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March 15, 2016

VIA USPS

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Craig M. Murphy, Division Chief
Kern County Planning and Community Development Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301

RE: Recology Blossom Valley Organics – South Project

Dear Mr. Murphy,

I am writing to you on behalf of a group of concerned residents in Kern County opposed to Recology's application for an Amendment to the Kern County General Plan and Conditional Use Permit.

These residents are aware of the abhorrent history of environmental, safety, and community health violations at Blossom Valley Organics (*formerly Community Recycling & Resource Recovery Inc*), and do not believe continued operation, let alone expansion of the facility's operating capacity, represents prudent land planning or land use. Proponent's plan would severely impact the community and further promote environmental racism against primarily Latino families living and working near the facility.

Proponent's Violations

Proponent's facility has a long and well-documented history of violations. The November 15, 2011 staff report to the Kern County Board of Supervisors provides clear examples of continuous and repeated failures to comply with the law:

- Receiving residential food waste from the City of McFarland, City of Arvin, City of Los Angeles, and City of San Fernando Valley which were outside the permitted waste streams;
- Stockpiling of concrete, concrete crusher operation, and stockpiling gypsum wallboard on site without a conditional use permit, 2007;
- Use of biomass ash as an amendment in the composting operation outside the permitted waste streams, 2008;

Craig M. Murphy, Division Chief

March 15, 2016

Page 2

- Stockpiling of plastic irrigation pipe and bales of plastic onsite in February 2011, without a conditional use permit;
- Noncompliance with Section 19.102.020(b) of Title 19 – Kern County Zoning Ordinance as the property subject to the conditional use permit was used and maintained in violation of Cal OSHA requirements for worker safety;
- Noncompliance with Section 19.102.020(c) of Title 19 – Kern County Zoning Ordinance as the use on the property has been so exercised as to be detrimental to the public health and safety or as to constitute a nuisance, including but not limited to violations of Cal OSHA requirements;
- Failing to follow the Board’s instructions of August 9, 2011 to remain in compliance with all land use laws and proceed with processing an Environmental Impact Report (EIR) subject to Section 19.114.020.C.

The County of Kern further stated in Resolution No. 2011-325:

“The use on the property has been so exercised as to be detrimental to the public health or safety or as to constitute a nuisance, including but not limited to violations of Cal/OSHA requirements...” and that “there have been repetitive violations of local and state regulations relating to the business plan requirement, involving odors, trash, and flies, which violations, although individually minor, are cumulatively significant violations of local regulations, constituting grounds for revocation under Section 19.102.020.”(emphasis added).

Our ongoing concern, despite new ownership of Recology, is the County and State’s ability to maintain consistent and effective oversight and enforcement of the largest composting facility in California.

Both the County and State have demonstrated an equal level of negligence, by the lack of actionable enforcement, that eventually resulted in the tragic deaths of the Ramirez brothers at the facility. We have seen no progress demonstrated by the County or the State in terms of monitoring and enforcement. And the only assurances given thus far to the community is the word of Recology that it will do better than the previous owners. It is important to note that Recology – formerly NorCal Waste Systems – also has a controversial history in Southern California, specifically in San Bernardino County. Recology’s Blossom Valley Organics – South Project will only continue Crown Disposal’s tarnished legacy.

Proponent is currently seeking to secure a waste contract in the County of Los Angeles; their successful bid, coupled with their Blossom Valley Organics – South Project, will only ensure that Kern County will be L.A. County’s dumping ground for the next 100 years. The facility for years has taken the waste from Beverly Hills, another example of the rich literally dumping on the poor.

Craig M. Murphy, Division Chief

March 15, 2016

Page 3

Proponent's request to increase the limit of outgoing trucks to 150 trucks per day only serves to expedite deliveries of Los Angeles waste, at the expense of residents of Kern County. Both residents living adjacent to Blossom Valley Organics and those living along their truck routes will have their lives negatively impacted.

More waste, more noise, more smell, more air pollution, more truck traffic, more flies and more water issues do not provide a benefit to Kern County. Our air quality is already some of the worst air in the entire United States and can only get worse with this project.

We, therefore, request that the County of Kern rescind the Request for Proposal (RFP) to prepare an Environmental Impact Report (EIR) for Recology's Blossom Valley Organics – South Project and instead exercise its rights, specified by Section 19.102.020 (c) of Title 19 – Kern County Zoning Ordinance, to pursue an immediate strategy of reclamation and closure of the facility. Thank you.

Sincerely,

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Andrew Grundman
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c: Client; File
Kern County Board of Supervisors
Kern County Planning Commission