

To the District of Columbia Zoning Commission
Re: ZC 96-5
Date: 2/8/98
From: Myles Glasgow

1. AIR LOCKED should be defined as the system has been used in Biddeford, Maine. Speak with Randy Parenteau, Director of Business for Energy Recovery in Biddeford, Maine, phone 1-207-286 1668 and fax 1-207-286-1696) who will tell you it is a vestibule door system for entrances and exits, consisting of exterior and interior doors, so that when the exterior door opens, the interior door is already closed and vice a versa. This works when trucks enter or exit. It its designed to protect the common, public air from the dust, odors and particulates generated from the garbage and trash tipping on to the tipping floor. This door system is part of an air locked system which uses air filtering systems which are ceiling level air intake systems which remove particulates, dust and other contaminants from the contaminated air on the tipping floor. This system intakes air from the space between the double door system as an air supply dead space and avoids discharging any contaminated air into the public air. This is set forth at page 12 of the previous report I authored and submitted to the Zoning Commission in ZC 96-5 called: "State of the Art in Site Selection, Design and Operation of Garbage and Trash Transfer Stations" and dated 11/25/96.

District of Columbia business and residential neighborhoods will be protected if your definition of the term and requirement "air locked" is properly defined. This will assure a minimal state of the art requirement for all urban based transfer stations if the definition is clear and comprehensively calls for what is achieved in Biddeford, Maine.

2. The Burden of Proof should be as it always is in contested cases and not be satisfied by an affidavit by a licensed engineer or architect that the site will comply with applicable laws as the industry said New York City allows. Attached are documents showing the terrible problems New York City is having with improperly sited, designed, operated and monitored garbage and trash transfer stations. The New York City Council has imposed a moratorium on all permits for transfer stations and the New York Supreme Court has ordered the administration to do what the law has required for nearly eight years, i.e. adopt siting requirements. New York is far from the standard to follow, as you have been wrongfully encouraged to do by the Waste Industry and the Office of Planning. Waste Management, Inc.'s transfer stations in New York had three worker deaths in one year, see the attached

October 16, 1997 newspaper clipping of deaths at transfer stations in New York in one year,

October 22, 1997 letter to Mayor Guliani from the President of the Borough of Brooklyn about the death rates in the transfer stations in New York

December 8, 1997 New York City Council Committee on Environmental Protection Background and Copy of the Amendment imposing a moratorium on the authorization of new private solid waste transfer stations and on the expansion of capacity at existing private solid waste transfer stations.

September 12, 1997 letter to the USEPA about the environmental hazards of New York solid waste transfer stations from the New York City Environmental Justice Alliance, the New York Lawyers for the Public Interest, the Consumer Policy Institute of Consumers Union and the Organization of Waterfront Neighborhoods (NOW).

LET US LEARN FROM NEW YORK'S MISTAKES, NOT COPY THEM.

3. Significant application fees for special exceptions for garbage and trash transfer stations should be like they are in Sacramento, California (Speak to Monica May at 916 264 7164, Colleen Laubinger at 916 264 5691 or Fred Cuderi at 916 264 7602 or 916 440 6221 or to the City Manager at 916 264 5704 or to the city clerk at 916 264 5426.

Section 2F24 and 15 of their regulations provide for a special permit process application fee of about \$3,500, except that complex projects such as transfer stations can be charged over \$20,000 plus a fee for producing an Environmental Impact Report study. Both fees are payable for the expert time and skill needed to properly evaluate the likely impact the project will have on the health and environment of the people near the project. Costs incurred above the original fee have to be paid by the applicant as well. That fee is about one day's revenue for a garbage and trash transfer station according to Judge Mitchell Rankin's 1994 decision in the case of 2160 Queens Chapel Rd. NE. which is now operated by Waste Management, Inc. Otherwise, the Zoning Commission is going to drain the District's resources and treasury beyond their abilities and assure the waste industry applicants of a one sided, ineffective and superficial review before the BZA. The DC Office of Planning has no staff expertise, or money to hire independent expertise, to advise the Zoning Commission or the BZA about the state of the art or the long term requirements needed to protect against the dangers posed by garbage and trash transfer stations in modern urban environments such as the District of Columbia. No communities have any money to fund experts to review the complex damage to roads and infrastructure, transportation congestion and hazards, noise, air pollution, sewer impacts, environmental and property value impacts of any particular proposal.

4. The National Capital Planning Commission has called for the city government to study where in the city a proper site could be found for a properly designed garbage and trash transfer station activity. This should be done and completed before the Zoning Commission creates any grandfathering rights for any property owner to claim that they are entitled to continue to operate even once the city has chosen to limit all such activity to one and only one place in the city, if at all. Everything the Zoning Commission approves should be with the caveat that its permanency depends on subsequent decisions, which may involve prohibiting such activity absolutely or from any area in the city except in one or more particularly designated sites.

5. The Zoning Commission's buffer requirement should conform to the City Council's recently adopted 500 foot buffer requirement from any adjacent use. See EPA's formula and Larry Schapper's graph attached hereto as they apply to 1000 tons a day for over 150 trucks a day for a 12 hour work day with two peak periods, one in the morning and one in the afternoon. The National Capital Planning Commission called for a 500-foot buffer from any non-industrial use. The City Council's language is more predictable and

clear, and avoids needless disputes as to what is non-industrial. The Zoning Commission's allowance of these sites in C-M districts radically violates the regulatory definition of the purpose of C-M districts, i.e. for only "light" processing, and violates the whole purpose of a "special exception" which is to be granted only if the final use is in "harmony" with the intended purpose of the C-M district. 1000 tons a day of garbage and trash is TWO MILLION POUNDS A DAY OF GARBAGE AND TRASH BEING DUMPED INTO THE OPEN AIR, HEATED BY HOT DIESEL FUEL EXHAUST. There is nothing "light" about this activity. The 500-foot buffer called for by the city council should be adopted by the Zoning Commission to achieve the most reasonable compromise between the violation of the intended purpose of the C-M district and the Zoning Commission's desire to accommodate the waste industry. The City Council does not want any variances to be granted to this 500 foot buffer requirement and the Zoning Commission should adopt language, which bars granting any "Variance" to the 500-foot buffer. The site will have to purchase and assemble an adequate amount of land from several landowners as is done for most large projects in the city.

The science or thinking in support of a 500 foot buffer from all adjacent uses is as follows:

Significant distance is a key factor which helps to disperse noise, chronic and acute contaminants and insulate neighbors from explosions or fires. Explosive and lethal materials come in the waste stream and without warning explode when dumped or being crushed or shredded by the large machines and trucks. See the New York City accident reports. Transfer stations need a great deal of roadway and support systems outside of the tipping floors where trucks can safely wait, turn around, be repaired and where the equipment and employees using the site can be housed and serviced. See the New York City accident reports for the deaths and injuries of workers crushed by trucks working too close to the workers. Separately, leading academic private engineers have prepared standards published by the EPA for the design of garbage and trash transfer stations and Larry Schapper, a partner then of Black and Veatch, one of the leading engineering firms responsible for designing private and municipal garbage and trash transfer stations, has published similar standards both of which effectively call for a 15 acre site for a garbage and trash transfer station which handles 1,000 tons a day. That is the average handled each day by each of the sites operated by BFI, Waste Management, Inc. and USA waste in DC, so each site should be about 15 acres. I have submitted both to the Zoning Commission previously and will do so again if necessary.

6. The City Council, the Zoning Commission, the Control Board and the Mayor should work together to adopt the strongest possible protections for the District of Columbia to avoid what has happened in the District of Columbia and what is happening in New York City and from what is likely to happen to the District of Columbia unless such protections are adopted. Fairfax County's transfer station at I-66 and the other nearby County run transfer stations in Prince George's County and Montgomery County should be encouraged to drop their unconstitutional barriers against allowing garbage and trash from the District of Columbia. Regional solutions for this region's garbage and trash transfer activities should be adopted by the regional governments much as any utility is

coordinated for the common good. Private industry participation should not run roughshod over the dignity, health or welfare of the business and residential community as is happening when terrible transfer stations are described by Waste Management, Inc. as "state of the art" and neighbors lose 30% of their property values while the waste industry trashes the neighborhood and exhausts government enforcement efforts.

Respectfully Submitted,

Myles Glasgow,
1789 Lanier Pl., NW #32
Wash., DC. 20009
202 328 9572