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Community activists' suit against waste facility tossed

By Fiona Smith

Community activists opposed to the expansion of a waste handling facility in the San Fernando Valley saw their case tossed last week when a judge dismissed claims that the City of Los Angeles' approval of the project discriminated against the heavily Latino community.

The group Comunidad en Accion, represented by Neighborhood Legal Services of Los Angeles County, sued the city last year, alleging it had violated a California law that bars any state-funded program from discriminating based on race, national origin or ethnicity.

The controversy centered on a proposal by Houston-based Waste Management Inc. to expand a green-waste handling facility and a trash transfer station at the site of the now-closed Bradley Landfill in Sun Valley, an industrial, working class neighborhood in the northeast San Fernando Valley. The facility processes plant and wood waste at the site and uses the site to transfer garbage to more distant regional landfills.

Attorneys for the city and Waste Management countered that the LEA had no role in approving the Sun Valley project.

Plaintiffs argued that the project would increase truck traffic and air pollution and threaten groundwater supplies in a community already burdened by industrial activity.

Comunidad en Accion alleged that the city violated Section 11135 of the state government code because its Local Enforcement Agency, which ensures waste companies comply with state law, receives state funds. The LEA is part of the city's waste "program," and is therefore subject to Section 11135, the local group argued. Attorneys for the city and Waste Management countered that the LEA had no role in approving the Sun Valley project. The bodies that did approve the project - the Planning Department and Los Angeles City Council - acted under their zoning authority and do not receive state money, the city and Waste Management argued.

Los Angeles Superior Court Judge James Dunn ruled Monday that the city had not violated the state anti-discrimination law, *Comunidad en Accion v. City of Los Angeles*, BS126583 (L.S. Super. Ct., filed June 10, 2010).

Waste Management was represented by Armbruster Goldsmith & Delvac LLP partner R.J. Comer and senior counsel Howard Weinberg.

The local group had also brought claims that the city approval of the project violated the California Environmental Quality Act, but those allegations were previously dismissed.