

# **EXHIBIT 2.3**

## **Exhibit A**

COUNTY OF LOS ANGELES

Significant Ecological Areas

December 2009

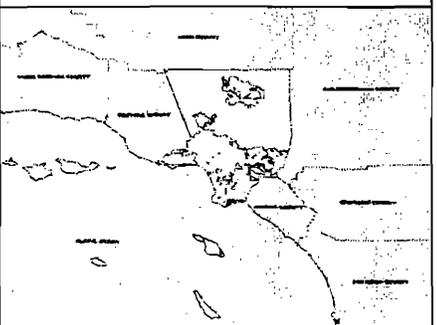
LEGEND:

- Freeway
- Significant Ecological Area (SEA)
- National Forest Boundary
- Unincorporated Area
- Incorporated City

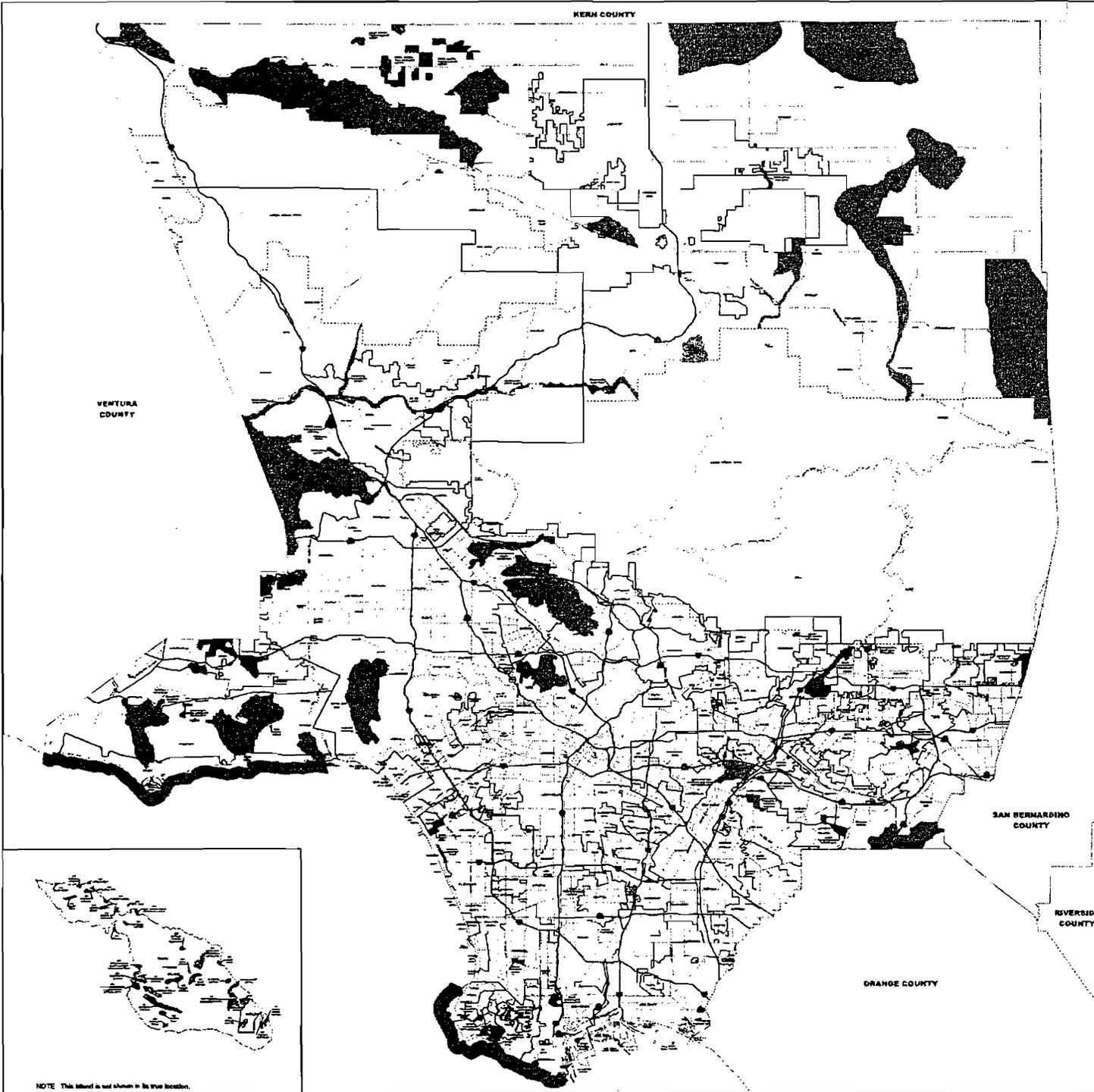
Significant Ecological Areas

- |   |  |
|---|--|
| SEA-1 Malibu Coastline                    | SEA-32 Agua Avenue Canyon                          |
| SEA-2 Point Dume                          | SEA-33 Terminal Island                             |
| SEA-3 Zuma Canyon                         | SEA-34 Point Verde Coastline                       |
| SEA-4 Upper La Sierra Canyon              | SEA-35 Harbor Lake Regional Park                   |
| SEA-5 Malibu Canyon and Lagoon            | SEA-36 Malibu Marsh                                |
| SEA-6 Los Virgenes                        | SEA-37 Griffith Park                               |
| SEA-7 Higuera Gulch                       | SEA-38 Enduro Reservoir                            |
| SEA-8 Malibu Creek State Park Buffer Area | SEA-39 Ventura Mountains                           |
| SEA-9 Cold Creek                          | SEA-40 Whittier Narrows Dam County Recreation Area |
| SEA-10 Tuna Canyon                        | SEA-41 Rio Hondo College Wildlife Sanctuary        |
| SEA-11 Temelec-Ruess-Sullivan Canyons     | SEA-42 Sycamore & Turnbull Canyons                 |
| SEA-12 Palo Verde Canyon                  | SEA-43 Dudleya Doreville Population                |
| SEA-13 Chatsworth Reservoir               | SEA-44 Edwards Air Force Base                      |
| SEA-14 San Hills                          | SEA-45 Big Rock Wash                               |
| SEA-15 Tarrain Canyon-Chino Hills         | SEA-46 Little Rock Wash                            |
| SEA-16 Buzard Peak-San Jose Hills         | SEA-47 Rosewood Lake                               |
| SEA-17 Powder Canyon-Puebla Hills         | SEA-48 San Gabriel State Park                      |
| SEA-18 Way HI                             | SEA-49 Alpine Butte                                |
| SEA-19 San Francisco Canyon               | SEA-50 Lovelock Butte                              |
| SEA-20 Santa Susana Mountains             | SEA-51 San Gabriel State Park                      |
| SEA-21 Santa Susana Flats                 | SEA-52 Alpine Butte                                |
| SEA-22 Santa Fe Dam Floodplain            | SEA-53 Lower Rio Grande                            |
| SEA-23 Santa Clara River                  | SEA-54 Platts Butte                                |
| SEA-24 Tehuacana Valley-Herman Dam        | SEA-55 Owens-Montana Trench                        |
| SEA-25 San Dimas Canyon                   | SEA-56 River Ridge                                 |
| SEA-26 San Antonio Canyon Mouth           | SEA-57 Fairmont & Armatage Buttes                  |
| SEA-27 Portuguese Bend Landslide          | SEA-58 Point Ridge-Lizana Mountains                |
| SEA-28 El Segundo Dunes                   | SEA-59 Joshua Tree Woodland Habitat                |
| SEA-29 Bellows Creek                      | SEA-60 Kettlebury Springs                          |
| SEA-30 Alvarado Bay                       | SEA-61 Culture Grande Population                   |
| SEA-31 Rolling Hills Canyons              | SEA-62 Lyon Canyon                                 |
|   | SEA-63 Valley Oaks Savanah, Newhall                |

**NOTE:**  
 Names for unincorporated SEAs are the names assigned with the 1980 Coastal Plan. Unincorporated areas of Santa Catalina are circled using 1" for 100 miles and 1" for 1000 feet scale.  
 This map is a component of the Los Angeles County General Plan Update Program. It is a working draft subject to revision. This map will not be official until adopted by the Board of Supervisors. Information within this map is for reference only. Responses for modifications to the contents will be considered by County staff when reviewing the map for public hearings by the Regional Planning Commission. Written comments and supporting documentation should be submitted to the Department of Regional Planning General Plan Development Section (address: 300 W. Temple Street, Los Angeles, CA 90012; Tel: 213-423-0434, or email: [generalplan@lancounty.gov](mailto:generalplan@lancounty.gov)).  
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1600 Southland Center  
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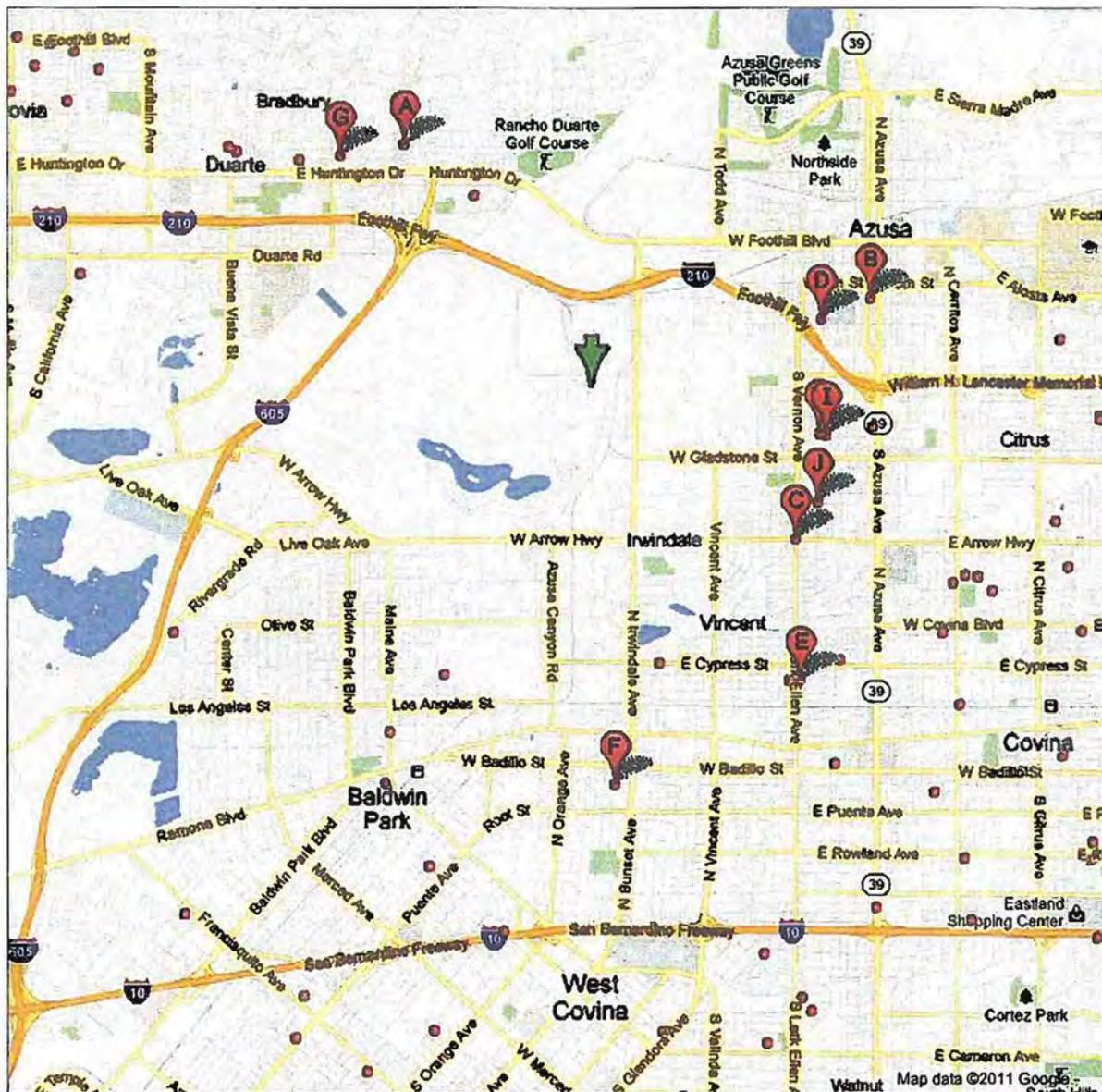


NOTE: This island is not shown in its true location.

## **Exhibit B**



To see all the details that are visible on the screen, use the "Print" link next to the map.



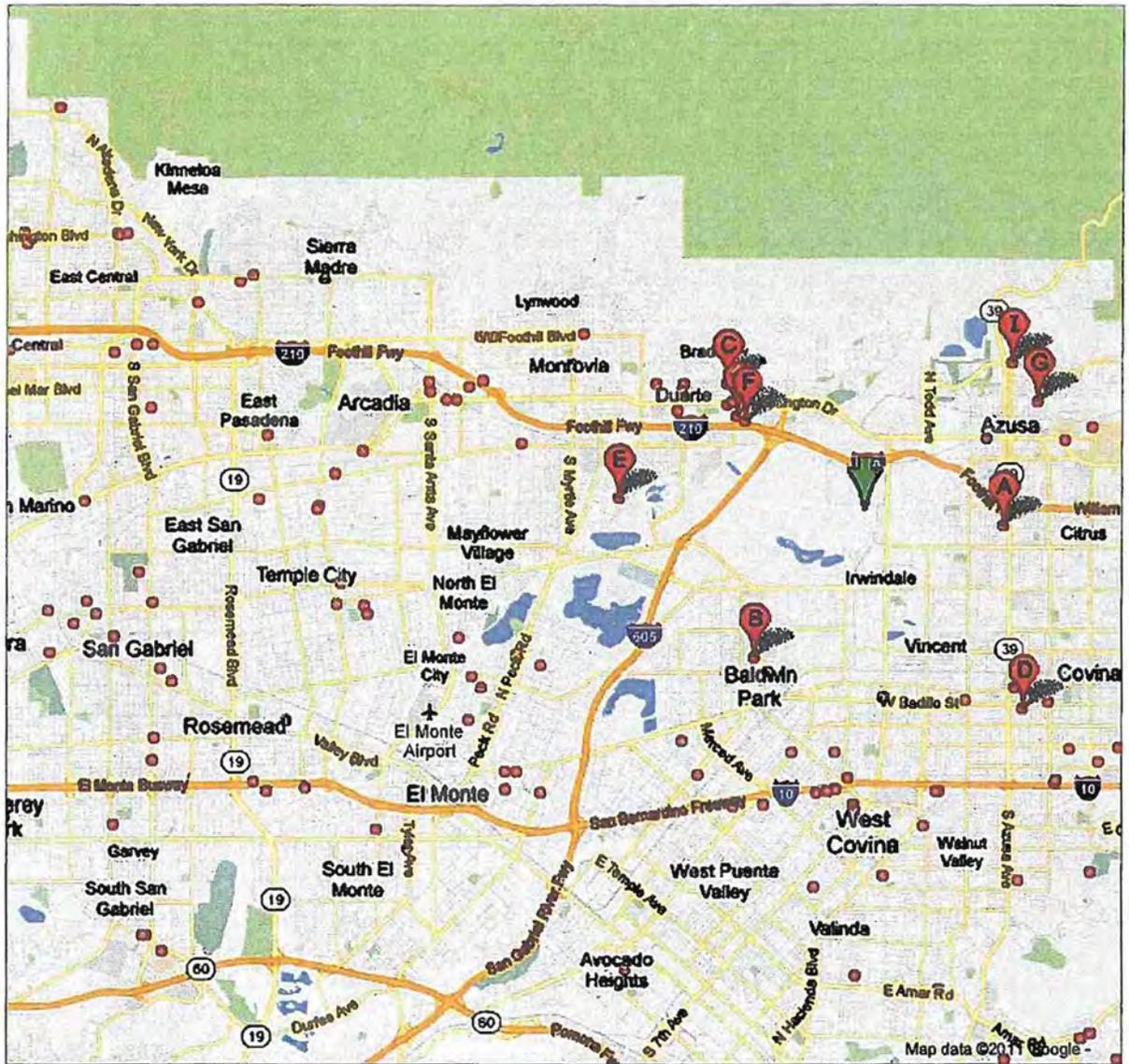
## **Exhibit C**

To see all the details that are visible on the screen, use the "Print" link next to the map.



## **Exhibit D**

To see all the details that are visible on the screen, use the "Print" link next to the map.



# Exhibit E



# Exhibit F

# Strong Smell Floods 9-1-1 With Calls

NEWS



(3/25/08) More than one hundred 9-1-1 callers complained of a strong odor similar to natural in the south suburban section of Klamath Falls Monday.

The offensive smell was traced back to an oil recycling facility and turned out to not be natural gas.

Operations Chief John Spradley of the fire department explains why the smells are confused.

"In this case, it was a pine oil type scent, which people confused with naphtha, the odorant that's used in propane."

An industrial oil representative responded to the facility and shut down the odor causing process.

# Exhibit G

<http://www2.nbc4i.com/news/2011/oct/29/ohio-ag-seeks-refinery-shutdown-air-violations-ar-807649/>

# nbc4i.com

Published: October 29, 2011

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## Ohio AG Seeks Refinery Shutdown For Air Violations

By Associated Press

Ohio's attorney general is asking a court to temporarily shut down a petroleum product refinery in Columbus because of air pollution violations and resulting odor problems.

Attorney General Mike DeWine says the state shouldn't let facilities violate permits by releasing harmful emissions. He wants a Franklin County Environmental Court judge to close the Heartland Petroleum facility while the problems are fixed to protect workers and nearby residents.

The Columbus Dispatch reports the motor oil recycling facility opened in early 2009 and neighbors have complained about smells similar to rotten eggs and burned rubber. The newspaper says Heartland voluntarily shut down the refinery this month to address a pressure valve problem that was unrelated to the odors.

A message was left Saturday seeking comment from Heartland.

For additional information, stay with **NBC4** and refresh **nbc4i.com**.  
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# Exhibit H

# Environmental Justice Case Study: Delray Neighborhood Lawsuits Against Local Polluters Detroit, Michigan

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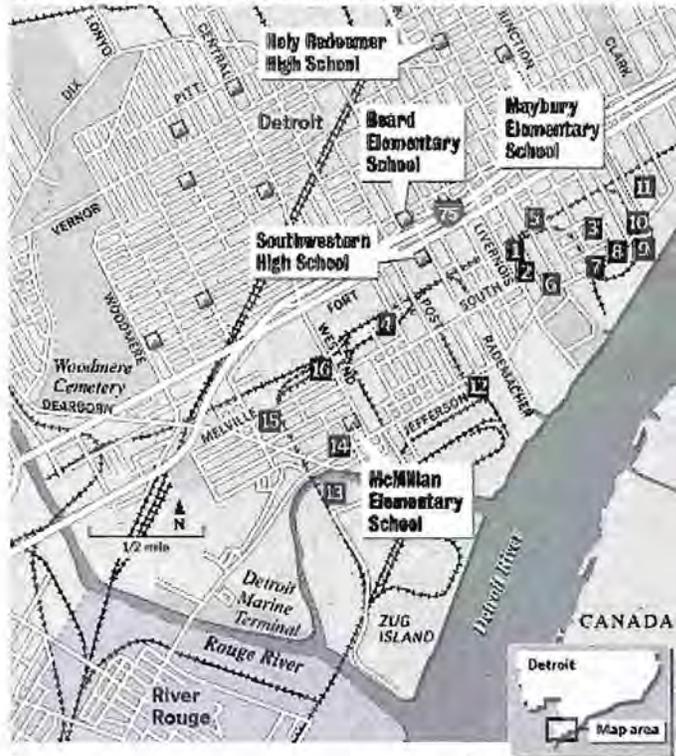
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## Southwest Detroit's industrial community

Residents in southwest Detroit live in one of the most industrial neighborhoods in the state. Two business, Sybill Inc. and Peerless Metals, have been accused in court of spreading sickening smells and dust throughout the community.



Company	Type
1. Peerless Metals	Metal powder used in such items as vehicle brakes
2. M and J Repair Inc.	Repairs and recycles car and truck tires
3. Detroit Tube Products	Makes metal tubes
4. Philip Services	Environmental services
5. Sybill Inc.	Waste oil recycling plant
6. Rye Center Trucking Inc.	Trucking depot
7. Anaya's Pallets	Recycles wooden shipping pallets
8. Metal Prep Technologies	Metal processing company
9. City of Detroit	Power plant for city lighting system
10. MPC Environmental	Environmental and pollution clean-up and remediation services
11. Bridgewater Interiors	Automotive interior parts
12. Michon/Delray Edison Plant/General Electric Delray Project	Power plant
13. Honeywell-National Steel-Delray Connection Railroad	Steel plant operations and shipping
14. Crown Plating	Metal plating operation
15. MPC Environmental, Division of Marine Pollution Control	Environmental and pollution clean-up and remediation services
16. Meridian International Inc. Recycle-Regenerate-Reuse	Hazardous waste hauling

The Detroit News

## **Background - April 29, 1999**

The Delray neighborhood of Southwest Detroit is located between Fort Street and the Detroit River, stretching from the Ambassador Bridge south to Zug Island. It was a suburb annexed by the City of Detroit in 1905, and was a major center for industrial activity, with houses surrounding the factories so workers could walk to their jobs (Singer, 1999).

More recently, it has become a depressed neighborhood. It has been described as one of the most polluted places in the state of Michigan (Fagge, 1991). Also, as industrial jobs left southeast Michigan, many residents left Delray. Its current residents are predominantly low-income people, about half are people of color, and many residents have either owned their houses for many years or have inherited their homes from parents and other relatives. There are many seniors living below poverty on fixed incomes. Most of them could not move out if they wanted to, due to financial constraints and low property values in the neighborhood. For example, many houses are assessed for \$3,000-\$4,000 (Dixon, 1997).

There are many vacant lots, burned-out houses, and tax-reverted properties. The neighborhood has a lot of trash scattered around and heavy truck traffic (Dixon, 1997). In the winter, it is a forgotten place, with little plowing or salting, trapping elderly people in their homes (Pardo, 1999).

The city planning department would like to see most of the area become industrial, and in fact they are trying to move three cement silos from farther upriver into the already environmentally burdened neighborhood to make room for three casinos at their present location. The location of the neighborhood in the national Empowerment Zone and the Michigan Renaissance Zone (areas with low or no-tax and other incentives to attract businesses) has brought in a large number of industries in the last few years. The air in Delray is already not healthy. On a recent trip there, after two hours of driving around the neighborhood with car windows closed, I had watering eyes, runny nose, upset stomach, and scratchy throat; I even had a chemical-like taste in my mouth. You can just feel the pollution.

Jacqueline Collins, the director of Delray United Action Council, a local organization that provides services predominantly to seniors, told the Detroit News that the biggest problems for Delray were pollution, unemployment and lack of transportation. She was quoted as saying, I think what we're talking about is environmental justice (Singer, 1999). Others have commented that if this were a higher-income area of Detroit, this would never have been allowed to happen (Josar, 2000).

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## **Problem**

One of the most pressing problems in the Delray neighborhood is poor air quality. Residents quoted in a March, 2000 Detroit Free Press article spoke of the air quality problems. They complained of the rancid odor that permeates their homes and causes nausea, headaches and dry heaves. A junior high student said that when they open the windows at school, the smell comes in and the students cannot concentrate. The grass and trees are dying, and there is rust red dust on the streets, homes and cars (Oguntoyinbo, 2000).

The residents said that the smell is so bad that they cannot even open their windows in the summertime, and the houses in this area are generally not equipped with central air conditioning (Oguntoyinbo,

2000). Residents of neighborhoods with this type of pollution often are at higher risk for asthma, lung cancer and other respiratory illnesses.

Though there is much industry in Delray, two specific companies have been targeted as the major causes. The first is Sybill Inc., also known as SRS Environmental, which is a waste oil plant, blamed for foul smells that cause gagging and headaches (Oguntoyinbo, 2000). Residents have filed with the county 169 complaints about the odor in the past three years (Josar, 2000). The second industry in question is Peerless Metal Powders and Abrasives, which refines and processes metal powder, and is blamed for noxious odors, toxic contaminants and airborne pollutants that kill vegetation and damages vehicles (Oguntoyinbo, 2000).

The Wayne County Air Quality Management Division (AQMD) is the entity responsible for monitoring the air quality in this neighborhood. County officials say that they have been diligent in handling the residents' concerns (Oguntoyinbo, 2000), and in fact, the AQMD has issued Sybill 113 odor emissions violations since 1994. This seems diligent at first, but the company has only been fined once for violations, and even then it was only for \$15,500 in 1995 (Oguntoyinbo, 2000).

A representative of AQMD said that most of the violations were before that year, when the company signed a consent agreement with the state and county to fix their odor emission problem. There was a decrease in emissions for a while, but in 1999, there was a large increase in odor emissions. The AQMD said that they are still working with Sybill to fix this problem. The Michigan Department of Environmental Quality Air Quality Division recognized that the company has had an emissions problem in the last year, but they are not taking action because the county is supposed to be handling it (Oguntoyinbo, 2000).

Peerless Metal Powders and Abrasives has had three fugitive dust violations in the last seven years for dust clouds emitted from their factory. The company denies that the dust emitted could be harming the residents or their property. It is estimated that Peerless affects approximately 50 homes, and Sybill affects several businesses and schools and thousands of households (Oguntoyinbo, 2000).

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## Key Actors

### ? Residents of Delray

Residents of this Southwest Detroit neighborhood are surrounded by polluting industries and have recently filed two class-action lawsuits against two separate companies for odor and particulate emissions (Oguntoyinbo, 2000).

- **Peter Macuga II**

Macuga is the senior partner in Macuga, Swartz and Liddle PC, a Detroit law firm specializing in civil and constitutional issues. He is the lawyer representing the residents for both the Sybill and Peerless class-action lawsuits. His firm is well known for filing class action suits against industrial companies and has had previous successes in the area.

- **Sybill, Inc. (SRS Environmental)**

Sybill, Inc. is an industrial oil and wastewater recycling facility in Delray that has had repeated noxious odor emission violations, and is currently the object of a lawsuit by residents living near the company (Oguntoyinbo, 2000).

- **Peerless Metal Powders and Abrasives**

Peerless Metal Powders and Abrasives is a company that refines, manufactures and processes metal

powders used in vehicle brakes. They are also the object of a lawsuit brought by local residents for odor and particulate emissions. They deny the residents' claims that the metal dust has caused damage to the residents' health and property (Oguntoyinbo, 2000).

- **Wayne County Air Quality Management Division**

The county government agency that is responsible for monitoring the air quality in this neighborhood. They say they have been diligent, but the residents do not think that they have done enough to force local industries to improve their environmental records for emissions (Oguntoyinbo, 2000).

- **Michigan State Department of Environmental Quality: Air Quality Division**

They are the state environmental agency. They know that Sybill has a bad air quality emission record, but are not acting because Wayne County is supposed to be monitoring the situation (Oguntoyinbo, 2000).

- **Wayne County Circuit Court**

This is the court hearing these two cases. It has made the ruling to call these class-action suits so that several thousand residents can be considered as the plaintiffs (Josar, 2000).

- **Community Groups**

There are several community groups involved in air quality issues in Delray, including: Southwest Detroit Environmental Vision, a community-based environmental non-profit that encourages sustainable development; Delray United Action Council, a community organization that works predominantly with seniors; and the Good Neighbors United Initiative, which is a working group of these organizations and others, along with government, educational institutions, and industry.

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## Demographics

Due to trouble with accessing census data, it was not possible to include exact census data for this neighborhood, but some generalizations can still be made. A neighborhood profile in the Detroit News on April 29, 1999 gave the following statistics for Delray:

- Population: 6,000
  - Income: 20.9% of households earn less than \$5000/yr.  
19.6% of households earn \$5000-\$9999/yr.
  - Housing Stock: 66.2% of houses built before 1940.
- (Source: Singer, 1999)

Looking at several reports on the Delray area carried out by Michigan State University (which all defined the borders of Delray differently), it can be approximated that in most block groups in the neighborhood, there are almost 50% people of color and almost 50% people living below the poverty level. There is a high level of home ownership, but very low assessed housing values (MSU Reports, See References).

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## Strategies

The first strategy used by Delray residents was to use the established channels for complaint. They issued complaints to the Wayne County AQMD about the conditions in the neighborhood. Southwest Detroit Environmental Vision (SDEV) and other community groups worked for several years with the community and the AQMD towards resolution through enforcement, without any meaningful relief.

Many of the residents of Delray began to feel hopeless and that local companies had turned their neighborhood into an industrial wasteland (Oguntoyinbo, 2000; Milberg, 2000) .

Nancy Fagge, a local activist, recounts an incident between a resident issuing a complaint and a Wayne County environmental staff member. His response was, I don't get more than a couple of complaints from anyone else, only you poor people who live in that area and are dumb enough to rent from slum landlords. You want pristine air, and you're not going to get it (Fagge, 1991) . He was not from Detroit, he did not realize that most of the residents own their own homes, and he was expressing a racist, classist stereotype that keeps officials from doing all that they can to help neighborhoods who are getting dumped on (Fagge, 1991). Kathy Milberg of SDEV spoke of a community meeting with the AQMD in which a representative explained to the residents that they were giving Sybill an additional seven months to clean up their act. Milberg says that some of the comments included that, since we are such a mobile society, someone had to bear some of the burden for the manufacturing of autos. When she was reminded that 40% of the folks in that area did NOT have cars and was told that the community felt, especially in light of that fact, that they were bearing an inordinate amount of the burden she didn't have much more to say (Milberg, 2000) .

Delray residents grew impatient with the slow response of the county and finally they decided to try the strategy of getting results through the court. SDEV was asked to attend the first two sessions that representatives from the community had with the attorney. Their role was to listen, translate the information and highlight the pros and cons. The community decided to move forward and filed suit (Milberg, 2000). In December of 1999, nine residents began a class-action lawsuit against Sybill, eventually naming 250 as plaintiffs, including nuns from the convent at nearby Holy Redeemer Church, teachers and staff at Beard Elementary School, a lawyer, and several ministers and Mexican immigrants.

On January 16, 2000, sixteen more residents began a class action lawsuit against Peerless. The lawsuits assert that the companies did not do enough to prevent harmful emissions from their plants. They are hoping for financial remuneration but, more importantly, for the odors and dust to stop and to set a precedent for the new industries steadily moving into the neighborhood (Oguntoyinbo, 2000).

In May 2000, a Wayne County Judge ruled that the lawsuit against Sybill was indeed a class action. The implication for this was that over 20,000 residents could be considered as plaintiffs, since it would be reasonable that all of the residents of not only Delray, but all of southwest Detroit would have similar complaints about their proximity to Sybill. This was just a preliminary hearing on the class action; whether or not Sybill is to blame for the problems complained about was not decided (Josar, 2000). In late March, Sybill filed a suit against the AQMD for issuing arbitrary and unconstitutional citations based on someone sniffing the air and rating the smell. They did not offer any other options for how else the smell could be measured (Guyette, 2000; Milberg, 2000).

A lawyer defending Peerless in their lawsuit was quoted in the Detroit News as saying, If people can't afford to paint their homes and fix their windows, I feel sorry for them. But if they're not going to clean up the garbage around their own homes, I don't know how you can blame Peerless for ruining the neighborhood (Josar, 2000). So apparently he is implying that because the neighborhood is already in bad shape, it is not a problem for a company to spew dust on them that can be picked up from a resident's lawn with a magnet (Guyette, 1999).

In conjunction with the lawsuits, some residents have also staged demonstrations outside of the companies, including wearing masks and carrying various signs (Josar, 2000). SDEV has assisted in staging some of these demonstrations and meeting with the media for the purpose of highlighting the issue. They also helped local residents to fill out the survey forms that were needed to file in court

(Milberg, 2000).

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## **Solutions**

Wayne County AMQD did succeed in getting Sybill to make an agreement to reduce their emissions in 1995, but the improvements did not last long and the situation has worsened again over the last two years.

The lawsuits have yet to be decided, but a positive ruling in favor of the residents could set an important precedent for other companies currently in the neighborhood and for those moving in. In the Sybill, Inc. case, the judge conducted an on-site inspection and odors were DULY noted (Milberg, 2000). The attorney and residents who filed the suit feel at this time that the case will be found in their favor (Milberg, 2000).

In March, the county environmental agency asked the courts to order the closing of Sybill, Inc. for the odor problems. A decision has not been made yet in that case either.

For now, the neighborhood continues to be burdened by pollution, but attention has been drawn to their situation. By ruling the cases class actions, the judge implied that their claims were justified. There are also community based non-profit organizations working in the area to try to help the remaining residents to improve their lives.

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## **Recommendations**

SDEV and other local community groups serve on the Good Neighbors United Initiative, a work group focused on toxic air issues in Southwest Detroit. They have worked with the EPA, MDEQ, local industries, the University of Michigan, and others to design a two-year air toxics study for the area. Wayne County received a \$500,000 grant from the EPA and \$200,000 from Ford as part of a supplemental environmental project (SEP) to conduct this study that will begin this spring and last for two years (Milberg, 2000). Hopefully this study will offer the quantitative evidence, and the lawsuits the legal precedent, necessary for the county and state to begin to pay more attention to this area of Detroit. Enforcement of the polluting industries will be a key step to improving the lives of Delray's residents. The lawsuit also offers hope that the people who live in Delray have gotten to the point where they will not be dumped on any more and are not ready to give up. If the residents can organize, the community groups offer support, and the county and state agencies do their part for enforcement, there is a chance for Delray to have a cleaner future.

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Singer, Christopher M. April 29, 1999. Spirit Drives Effort to Improve Delray. *Detroit News*. On Detroit . (Accessed on DN website November 29, 2000)

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### **Other Contacts**

For more information on the Peerless Metal Powders suit, one reporter following it is Curt Guyette at Metro Times, (313) 961-4060.

For more information on organizations within the neighborhood, contact the Delray United Action Council, (313) 842-8620.

To acquire a short summary of the upcoming air quality report from Wayne County, contact WQMD, (313) 833-7030.

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