 4th St. N.E.
[illegible]		2 [illegible] St. N.E.
Gary E Brown		1150 4th St. N.E.
Gail Wagner		1148-4th N.E.
Robin L. Cook		1140-4th St NE
Delores W. Williams		1138-4th St. NE
Queenie Murchison	Queenie Murchison	1136 4th St. N.E.
La Foreste Murchison	LaForeste Murchison	1136 4th St. N.E.

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Name (Please Print)	**Signature**	**Address**
NICADEMUS BRADLEY		1134-4-NE
Cathie L Bain		1124 4th ST ne. D.C.
LOVIE WICKER		1124 4th ST NE Wash D.C
THELMA FULLER		1126 AP#U
Ms Bailey Family		1110 4th st NE Wash. D.C
THE Dickens Family	The Dickens family	1108 4th St. N.E
Charles Tilghman		1102 - 4th St NE Homeowner
Local Com		1106-4 ST NE FREE CARE
(L.C.) LARRY C. MCCLAM		1018 3 ST NE
Jeffery Williams	Jeffery Williams	1024 4th ST. NE
Robert L. William	Robert L. Williams	1020 4th St. N.E
John Tobe		1014 4th St N.E

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Name (Please Print)	Signature	Address
Katrina Jordan	Katrina Jordan	1010 4th St. NE
LAWRENCE BRASWELL	Lawrence Braswell	1012 4th St. NE
Larry Rush	Larry Rush	1009 4th St NE
Tom Rush	Tom Rush	1020 4th St NE
L Bush	Lon Bush	1008 4th NE
R. LEWIS	R. Lewis	1006 4th St. NE.
G. Scarborough	Gary Scarborough	938 4th St. N.E.
Dorothy M Robinson	816-4th St NE	
M Paige Markham	M. Paige Markham	816 4th St. N.E.
S. Bowers	Sandra Bowers	812-4th St NE
Mae Bell McCray	812-4th St NE DC	
Edgewood Dist	Edgewood Dist	816-4th St NE Wash DC

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Name (Please Print)	Signature	Address
[illegible]	[illegible]	808 4th NE
Marie Burke	Marie	815 4th NE
Frank Johnson	FRANK	815-4th NE
Vivian Stewart	Vivian Stewart	833-4th St. N.E.
Paul Corsi	[illegible]	837 4th NE

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WHEREAS an increase[illegible] ight but during light hours

WHEREAS the L & G [illegible] financial assessment of our homes significantly causing deva[illegible]

we request immediate[illegible] ons.

Name (Please Pri		Address
NETTIE W[illegible]		N 834-7th ST NE
Vanessa [illegible]		es 834-7th ST NE
Cornell W.W.[illegible]		636 I ST NE,
[illegible] H M[illegible]		1134 7th St. NE
Natalie Port[illegible]	[illegible] Patton	1307 I St., N.E.
EVELYN L. SHAW	Evelyn L. Shaw	423 M St NE
NANCY ALLEN	Nancy Allen	425 7th ST NE
[illegible]	[illegible]	[illegible]
CHARLES SMITH	[illegible]	522 M ST NE
JAMES E. SMITH	[illegible]	425 M ST NE

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we request immediate action regarding the above adverse conditions.

Name (Please Print)	Signature	Address
PATRICIA GASSAWAY	Patricia K Gassaway	607 Florida Ave. N.E.

P E T I T I O N

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Name (Please Print)	Signature	Address
Laverne Powell	Laverne Powell	1133 N. Capitol ST. N.E.
Donna Bartley	Donna Bartley	1133 N. Capitol St. NE.
GEORGE JORDAN	George Jordan	1133 N CAP ST NE
CAROLYN DAVIS	Carolyn S Davis	1133 N. CAP ST NE
Milton Richardson	Milton Richardson	1133 N. Capitol ST. NE
Cathy Marzucco	Cathy Marzucco	1133 N Cap NE
LEROY JOHNSON	Leroy Johnson	1133 GIRARD ST. N.E.
[illegible]	[illegible]	1133 N Cap. NE
[illegible]	[illegible]	1133 North Capitol ST NE
Evangeline Carter	Evangeline Carter	1133 North Capitol St N
Annette Costley	Annette Costley	1133 North Capitol St NE
Sharon Vonesp	[illegible]	1133 North Capitol St NE

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Name (Please Print)	Signature	Address
Lonnie E. Williams	Lonnie E. Williams	1133 N Cap St. NE
Grace L. Brandon	Grace L. Brandon	1133 N Cap St NE
Mary Green	Mary Green	1133 N Cap St NE
Delores Morgan	Delores Morgan	1140 N. Cap. St. NW
Cynthia Young	Cynthia Young	1133 N. Cap St NE
Vivian E. Green	Vivian E. Green	1133 N. Cap St NE
Jane Lodge	Rose Edges	1855 Bald. Ave
Sharon Rochford	Sharon Rochford	1133 NC St NE
C.M. Campbell	C.M. Campbell	1133 North Cap. St. NE
Brenda C. Ballard	B.C. Ballard	1133 North Cap St NE
Rosa B. Adams	R.B. Adams	1133 N.C St N.E
Lynda Nesbitt	Lynda Nesbitt	1133 NC St NE

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Rita A. Cooper	Rita A. Cooper	1133 N. Capitol St. N.E.
Wanda Gissins	Wanda Gissins	913-7th St. N.E.
Kaye Scott	Kaye Scott	1133 North Capitol St N.E.
Eugene Brown	Eugene Brown	820 - L - ST. N.W
Bonita Cooper	Bonita Cooper	1133 n. capitol st N.E.
Denise Coleman	Denise Coleman	1133 n capitol st N.E.
Shirley Dean	Shirley Dean	1133 N Cap St NE
Constance Coleman	Constance Coleman	" " " " "
Sylvia Brown	Sylvia Brown	1133 N Capitol St NE
[illegible]	[illegible]	1133 N Capitol St NE
Julia V. [illegible]	[illegible]	1133 NE Cap St NE
Larry Stevenson	Larry Stevenson	1133 N. Cap St. N.E.

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WHEREAS noxious fumes from L & G Industries Facility and trucking operations in and out of this facility have produced an impact on the health, safety and well being of our community

WHEREAS an increase in rat population has also been observed not only at night but during light hours

WHEREAS the L & G Industries facility may create a negative impact on the financial assessment of our homes significantly causing devaluation of properties

we request immediate action regarding the above adverse conditions.

Name (Please Print)	Signature	Address
Tina Clegg	Tina Clegg	1136 6th St. N.E. Apt. A
JIM SCHULMAN	James S. Schulman	631 E ST. NE (6A-04)
HAROLD BRAZIL	Harold Brazil	1350 PA AVE N.W.
Ludeda Gordon	Ludeda Gordon	1464 H St. N.E.
Samuel Coffen	Samuel Coffen	1464 H St. N.E.
DWANN Buford	[illegible]	1133 N Capital St NE
[illegible]	[illegible]	1133 N. Capitol St. NE,
B.J. Stewart	B.J. Stewart	1133 N Capitol St NE
Tyn. Adams	Tyn. Adams	1133 N Capt St NE
Delores McNeil	Delores McNeil	1133 North Capitol St. N.E.
Elva Armstrong	Elva Armstrong	1133 N. Capitol St. NE
JoAnne Stevens	JoAnne Stevens	1133 N Capital N.E.

P E T I T I O N

WE the undersigned residents of the Near Northeast Community, Advisory Neighborhood Commission 6A - 02, do hereby acknowledge that the following conditions exist in our neighborhood and thereby petition the District of Columbia Government to cease the operation of L and G Industries located at 1140 3rd Street, N. E. immediately and

WHEREAS all the residents of ANC 6A-02 were not informed by the Department of Consumer and Regulatory Affairs and/or L & G Industries that their operation was for the sole purpose of transferring waste, garbage, trash and chemicals

WHEREAS L & G Industries' purpose is to operate a "Trash Transfer Facility" located at 1140 3rd Street, N. E.

WHEREAS L & G Industries purpose of operating a "Trash Transfer Facility" is within 25 - 75 feet of residential units

WHEREAS trucks operating in and out of L & G Industries " Trash Transfer Facility" weighing 32,000 LBS travel throughout our residential streets where signs restrict such travel

WHEREAS these trucks that travel daily throughout our residential streets may cause structural damage to existing homes and buildings due to excessive tonnage

WHEREAS unknown liquids are spilled onto neighborhood streets by these trucks operating in and out of this facility producing odors and hazardous roadways in our community

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we request immediate action regarding the above adverse conditions.

Name (Please Print)	Signature	Address
Doris Floyd	Doris Floyd	1133 N. Capitol St NE
Lisa Elias	Lisa Elias	1133 N Capitol St. N.E.
Melissia Williams	Melissa Williams	1133 N capitol & T NE
Janice Williams	Janice Williams	1133 N capitol NE
Tarshia Dixon	Tarshia Dixon	1133 N. Capitol St N.E
John N Thomas	John W Thomas	1133 N. Capitol N.E
Davis, Amy	Amy Davis	1133 N. Capitol st. N.E.
Tanya Colbin	Tanya Colbin	1133 N.C ST. N.E.
Tonia Marshall	Tonia Marshall	1133 NC ST. NE.
Joan Smith	Joan Smith	1133 N.C st. N.E
Elektra Long	Elektra M Long	1133 N. Cap. St NE
Frances E Haylock	Frances E Haylock	1133 N Cap St N.E

P E T I T I O N

WE the undersigned residents of the Near Northeast Community, Advisory Neighborhood Commission 6A - 02, do hereby acknowledge that the following conditions exist in our neighborhood and thereby petition the District of Columbia Government to cease the operation of L and G Industries located at 1140 3rd Street, N. E. immediately and

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we request immediate action regarding the above adverse conditions.

Name (Please Print)	Signature	Address
Elwyra Johnson	1133 North Capt. St. NE	Elwyra Johnson
Karen Brown	1133 North Capitol St. NE	K Brown
Robert Crawford	1133 North Capital St N.E.	
Mary A. Patterson	1133 N. Capitol St. NE	Mary A Patterson
Gloria Beville	Gloria Beville	1133 N. Capitol St NE
Craig Patterson	1133 North Cap. St. N.E.	Craig Patte
Deantae Thomas	1133 North Cap St NE.	D Thomas
Sherrice Holley	Sherrice Holley	1133 North Capitol St NE
Henry Bardley	Henry Bardley	1133 North Capitol St NE
Randolph Lynch	Randolph Lynch	1133 North Capitol St. NW.
Bonita Curtis	1133 N. Capt St NE	Bonita Curtis
Eric J Peterson	1133 N. Capt St.	Eric J Peterson

P E T I T I O N

WE the undersigned residents of the Near Northeast Community, Advisory Neighborhood Commission 6A - 02, do hereby acknowledge that the following conditions exist in our neighborhood and thereby petition the District of Columbia Government to cease the operation of L and G Industries located at 1140 3rd Street, N. E. immediately and

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we request immediate action regarding the above adverse conditions.

Name (Please Print)	Signature	Address
Eduardo Moquete	EDUARDO MOQUETE	1133 North Capitol St NE.
KIMBERLY AGURS	Kimberly Agurs	1133 N. Capitol St NE.
Sherry Blades	Sherry Blades	1133 N. Capitol St. NE
Gonsales Penny	Donnalee Penny	1133 N. Capitol St NE
Tammy Thompson	Tammy Thompson	1133 N. Cap. St. NE
C. Lefflore		1133 N. Cap St N-E
D.A. Dargan		1133 N. Cap St NE.
Curt Lupo		1133 N. Capitol St NE
Dwight Wilson		1111 North Capitol
Aneil A. Shareef		1140 North Cap. St. N.E.
James Morrison		1221 M St NW
Donald L. Monroe		1133 N. Capitol N. W.

P E T I T I O N

WE the undersigned residents of the Near Northeast Community, Advisory Neighborhood Commission 6A - O2, do hereby acknowledge that the following conditions exist in our neighborhood and thereby petition the District of Columbia Government to cease the operation of L and G Industries located at 1140 3rd Street, N. E. immediately and

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Name (Please Print)	Signature	Address
Dana Downs		1133 North Cap.
Barbara A Bass	Barbara A Bass	1133 N. Cap St NE
Beersheba Jenkins	Beersheba Jenkins	1133 N Cap St.
Gena Lowe	Gena Lowe	1133 N. Cap NE
Thomas Woods	Thomas Woods	1133 N Cap NE.
STEPHON HOPKINS	Stephon Hopkins	1133 N. Cap. N.E.
VYTAS V. VERGEER	Vytas V. Vergeer	1133 N. Capitol, NE
FRANCES FAGAN	Frances Fagan	1133 N. Capitol NE
MICHAEL TOBIN	Michael Tobin	~~1135~~ 1133 N Capitol St.
Sheryl Martin	Sheryl Martin	1133 N. Capitol St. N.E.
DENISE Abrams	Denise Abrams	1133 N Cap. NE
ALVIN C. HALL	Alvin C. Hall	1133 N. Cap. NE

and chemicals

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Name (Please Print)	Signature	Address
Vanessa Ling	Vanessa Ling	1133 North Cap.
Christine Purvis	Christine Purvis	1133 North Cap.
Charles E Pace	Charles E Pace	1133 N. Capitol St. N
Belinda Belk	Belinda Belk	1133 N Capital St NE
OSCAR BATTLE	Oscar Battle	1133 N Capitol St NE.
THEADORA WATTS	Theadora Watts	1133 N Cap St. NE
Brian C. Midget	BRIAN MIDGET	1133 N. CAPITOL NE
Lisa Ingram	Lisa Ingram	1133 N. Capitol. NE
Louis Johnson	Louis Johnson	1153 N Cap St NE
PATRICIA HARDMAN	Patricia Hardman	1133 N. Cap st NE
TERENCE G. TEASLEY	Terence G Teasley	1133 N. Cap St.
Edmond PEARS		1133 N. Capt St. NE