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SUPERIOR COURT OF CALIFORNIA – COUNTY OF ALAMEDA

Stein and Boone, petitioners

Vs.

Waste Management of Alameda County,

No. _____

A division of Waste Management, Inc.

Alameda County Waste Management Authority,

PETITION FOR WRITS OF MANDATE.

A public entity

City of San Leandro, California

A municipal corporation

City of Oakland, California

A municipal corporation.

1. Petitioners Antoinette Stein and Arthur Boone are citizens and taxpayers in the State of California who reside, respectively, in Berkeley and Oakland.
2. Petitioners bring this action on their own behalf because of their great love of the environment,

especially local air quality, and their concern for the highest and best use of all discarded materials. Petitioners will suffer adverse impacts from the respondents' actions that was approved during their proceedings. Such adverse impacts would include 1) lowered air quality in an area of San Leandro already listed with the regional air quality board as failing to meet state ambient air quality standards, and 2) a major deterrent to source separation as practiced and encouraged in Alameda County to manage discarded materials in the most cost-efficient manner that promotes the highest and best use of all discarded materials by not mixing them together in a fashion that deters their highest and best use.

Summary of this case is as follows: The Davis Street Transfer Station [DSTS] in San Leandro is a facility owned by Waste Management of Alameda County Inc. [WMAC] and located in a non-attainment area for air quality. Since 1998 it has been trying to establish a compost yard on the western side of its 53 acre property. In 2011 the City of San Leandro as lead agency gave permission to erect buildings to house compost yards and to install suitable equipment as well as contain materials reception and inspection activities; because of air quality and nuisance concerns, this became a CEQA matter. In 2016 DSTS proposed revisions to the planned structures and activities on the space; City of San Leandro granted the request without public notice or hearings. In 2017 the Alameda County Waste Management Authority [ACWMA] as responsible agency heard the matter without the 2016 papers and, after petitioners and others objected, ACWMA filed a Notice of Determination with the County Clerk on March 31, 2017. This petition follows from two aggrieved individuals, seeking the court to vacate the ACWMA order and remanding the matter for further proceedings requiring notice and a public hearing to the appropriate administrative agencies

3. Waste Management of Alameda County [WMAC] is the local operating division of Waste Management Inc. [WMX], a Houston, Texas based public corporation that provides waste containment, collection and disposal services in parts of Alameda County, currently serving about half of all residences and businesses in the county. WMAC also owns and operates the Davis Street Transfer Station [DSTS] located in San Leandro, California.

4. The City of San Leandro, California [CSL], a municipal corporation in the County of Alameda, that serves as the lead agency under CEQA for the project in question. CSL is a defendant because of their lack of public process and revising positions determined in public due to private meetings. The DSTS is located in CSL and the city charges a fee of \$3 per ton for all materials entering the facility as a local tax; this amounted to \$3.4 million in 2016 which is 4% of the CSL annual budget.

5. The Alameda County Waste Management Agency [ACWMA] is a public joint powers agency representing all of the cities and special districts in Alameda County (no local public agency is not a member) and provides waste diversion and waste disposal planning and program implementation for the local cities and special districts in the county; it is known to the general public by its brand name, stopwaste. A subsidiary body of the ACWMA is the Alameda County Source Reduction and Recycling Board [ACRB], formed by a voters' initiative in 1990 [Measure D, 1990] that, after legal challenges, has been operating since 1993 to develop programs to enhance waste diversion throughout the county. Measure D created a tax on all materials loaded into landfills located on county lands of \$6 per ton, indexed for inflation (now at 8.xx per ton); half of these funds go directly to the local agencies to support waste reduction activities and half is retained by the ACWMA to sponsor programs approved by the ACRB that reduce wasting behaviors in Alameda County. Measure D currently nets \$ xx million dollars per year, an amount declining as the volumes of discarded materials being buried in the county have declined over the last 15 years.

6. The City of Oakland, California [COCA] is a municipal corporation. In 2015 it began a collections and disposal contract with WMAC for ten years at a total value to WMAC of as much as \$1.2 billion dollars,

depending on the amount of materials collected. During the planning process, (the matter first surfaced in mid-2011) city staff, despondent about its inability to make multi-unit residential properties earnest and vigorous participants in the city's source-segregated collections program, proposed that, for multi-unit buildings in Oakland, that organic materials [primarily food wastes with some grass, leaves, soiled papers, etc.] would be co-collected with trash in a single containment vessel [a program now in place for multi-units in San Jose, California since before 2013]. After some lobbying by the local Sierra Club's Zero Waste Committee and the Northern California Recycling Association, a trade organization, the City Council over-ruled the staff and determined that all multi-unit buildings would be offered three cart collection systems as were installed in all other residential properties in Oakland.

7. The project under consideration in this case involves the organics materials reception, sorting, and management systems to be created at DSTS. WMAC's first idea was to develop an out-of-doors windrow composting system at DSTS; Applied Compost Consulting, Steve Sherman, principal, drew up the plans, but in 2008, that plan was withdrawn. In 2010, working with JRMA Architects, WMAC developed a plan to build two buildings (one to receive green materials [34,000SF], the other to receive food debris from various collection trucks and to check them for contaminants [62,000SF]), then to review both materials for contaminants to perform some unspecified size-reduction and blending activities in Building #3 (roughly 25,000 SF), and to co-compost these materials in the fourth building [known as the composting building, at 200,000SF] as an aerated pile system. This collection of systems is best seen in Figure 2 of the CH2MHill plan of September 23, 2010. Great care was taken to control odors, a major problem with outside composting. Some of the appurtenances of an anaerobic composting system were planned, see the west elevations of the September 23, 2010 drawings among the CH2MHill papers [Figure 5], but there were no details of how the anaerobic and the aerobic composting systems would co-exist/share the space in the composting building (#4) except that it was clearly stated in all documents that the anaerobic digestion would be "Step 1" and the aerobic composting would be "Step 2" of the composting process.

8. In January 2011, with the JRMA papers and the CH2MHill report of November, 2010, CSL approved the DSTS Master Plan Improvements and found that in all 92 particulars in the Initial Study Checklist, that all items were either "no impact" or "less than significant impact;" therefore to build out and operate this organics reception, sorting, cleaning, chopping and composting operation would require no mitigations. All CSL staff work appears ignorant of or inattentive to the fact that Alameda County has been assigned to nonattainment status for several criteria pollutants, notably for 8-hour ozone (2008 standard), the County has been in non-attainment for every year since 2012 and for PM-2.5 (2006 standard) every year in nonattainment since 2008 (as published in the USEPA Green Book).

9. For reasons not entirely clear to the petitioners, WMAC chose not to pursue the development of this project aside from the building of the four structures approved by CSL. The record shows WMAC applying and City granting time-line extensions in this period [citations available] but the reasons were not discussed.

10. NEW PLANS: Starting in the middle of 2015, WMAC began to seek a revised construction and operating plan for its DSTS composting operation; regrettably all of the available information on what happened is in five documents not presented to the ACWMA and not discovered until after the ACWMA review and voting was complete. First is a letter from CSL's Cynthia Battenberg to WMAC's Nouron on July 15, 2015 referring to WMAC's "application for CEQA addendum and Site Plan Review Amendment to include the processing of multi-family mixed waste materials" at DSTS "is hereby approved." From an air quality perspective, this decision without public comment or review, in the wake of non-attainment status for Alameda County in both 8-Hour ozone and PM-2.5 was well known for 2014 and 2015. The

July 15 letter also allows this material to be sorted at the existing C&D sort line (elsewhere on the property) up to 150 TPD as needed. On October 23, 2015, SCS Engineers/Joseph Miller writes to WMAC and to CalRecycles/Jeff Hackett, noting that WMAC is considering four different alternatives for composting at DSTS but believes no new CEQA procedures are needed nor any public review. This memo speaks of a “multi-family mixed waste processing line” [page 2] and also speaks of a “Integrated Waste Processing Facility” [one page] which may (or may not) be a different name for the same facility. On October 29, 2015, WMAC/Laura Pate, Engineer writes CSL planner Anjana Mepani that, due to protracted negotiations on the City of Oakland Zero Waste Services contract until a signing in February, 2015, timelines for the Integrated Waste Processing Facility would be delayed. On April 4, 2016, CSL Barrows wrote WMAC Tackett referring to a February 19, 2016 meeting of the parties. Now, in the near future, on May 2, 2017, Alameda County Department of Environmental Health will conduct an informational meeting at the CSL Public Library on the revised plans.

The project plans as amended do not meet or match the clearly stipulated composting allowances for this site. The 2010 project stipulated that “between 250 and 350 TPD” will be composted on site and the rest of the inflowing organic materials will be shipped offsite. The 2017 project description increases the requirements of what will be done on the property and changes the project description to instead allow and include onsite in the facility 1000 TPD of composted materials on site [See J.K. Jones, January 10, 2017, p.3.]. This new plan triples the amount of composting on the site and that change significantly adds community environmental impacts from these higher throughput numbers that were not CEQA reviewed. This part of the project failed to make a CEQA addendum and Site Plan Review Amendment.

The proposals in the Waste Management Plan amendment contained in the 2017 Ordinance 2017-02, specifically the potential changes to the volume of on-site composting, the proposed changes to the digestion process, and the construction of separate facilities, exceed or potentially exceed the scope of activities addressed by the CSL 2010 Neg. Dec. The effects of these changes have not been adequately disclosed and evaluated. Further, they may result in potentially significant air quality impacts requiring additional mitigations and notification to the public, including the sensitive population of the Garfield School and the Garden Apartments that are located 0.7 miles southeast of the Project site.

12. Also to be noted here is that, in the middle of 2016, WMAC presented its revised site development drawings to the Bay Area Air Quality Management District [BAAQMD] following its concurrent plans with CSL and both very different from those presented to CSL in 2010 and approved in 2011. In these BAAQMD papers, Building Two is now known as the OMRF, the aerobic tanks are no longer in the plan, truck bays have been added at two points, the employee building has been moved, and the third building has been changed.

13. The new plans surfaced next in a letter of January 10, 2017 from J.K. Jones, a consulting engineer to WMAC, directed to Debra Kaufman, ACWMA staff, outlining a plan to process 150,00 tons per year of municipal solid waste in Building Two where organics and recyclables would be separated from mixed solid waste, sending the organics to an anaerobic composting system in building #4, now reduced to 135,000 SF. Interestingly, Ms. Jones does not mention any of the CSL planning approvals of 2015.

14. At meetings with the ACRB on February 9, 2017, and with the ACWMA board on February 22 and March 22, 2017, the original CSL-adopted plan of 2011 was accepted as revised by the Jones letter of January 10, 2017 and the powerpoint presentation of Mr. Shawn Tackett, Operations Manager at DSTS, on February 22nd. None of the 2015-2016 discussions and plan changes were in whatever papers were distributed by the ACWMA’s lead staffer, Debra Kaufman; whether Kaufman even knew of the changes is not known. After the voting, the Notice of Determination was filed with the Alameda County clerk on March 31, 2017 and this Petition for Writ of Mandate follows.

15. This project will have significant environmental impacts in that 1) the effects of anaerobic composting operations on local methane and CO2 levels is not well understood [a long discussion is available about how the waste industry spread incorrect and misleading information about landfill gas but the petitioners have no technical information on anaerobic facilities], and 2) despite the claims of the project proposers that the existence of trash sorting plants (known above as the “Integrated Waste Processing Facility,”) which they proposed building at DSTS will have no chilling effect on local participation in source-separating programs, there is no empirical evidence to support such claims. If it’s known that people drive faster when they know the police are elsewhere than the highway they are driving on, it makes sense to believe that multi-unit residential waste receptacle users will be less attentive to the green cart if they know somebody somewhere will sort out their recyclables and compostables from the trash cart. If technology transfer in the waste industry is limited to 25 miles (an old industry saying), the experience of the Republic Services sorting operation for San Jose’s multi-units is resulting in 30-40% of the so-called organics being rejected by the Zero Waste Systems anaerobic digestion plant in San Jose where the original contract specs called for a 5-10% maximum reject level at the AD plant. “Talk is cheap” and “if wishes were horses, beggars would ride.”

Petitioners opposition to mixed waste sorting operations does not mean that they oppose anaerobic digestion facilities. The East Bay Municipal Utilities District has used AD with wastewater sewage materials in West Oakland for years, converting methane into energy and CO2 with some trace emissions but now produces over 70% of the electrical power in their large wastewater treatment plant from the combustion of that methane. In Europe there are more than 10,000 AD digestors on dairy farms that regularly turn cow excrement into kilowatts; in California with three million cows, there are ten. This country is way behind Europe on AD development but the local experience is that cleanliness of feedstock is the key to turning food and green debris into compost. The great apostle for screening and cleaning is the Z-Best facility in Gilroy, California; nothing anyone from WMAC or their consultants has said or written indicates they have achieved or can achieve the technical competence in sorting mixed materials or producing market-ready compost as we have seen in this South Bay operation. It should also be remembered that sorting costs money which the 2011 plan did not entail.

16. Approval of the Project is inconsistent with the language of the Alameda County waste reduction and recycling ordinance and with state law. Citations to follow.

17. During the meetings of the ACRB and the ACWMA (February 9, February 22, and March 22) the petitioners were both present and testified against the action in the times made available. This action has been brought within 30 days of the filing of the Notice of Determination as required by Public Resources Code Section 21167 ©.

18. On April 30, 2017, before the commencement of this action, petitioners served written notice of the commencement of this action on respondents in accordance with the requirements of Public Resources Code section 21167.5

19. On April 30, 2017, petitioners notified the Attorney General of the State of California of the filing of this complaint and furnished her with a copy of the complaint and petition in accordance with the requirements of Public Resources Code section 21167.7.

20. The action of the respondents in approving this Project, including the Integrated Waste Processing Facility and the anaerobic digestion facility at DSTS and purporting to comply with CEQA, constitute a prejudicial abuse of discretion because the respondents failed to proceed in a manner required by law and made findings which are not supported by substantial evidence, in each of the respects enumerated below:

Integrated Waste Management Facility: See generally the Newby Island MRF experiences, creating highly contaminated compost feedstocks, and the prejudice favoring source separation found in state and county law.

Anaerobic digestion: It is understood that methane recovery and its use as a fuel is a significant contributor to the ability of AD facilities to be economically useful (higher costs create higher income). What is not known is the extent to which all methane emissions are captured and put to beneficial use.

21. Petitioners have exhausted all administrative remedies in that these determinations by the respondent are final and no further administrative appeal procedures are provided by state or local law. Petitioners and other members of the public presented orally and in writing their specific objections to the decisions of the ACWMA at the public meetings and hearings, including but not limited to the matters set forth in the earlier paragraphs of this Complaint and Petition.

22. Petitioners do not have a plain, speedy, and adequate remedy in the ordinary course of law because the petitioners and the public will be irreparably harmed by the ensuing environmental damage and by the respondents' violations of CEQA and state planning and zoning laws.

23. INADEQUATE EVALUATION OF PROJECT IMPACTS: This larger project fails to evaluate the full set of impacts from the very different processing steps and from the much higher throughput and it fails to consider all of the new cumulative impacts from the Port of Oakland, the Oakland Airport and the I-880 in San Leandro. Since the 2011 approval, this area has been designated as a very high risk zone in the regional air district's COMMUNITY AIR RISK EVALUATION [CARE] program for asthma and other disease disparities that is nowhere considered in the 2017 analysis. (A map of the City of San Leandro, showing the boundaries of the CARE district (which includes most of the City below the 580 freeway, also shows the Project Boundary which has worse air than the rest of the City, is attached to this complaint).

It can also be said that when WMAC originally proposed an indoor composting yard at DSTS that consisted of source-separated green and food materials being screened, cleaned, and blended to create a feedstock for aerobic composting in a sheltered building with negative pressure and appropriately sized biofilters to absorb any possible odors, the environmental community had no particular objection. Compostable materials as collected from the public take up twice the space as finished compost, and the idea of doing composting as close to the point of generation of the materials to save trucking makes a lot of environmental sense. It's also true that composting at DSTS saves WMAC the cost of moving the material to far-away compost yards (not owned by the company) and the fees required there; a totally reasonable business and community service decision.

The decision to switch to an Integrated Waste Management facility, called an Organics MRF, was a decision blessed by Peter Slote of the City of Oakland and Shawn Tackett of WMAC. From what we can see of the record, there were no alternatives suggested or explored by the lead or responsible agencies. At no point is there any independent or third-party verification of Mr. Tackett's enthusiasm for these facilities despite his "nine years of due diligence" [Transcript, Feb. 9, at 1:16:12.].

24. INADEQUATE ANALYSIS OF ALTERNATIVES: Petitioner Boone was a member of the so-called Measure D Committee that wrote the 1990 initiative which 65% of the county voters approved at the June 1990 elections that became the Alameda County Waste Reduction and Recycling Initiative Charter Amendment (Now at Section 64 of county law, entitled "Waste Reduction and Recycling"). Subsection 64.030, ("Findings" Para. E.) says, "Each person discards materials and should therefore be involved in solving the problems caused by the disposal of such materials; this involvement must include changes in individual behavior resulting from each person's awareness of her or his role in creating or finding

solutions to environmental problems; only through such changes can sustainable consumption and disposal patterns be established and the biosphere restored.” Later, in the same law, at Para. F. it says, “The County government shares a responsibility with Alameda County cities and sanitary districts to provide a comprehensive source reduction and recycling program which will foster these necessary changes in individual behavior as well.” (emphasis added). If anybody makes life simpler at a lower cost, we should all applaud; this IWM facility may make life simpler but it creates end goods of questionable quality at a higher cost. Oakland multi-unit garbage fees are now the highest in the Bay Area.

Petitioner Boone was also the sort system supervisor at East Bay Recycling in 1989, a short-lived experiment in salvaging materials from commercial collection containers served by WMAC. In his 34 years in the waste reduction and recycling industry, Boone has heard many speeches about how Group A (usually multi-unit building residents) won’t sort as we would wish them to; it reminds him of speeches given by bar owners when it was planned to ban smoking in public establishments like bars. Full of sound and fury, signifying nothing. If you tell the public what to do, give them programs to make it easy, and then enforce the rules, they will behave. Not all of the people all of the time. It’s interesting to note in this planned Integrated Waste Management facility, the garbage company has \$30 million to spend on buildings and hardware that they own but no money to arrange for public education personnel to monitor three cart behaviors.

Petitioner Boone advised the Alameda County Fairgrounds for three years on how to increase source-separation among fairgoers. The facilities manager, now retired, consistently opposed any attempts to tell the public what to do with their discarded materials. Expert witnesses who have successfully conducted intensive user-awareness programs that assure appropriate three cart behaviors are available to testify as the court wishes.

It should also be noted that the proceedings of the local task force never considered any programs to improve source-separation. So-called “lid-flipping” activities (wherein modestly paid persons [or volunteers in Burbank, CA] go door-to-door looking in people’s garbage carts) have been tried and are now considered passe, but the lack of strong follow-up activities in what has been called “mandatory” recycling is sadly lacking. Again, expert witnesses can be summoned.

25. INADEQUATE CONSIDERATION OF MITIGATION MEASURES: Since the CSL has defined the project in a way that eliminates the need for any mitigations, it is incumbent on the petitioners to indicate the CSL’s errors in finding no need to mitigate the higher air quality demands of for the compromised locale of the DSTS create the need for mitigations that the CSL has overlooked and failed completely to include any air quality monitoring to mitigate odors and PM 2.5 pollutant emissions.

26. INADEQUACY OF RESPONDENTS’ CEQA FINDINGS: What progressive communities are doing is collecting organics in one cart on a weekly basis and collecting dry trash less frequently, like every other week. It makes sense to offload rotttable materials on a regular basis but for dry trash less frequent collections are now being tried {Portland, Seattle, some in smaller Marin County cities}. Waste haulers of course drag their feet at this because it means fewer trucks needed, lower billables, etc.

The letter prepared by our then-attorney, Rachel Doughty, to the ACWMA, dated March 22, 2017, noting defects in the proceedings, is attached.

SECOND CAUSE OF ACTION: FAILURE TO CONDUCT LOCAL TASK FORCE IN ACCORDANCE WITH STATE LAW.

Boone vs. Alameda County Waste Management Authority

Facts:

California state law requires that each county [Public Resources Code., ss. 40950] establish a local task force for the following purposes [subsection c]: “to ensure a coordinated and cost effective regional recycling system, the task force shall do all of the following: (1) Identify solid waste management issues of countrywide or regional concern. (2) Determine the need for solid waste collection systems, processing facilities, and marketing strategies that can serve more than one local jurisdiction within the region.” (3) [facilitate inter-jurisdictional marketing], and “(4) To the extent possible, facilitate resolution of conflicts and inconsistencies between or among city source reduction and recycling elements.” Subsection (d) also directs “The task force shall develop goals, policies, and procedures which are consistent with guidelines and regulations adopted by the [state] board, to guide the development of the siting element of the countywide integrated waste management plan.”

Alameda County compliance with this broad requirement has varied but about six years ago, finding a dearth of people wishing to serve on the then-extant local task force, ACWMA staff suggested and the local government concurrences were secured (as required by s. 40950 (b)) so that the LTF would be co-appointed with the existing, operating and active Source Reduction and Recycling Board [SRRB; also known popularly as the Alameda County Recycling Board [ACRB]] which consists of five people selected for their varied waste reduction and recycling industry knowledge and experience along with six people serving from the Authority board (all local elected officials) as special appointees from the ACWMA to the ACRB.

At the ACRB/SRRB/LTF meeting on February 9, 2017, the presiding officer was a city councilmember from Emeryville. During the discussion of the proposed DSTS project, the environmental educator on the ACRB was repeatedly interrupted and limited in the number of questions she could ask by the presiding officer (transcript for 1:07 to 1:14; available from petitioner Boone). Her behavior was an insult to Ms. Stein’s inquiring mind that raised issues that were totally within the range of what a local task force is supposed to do.

In her participation on the Recycling Board and during public comment, Dr. Stein stated that the project should not be approved because there was need to fully analyze and mitigate the projects pollutant emissions including VOC’s and Particulate Matter both PM 2.5 and PM 10 and the associated emitted odors including fugitive odors from the building doors something that the City of San Leandro has recently acknowledged in their own EIR that have been processed since 2011. Shoreline Development EIR that “...the U.S. Environmental Protection Agency (EPA) scientific review concluded that PM_{2.5} penetrates even more deeply into the lungs, and this is more likely to contribute to health effects—at concentrations well below current PM₁₀ standards. These health effects include premature death in people with heart or lung disease, non-fatal heart attacks, irregular heartbeat, aggravated asthma, decreased lung function, and increased respiratory symptoms (e.g., irritation of the airways, coughing, or difficulty breathing). Motor vehicles are currently responsible for about half of particulates in the Air Basin. Wood burning in fireplaces and stoves is another large source of fine particulates.¹¹

Both PM₁₀ and PM_{2.5} may adversely affect the human respiratory system, especially in people who are naturally sensitive or susceptible to breathing problems. These health effects include premature death; increased hospital admissions and emergency room visits (primarily the elderly and individuals with cardiopulmonary disease); increased respiratory symptoms and disease (children and individual with asthma); and alterations in lung tissue and structure and in respiratory tract defense mechanisms.¹² There has been emerging evidence that even smaller particulates with an aerodynamic diameter of <0.1 microns or less (i.e., ≤0.1 millionths of a meter or <0.000004 inch), known as

ultrafine particulates (UFPs), have human health implications, because UFPs toxic components may initiate or facilitate biological processes that may lead to adverse effects to the heart, lungs, and other organs. However, the EPA and California Air Resources Board have yet to adopt AAQS to regulate these particulates. Diesel particulate matter (DPM) is also classified a carcinogen by the CARB. The Air Basin is designated nonattainment under the California AAQS for PM₁₀ and nonattainment under both the California and National AAQS for PM_{2.5}.^{13,14}

Ozone (O₃) is commonly referred to as “smog” and is a gas that is formed when ROG_s and NO_x, both by-products of internal combustion engine exhaust, undergo photochemical reactions in the presence of sunlight. O₃ is a secondary criteria air pollutant. O₃ concentrations are generally highest during the summer months when direct sunlight, light winds, and warm temperatures create favorable conditions to the formation of this pollutant. O₃ poses a health threat to those who already suffer from respiratory diseases as well as to healthy people. O₃ levels usually build up during the day and peak in the afternoon hours. Short-term exposure can irritate the eyes and cause constriction of the airways. Besides causing shortness of breath, it can aggravate existing respiratory diseases such as asthma, bronchitis, and emphysema. Chronic exposure to high ozone levels can permanently damage lung tissue. O₃ can also damage plants and trees and materials such as rubber and fabrics.¹⁵ The Air Basin is designated nonattainment of the 1-hour California AAQS and 8-hour California and National AAQS for O₃.¹⁶

¹¹ Bay Area Air Quality Management District (BAAQMD), 2010 (Revised 2011). Appendix C: Sample Air Quality Setting, in California Environmental Quality Act Air Quality Guidelines.

¹² South Coast Air Quality Management District (SCAQMD), 2005. Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning.

¹³ California Air Resources Board (CARB), 2014, Area Designations: Activities and Maps, <http://www.arb.ca.gov/desig/adm/adm.htm>, June.

¹⁴ On January 9, 2013, the EPA issued a final rule to determine that the SFBAAB has attained the 24-hour PM_{2.5} National AAQS. This action suspends federal State Implementation Plan planning requirements for the Bay Area. The SFBAAB will continue to be designated nonattainment for the National 24-hour PM_{2.5} standard until such time as BAAQMD elects to submit a redesignation request and a maintenance plan to EPA and EPA approves the proposed redesignation.

REMEDY REQUESTED: Petitioner Boone believes that the publicly chosen members of the ACWMA need court oversight to respect the dignity and conduct of the LTF’s members in the conduct of their business and to recognize the role of each member of the LTF to contribute to the furtherance of waste reduction and recycling in Alameda County. A public rebuke to the chair for her conduct on that day would be appreciated.

SIGNATURES:
