GEORGETOWN UNIVERSITY LAW CENTER

INSTITUTE FOR PUBLIC REPRESENTATION

Douglas L. Parker
Director
Hope M. Babcock
Associate Director
Environmental Law Project
Angela J. Campbell
Associate Director
Citizens Communications Center Project
Michael D. Beach
Sheila A. Bedi
Christopher R. Day
Lawrence M. Levine
Amy R. Wolverton
Fellows

600 New Jersey Avenue, NW, Suite 312
Washington, DC 20001-2075
Telephone: 202-662-9535
TDD: 202-662-9538
Fax: 202-662-9634

July 15, 2002
VIA FACSIMILE

Board of Zoning Adjustment
441 4th Street, NW, Suite 210-S
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2002 JUL 16 AM 7:52

Re: BZA Appeal No. 16239; USA Waste of D.C., Inc.

Dear Board Members:

We write on behalf of the Near Northeast Neighborhood Task Force (NNNTF), which has party status in Appeal No. 16239, to comment briefly on the "status report" that counsel for USA Waste filed by facsmile with the Board, at approximately 4pm today. NNNTF is pleased at the possibility of the closure of the Uline Arena solid waste transfer station by August 31, 2002. NNNTF wishes to note, however, that it may be necessary to examine further any provisions of a Settlement Agreement between the District and USA Waste before determining that the closure of the facility next month would moot this appeal.

Specifically, this case may not become moot if an Agreement is reached lacks explicit, enforceable terms that *permanently* waive USA Waste's claims of entitlement under the Zoning Regulations to operate a solid waste transfer station at 1140 3rd Street, NE. NNNTF presently has no reason to doubt that such terms would be included in any Agreement. However, NNNTF wishes to reserve the right to comment on any future notice sent to the Board that an agreement has been reached, before the Board decides whether to dismiss this appeal.

Respectfully submitted,

Hope M. Babcock (by L.M.L.)
Hope M. Babcock
Senior Attorney / Associate Director

Lawrence M. Levine
Staff Attorney

BZA
Case No. 16239
Exhibit No. 41

Board of Zoning Adjustment
District of Columbia
CASE NO.16239
EXHIBIT NO.41

INSTITUTE FOR PUBLIC REPRESENTATION
Georgetown University Law Center
600 New Jersey Avenue, NW, Rm.312
Washington, DC 20001-2022

TELEFAX NUMBER: 202-662-9634

TRANSMITTAL SHEET

This transmission is intended for the sole use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. Any dissemination, distribution or duplication of this transmission by anyone other than the intended addressee is strictly prohibited. If you have received this transmission in error, notify the sender immediately.

RECEIVED
D.C. OFFICE OF ZONING
2002 JUL 16 AM 7:51

DATE: 7/15/02

NUMBER OF PAGES, INCLUDING THIS SHEET: 2

TO: BZA

FAX NUMBER: 727-6072

FROM: Lawrence Levine

COMMENT: Please distribute to Board members at 7/16 hearing, if possible. In any event, please enter into case file. (Please note that this fax was sent after 5PM because the filing to which it replies was filed some time after 4pm today.)

If document is illegible or incomplete, please telephone us at (202) 662-9535

THANK YOU