

**BOARD MEMBERS**

RON ROBERTS
Chair

PAUL MANASJAN
NEIL MOHR

County of San Diego

SOLID WASTE HEARING PANEL

MINUTE ORDER OF WRITTEN DECISION

THURSDAY, FEBRUARY 11, 2016, 2:30 P.M.

San Diego County Administration Center

1600 Pacific Highway, Room 302/303, San Diego, 92101

The Pala Band of Mission Indians ("Petitioner") request for San Diego County Solid Waste Hearing Panel to review the San Diego County Local Enforcement Agency's ("LEA") alleged failure (1) to require Gregory Canyon Ltd. LLC ("GCL"), the permittee for the Solid Waste Facility Permit 37-AA-0032, to remove concrete and other debris disposed on the GCL property; and (2) to adequately identify the area of the GCL property that is included as part of the solid waste facility identified above, was remanded for hearing on the merits by the Amended Decision and Order of the Department of Resources Recycling and Recovery, dated December 17, 2015.

Petitioner also requested a hearing to review the LEA's decision that (1) the solid waste facility permit ("SWFP") for the proposed Gregory Canyon landfill identified above does not require compliance with Conditions 17(i), 17(m), 17(n), and 17(o) of the SWFP prior to the removal/demolition of buildings and other facilities on the landfill property; and (2) the LEA has no authority to regulate activities on all of the 1,783 acres identified in the "Description of Facility" in Block 12 of the SWFP. Petitioner also requested a hearing to review the LEA's failure to enforce Condition 17(g) of the permit and the mitigation measures in the California Environmental Quality Act Mitigation Monitoring and Reporting Plan required to be satisfied prior to the start of construction of the proposed landfill.

At the hearing, the parties stipulated that the matters were properly consolidated on this agreed hearing date, and that notice of time and place of hearing was given as required by law.

At the hearing, the parties stipulated that any claims based upon the removal of concrete and other debris (the remanded matter) were moot.

ACTION: ON MOTION of Member Manasjan, seconded by Alternate Dershem, the Solid Waste Hearing Panel made the following finding. The proposed activity is an effort to abate a public nuisance and not the initiation of a construction project, and Petitioner does not have grounds for the Hearing Panel to compel the LEA to require compliance.

Evidence and testimony to support finding:

Evidence was presented that the abandoned buildings proposed to be demolished presented a public nuisance. There was evidence that the structures were used by trespassers for various purposes, including as a sort of club house, and for skate park activities. There was also evidence of illegal drug use. The evidence offered by Petitioner to show grading, was contradicted by testimony presented by the LEA. The evidence presented was that the proposed work will involve removing structures and disposing of the debris off site. The proposed work does not involve excavation or grading, and will not involve temporary storage on site of concrete or asphalt for future landfill use.