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July 15, 2002
VIA FACSIMILE

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

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. 42

Board of Zoning Adjustment
District of Columbia
CASE NO.16239
EXHIBIT NO.42