Talk Trash - Gregory Canyon Debate

Transcript from a February 23 debate between Shasta Gaughen, Environmental Director for Pala Band of Mission Indians and Nancy Chase, spokesperson for Gregory Canyon LTD on KPBS program "These Days"

MAUREEN CAVANAUGH: I'm Maureen Cavanaugh, coming up on These Days, beating the BYU coopers is always a challenge for the Aztecs, but this time, SDSU is at home and on fire. We'll hear why a win this weekend could give the Aztecs a major boost into March madness. But first, the debate continues over a hotly contested landfill proposed for North County's Gregory canyon. And a group of business and green energy researchers form to make the San Diego electric car friendly. That's all ahead this hour on These Days of the first the news.

I'm Maureen Cavanaugh, and You're listening to These Days on KPBS. A public information meeting will be held tonight in the ongoing effort to get a landfill built in the North County site of Gregory Canyon. San Diego County voters originally approved the landfill location back in 1994, but obtaining required permits, conducts studies, and defending lawsuits has delayed construction at the site. The North County location is opposed by members of the Pala Indian tribe, whose land is adjacent to the proposed Rand fill, the Gregory canyon landfill would also be situated near the San Luis Rey River, prompting concerns over both ground and water precipitation. The permitting process are for the landfill is moving forward, but the issue is still deeply contentious. That public information hearing tonight at the new Fallbrook library is expected to be well attended, and we'll get a preview of some of the arguments this morning from my guests. Nancy Chase is spokeswoman for Gregory Canyon Limited, developer of the proposed landfill at Gregory Canyon. Good morning.

CHASE: Good morning, Maureen.

MAUREEN CAVANAUGH: And Shasta Gaughen is environmental director for the Pala Band of Missions Indians. Shasta, good morning. Thanks for coming in.

GAUGHEN: Thanks, Maureen. Happy to be here.

MAUREEN CAVANAUGH: Now we invited a representative the San Diego County's department of environmental health. But they declined the offer, they said it would be inappropriate to discuss the pros and cons of the landfill project because that agency is now in the position of having to make the decision about whether the permit should be approved. Let me start with you, Nancy. Give us a little bit of the back story. How was Gregory Canyon identified at as the location for this North County landfill?

CHASE: Yes, Maureen. Gregory canyon was one of a number of sites for the new land fill in North County selected by the county of San Diego more than 20 years ago. And in that process, a number of sites were eliminated, and a number were considered, and one of them was Gregory canyon. The board never was able to make a decision on finding a new land fill. And it was at that time that the

developers of Gregory canyon decided that they would develop it privately. So it was put on the ballot as a land use amendment to change the land use in 1994 as you duly noted. It won county wide, every area of the county, with 68 percent of the vote. The only place it did not succeed was in Fallbrook at 48 percent of the vote. But it won in every psychiatric, every assembly, state senate, supervisorial, etc., district throughout the county.

MAUREEN CAVANAUGH: Excuse me, but since that time, you've been going through the process of getting the required permits and the environmental studies and so forth, but this landfill project has been under development for the last 17 years, I'm wondering, is that time frame unusual?

CHASE: Actually no, Maureen. Back when the state had a California integrated waste management board, which no longer exists under governor Schwarzenegger, but they had their website declared that the average length of time to develop a new land fill in California was 15 years. Now, 15 years to 17 years issue not such a big difference. And you also, if you compare it to other large needed infrastructure projects in our region alone, Poseidon resources trying to develop a desal plant, Highway 241 trying to develop a new toll road, they're all pushing 20 years. Unfortunately, because of opposition and legal -- you know, lawsuits, these things take a long time. But developers don't want get into them without knowing that.

MAUREEN CAVANAUGH: Yeah.

CHASE: So it is a couple years longer than we expected, but it's not outrageously longer.

MAUREEN CAVANAUGH: Let me talk to Shasta Gaughen about some of the opposition, that has been filing lawsuits and trying to stop the Gregory canyon landfill from being built. Why is the Pala tribe opposed to this landfill project?

GAUGHEN: Well, Maureen first I'd like to make the point that it's taken 17 years for the landfill developers to work on these permits because this is not an inappropriate site for a landfill. If therapy the right site from an environmental perspective, then they probably would have gotten their permits and been able to move forward a long time ago. But those environmental impacts are one of the reasons that Pala and our whole coalition of opposition against this landfill have banded together to stop this site fair landfill location. And the issue here isn't that there is a need, necessarily, for a place to put San Diego County's trash, it's that this is not the right site to put that trash. We have plenty of capacity remaining in the county's current landfills, the sycamore landfill, Mira Mar, and the newly approved Otay landfill have more than enough capacity for all of the trash in San Diego for years to come. And there are endangered species in the Gregory canyon landfill that would be impacted by this, there is water that is underneath the landfill footprint, fractured bed rock aquifer that provides drinking water for not only the Pala community, but for several down stream communities including the city of Oceanside. So there's 50000 people or more that would be impacted by the potential pollution caused by a landfill in this location.

MAUREEN CAVANAUGH: And let me, if I may, too, highlight one of the cultural reasons that the

Pala tribe is opposed to this landfill, and that is the significance of Gregory mountain. Tell us about that. What is the significance to the Pala tribe.

GAUGHEN: Well, not only to the Pala tribe but to all of the Luiseño people in San Diego County and Riverside County as well. The Luiseño people find that Gregory Mountain is a sacred spot. They call it Chocla, and Chocla is the resting place of an important spiritual figure called Takwish. And Takwish has rested on the mountain, and he plays an important role in the spiritual and religious lives of the people. So not only is the mountain sacred, but the river as it connects to the mountain is also a part of that sacred site, and also in the anthropological literature, and in the stories of the living people today, they talk about the rituals and ceremonies that have taken place on that mountain, and at medicine rock, which is only about 500 feet from where the landfill would be built. That site has petroglyphs on it, pictographs, extensive archeological resources, and the landfill would desecrate that site.

MAUREEN CAVANAUGH: Nancy, let me take you down some of the objections that Shasta has raised. And let's talk about the -- what the landfill might do or might not do to contaminate the ground or surface water. What kinds of precautions are you taking to try to make sure that that doesn't happen?

CHASE: Well, Maureen, Gregory canyon has developed the most state of the art liner and monitoring system that will ever have been built in a landfill any place in the country. Possibly the world. Landfills were only lined about 20 years ago, so the existing landfills in San Diego, sycamore and Otay and Mira Mar, are only partially lined. So this will be the safest, most environmentally sound landfill ever. It's a triple composite liner system with a monitoring system underneath the liner system, that is designed to catch any possible yet unlikely leaks. That might occur. And if a leak likely were to occur, which is very unlikely, the monitoring system would pick it up immediately, and shut down that portion of the landfill, and capture it until it can be -- until it can be rectified. So the argument that we are, you know, possibly taint the water is not scientific.

MAUREEN CAVANAUGH: Has this triple liner been used anywhere else? Or is this the first time?

CHASE: Is this will be the first time. Most landfills, the parts of landfills that are lined is a sandwich composite liner system. And I would challenge you to come up with a landfill in San Diego County that we know of, that has leaked or caused a problem, and I might also note that all land fills are in canyons. Of all canyons are near rivers, the can job creates, actually, a natural bathtub, which is perfect for disposal of solid waste.

MAUREEN CAVANAUGH: I want to get -- I want to let Shasta have an opportunity to respond. You sound as if you don't have much faith in this triple liner.

GAUGHEN: Well, this may be the most state of the art liner that has been so far proposed, but I think that's probably been said of every landfill groundwater protection system that's ever been implemented. And as the EPA has stated, multiple times, there is never been a landfill liner that hasn't leaked. And the idea that all landfills are built in canyons, I don't know how familiar people are with the Mira Mar landfill, but as far as I can tell, that is not a canyon, and it's not next to a river. And the issue of the water contamination, the most effective way to prevent groundwater contamination is not to build a landfill over groundwater or near groundwater or on the banks of a

major river that supplies drinking water to San Diego County resident. So no matter how thick your liner will be, it may not leak in five years or 10 years or 30 years, but it will eventually leak.

MAUREEN CAVANAUGH: Okay, go ahead.

CHASE: Can I respond to that? Yeah, Mira Mar is not built in a canyon. It is an exception. But rather than going, you know, tit for tat, I think that the major messages, the developers of Gregory canyon landfill are responsible developers, have used the best state of the art technology, the best engineers, the best of every trade that's involved in developing a landfill. And certainly only want to develop the most environmentally sound landfill that's ever existed. That's in our interests, it's in the county's interests, it's in the voters' interest, and providing a place for North County trash is very important. North County trash goes everywhere but North County.

MAUREEN CAVANAUGH: I want to get into that a little bit more but we have a caller on the line, Nancy, if we could. We're taking your calls at 1-888-895-5727. Nathaniel is calling from Mesa College. Good morning, Nathaniel, welcome to These Days.

NEW SPEAKER: Hi, good morning, thank you for taking my call. I'd really like to point out something. This debate has been going on for 20 years. And 17 years in the process of trying to install this development. The climate has changed. Americans in particular are coming to the realization that our environment is more important to us than the economic gain from developers. And also the convenience of putting North County's trash into North County. If we contaminate our groundwater, we know for a fact that down the line, we pay for that. No matter how much money a developer makes from it today, tomorrow, or next year, we, the citizens who live here, pay for you gaining money from developing something in a spot that has been shown to be way too high of a risk. You can't build things that put toxic waste, or just normal garbage into our water table.

MAUREEN CAVANAUGH: Nathaniel, thank you for the call. Let me get a response, if I can, to your concern. Of and also, I think, the larger issue of Nathaniel's question is that the 20 years since the -- this has been approved, there's been a lot more recycling, a lot more ways of technologically dealing with trash than burying it in a landfill. Shasta, is that one of the issues that you have about the Gregory canyon rapid fill, that perhaps there are alternatives now that didn't exist back in 1994?

GAUGHEN: There are absolutely alternatives that exist. At that time that the 1994 proposition was on the ballot, what the land fill proponents were saying was that we were gonna run out of landfill space by the year 2000, and be buried in mountains of trash, and clearly that hasn't -- hasn't happened, and I want to point out that over the last five years, San Diego's waste stream has been reduced by 25 percent, and it continues to get lower. Things have changed in terms of where the trash goes, it goes to transfer stations, it's sorted, recyclables are taken out, much less waste actually needs to be disposed of, and there are new technologies such as waste to energy conversion. And the California state cal recycle is now man dating that up to 60 percent, I believe it's 60 percent, of all organics need to be taken out of the waste stream, and that's going to reduce the need for landfill capacity further. So certainly, now, technology is catching up with our need for waste disposal, and

landfilling is an obsolete technology.

MAUREEN CAVANAUGH: Let me get your response to that, Nancy, that it is an obsolete technology.

CHASE: Well, my response is, Maureen, if -- yes, there are people who believe we can get to 0 waste and have no landfills. Unfortunately landfills are the kind of entity that nobody wants. No matter how much recycling, no matter how many transfer stations are developed, no matter how many other alternatives there are, there will always be a need for landfills. So far one of the things I'd like to point out to Nathaniel is actually, the environmental impact of the transportation of trash, land distances, is far greater than any risk to a possible drop of water escaping from a landfill. Of the biggest -- the biggest cost of trash both environmentally and financially is transportation.

MAUREEN CAVANAUGH: And where -- how is North County trash -- is it transported nought.

CHASE: Yes, North County trash is going to Orange County, which started taking it when it was in its bankruptcy days, those days are numbered, they're not gonna continue out of county trash for much longer. It's going to Arizona, it's going to sycamore and some of it is going to Otay. So it is going every place but North County. North County hasn't had a landfill since the closure of San Marcos. And regarding trash to energy, that was something that was mentioned, again you have to take a very long view of developing these large infrastructure projects. There is certainly a place for and possibly a need for trash to energy, and it has been attempted here in San Diego County in the past. It will take at least 20 years to develop such a project because of the very types of opposition that you're hearing now. The people who focus on issues that aren't really factual, and or they're emotional, and cause these projects to take much longer than they naturally should have.

MAUREEN CAVANAUGH: Nancy, let me ask you, what is the significance of tonight's meeting in this ongoing permitting process?

CHASE: Yeah, thank you, Maureen. Actually, tonight's meeting has been held before. Woo have had our solid waste permits in the past, and due to various lawsuits, etc, are the permit had to be reinstated. Tonight's meeting is a public information hearing held by develop of environmental health who will simply listen to comments, there will be no decision tonight, there will be no back and forth, it's simply an opportunity for the public to express its, you know, support or opposition, so it's very much part of the process, it's actually you know, a required part of the process of issuing or reissuing, in this case, the permit.

MAUREEN CAVANAUGH: Let me be clear, though, so if you do get this permit, what other barriers are in your way?

CHASE: I prefer to call them challenges.

MAUREEN CAVANAUGH: Okay.

CHASE: We are in the process of finalizing the air pollution control district permit, which is the [CHECK] permit. We're in the final 60s days of that. We are in the process of the regional water quality control permit. Sometime in the next 2 to 3 months. And those'll be the last two permits in this -- in the county's regard, and then we have the army corps of engineer process that we're going through, and we're expecting to be going through that, and excreting that process sometime in the third quarter of this year.

MAUREEN CAVANAUGH: And Shasta, in addition to what I suppose you're expecting to be a good turn out tonight of the people who are opposed to the landfill. Where are you in your opposition to this? Are you in the process of filing lawsuits or defending or pursuing lawsuits in.

GAUGHEN: Right now, there is no current litigation over any of these permits. We are at the point of essentially trying to show these agencies that permitting this landfill is not the right move to make. And so, of course, tonight's meeting, and Nancy is correct, it's an informational meeting where the public has an opportunity to make their voices heard about this. Of course we want to encourage them not to issue this particular permit, the solid waste permit because the county process, had it been followed instead of having the initiative in 1994, would never have permitted this landfill in the first place. And so we think that the county still needs to do their due diligence as far as that permit is concerned and deny it. If it does get approved at the county level, it still needs to go to the state to cal recycle, and at that point, they will either concur with the county recommendation or they will choose not to issue the permit at that point or approve the permit at that point. And I want to get to the army corps permit as well. We had well over 300 people at the meeting for the army permit last year in June last year in San Marcos, and we expect a similar turn out of our supporters against the landfill tonight. And the Army Corps, that permit is at a national level, and getting back to the issue of truck trips.

MAUREEN CAVANAUGH: We have to stop there.

GAUGHEN: Oh, okay.

MAUREEN CAVANAUGH: I am so sorry.

CHASE: One word --

MAUREEN CAVANAUGH: Actually, no, Nancy, we're just up against the clock here, but I tell you, I think we've gotten people interested in perhaps attending this meeting tonight. Let me tell you, the San Diego develop of environmental health will hold a meeting at the Fallbrook library tonight at 630 to listen to public input, to listen as the agency makes a decision for the permit process on the Gregory canyon landfill. Information about the meeting is also on our website, but that's 630 tonight at the Fallbrook library. Thank you so much, and I'm sorry we're out of time.

GAUGHEN: Thank you, Maureen.

CHASE: Thanks, Maureen. Bye-bye.

MAUREEN CAVANAUGH: If you would like to comment, please go on-line, KPBS.org/These Days. Coming up, Aztecs versus cougars, we'll get a preview of this weekend's big game, as we continue here on These Days on KPBS.

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Controversial Landfill Project Back In Spotlight

Related To Story

Gregory Canyon Proposed To Be Built At Mouth Of San Luis Rey River

POSTED: 7:45 pm PST February 23, 2011
UPDATED: 12:22 am PST February 24, 2011

SAN DIEGO -- A controversial landfill project is back in the spotlight.

For two decades, Gregory Canyon has been in the middle of a huge debate between environmentalists and developers.

"It's the wrong project at the wrong place at the wrong time," said Pamela Epstein of the Sierra Club.

Gregory Canyon LTD developers want to build the landfill 3.5 miles east of Interstate 15 and just south of State Route 76. It would sit at the mouth of the San Luis Rey River, which covers several aquifers that provide about 15 percent of Oceanside's drinking water.

At a public hearing in Fallbrook on Wednesday night, most did not support the idea of a nearby landfill.

"Putting a landfill adjacent to the San Luis Rey River is ludicrous," said Fallbrook resident Rose Bolton. "We all know that waste management is big business and there is lots of money to be made but at what cost to human lives?"

Pauma Valley resident Fritz Stumpkis said, "If you listen you'll feel the spirits. That's the only thing I think could change your hearts."

Developers said state-of the-art environmental safety measures including a multi-layer ground liner would prevent contaminants from seeping into the ground.

"You simply cannot build something in California that'll hurt a water supply," said Gregory Canyon LTD Spokeswoman Nancy Chase.

But some don't believe that.

"All landfill liners leak in time," said Bonsall resident Helene Brazier.

The Sierra Club and the Pala Band of Mission Indians claim the proposed landfill would desecrate spiritual grounds and impact archaeological sites and endangered species.

"I'd like you to think about what you're going to put -- a dump -- right on their sacred mountain," said Stumpkis. "Feel it. Sit there. You'll find an eagle floating by."

The developers said they're doing everything they can to protect cultural resources although they believe they're subjective and can't be verified.

Supporters of the project said the landfill must be built because local landfills including the Miramar Landfill are near or at capacity.

"We can't be exporting [trash] to other regions," said Andrew Poat of the San Diego Regional Economic Development Corporation. "We have to find some place here in San Diego… but we still have half of it to get rid of and it has to go somewhere."

On Wedneday, no decision on the Gregory Canyon landfill was made. State and federal agencies are expected to approve or reject the landfill in the next several weeks.

Previous Stories:

- June 2, 2010: Tribes: Proposed Landfill Will Trash Sacred Sites

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Talking trash

BY UNION-TRIBUNE EDITORIAL BOARD
THURSDAY, FEBRUARY 24, 2011 AT MIDNIGHT

North County seemingly has everything going for it, from microclimates to a variety of ways to enjoy its quality of life. What it doesn't have is a place to dispose of its own trash. North County trash is trucked just about everywhere – to Orange and Ventura counties, Arizona and Otay Mesa in South County.

A mere two decades and $50 million or more in costs later, that is getting close to changing.

A hearing at the Fallbrook Library on Wednesday night put the proposed Gregory Canyon landfill back in the news. The county Department of Environmental Health heard public input on its plans to issue yet again a solid waste permit.

If you have a good memory, you may recall that planning for this landfill began around 1990 and that voters overwhelmingly approved it twice, in 1994 and 2004.

The landfill site is high above the San Luis Rey River and state Route 76, three miles east of Interstate 15.

Environmentalists argue that toxins from the landfill could seep into the ground and ultimately the river. They do not mention the extensive runoff collection and subdrain systems that are planned, or that the landfill will be covered by 12 layers of soil, gravel, woven geotextile, geomembrane and geosynthetic clay. Nor do they mention the lowered costs of disposing of trash, an estimated $50 million in fees to the county, or 1,300 acres of perpetual open space that eventually will result.

The Fallbrook hearing presented yet another opportunity for a Potemkin village front of opposition, this time with a National City environmental organization busing people to Fallbrook. It escapes us, however, how shipping millions of tons of trash long distances benefits North County residents who ultimately pay the cost. Or how South County benefits from trucks on its highways to fill its precious landfill space with North County trash.

"They're after us again," said Nancy Chase, spokeswoman for Gregory Canyon Ltd., "because we're on the one-yard line."

The landfill is getting closer, although there is no guarantee it will score this year. The project is within 60 days of acquiring a permit from the Air Pollution Control District. A Regional Water Quality Control District permit could come as soon as April. By September, the Army Corps of Engineers could be in position to grant yet another contested permit.

The voters have spoken twice. The regulatory processes have been engaged for 20 years. The courts have been called upon to rule at almost every step of the way. At some point, the greater good must prevail. The facts cannot be ignored: North County must have a place to bury its trash. And North County does not have one.

Letters: landfill,

BY THE SAN DIEGO UNION-TRIBUNE
SUNDAY, FEBRUARY 27, 2011 AT MIDNIGHT

Gregory Canyon dump not needed

It is important for the U-T's readership to hear both sides of the Gregory Canyon landfill debate, so I would like to correct several inaccuracies in the poorly researched editorial "Talking trash" (Feb. 24).

For years, landfills have been built to the highest standard then available; however, the U.S. Environmental Protection Agency has still concluded that every landfill liner eventually leaks. The Gregory Canyon dump would perch millions of tons of trash immediately adjacent to the San Luis Rey River and directly on top of an aquifer in a seismically active area. Leakage, landslides or collapse are inevitable. There is no reason to risk contamination of our drinking water when alternatives exist.

This is not about North County trash being shipped out of the county. In fact, Gregory Canyon has already sought trash from outside the county to make money for its out-of-state developers. There is no basis for reduced trash fees or the $50 million in estimated fees to the county. This landfill is completely private with no obligation to pay anything to San Diego County.

Finally, capacity at existing landfills is sufficient to take all of San Diego County's waste for years to come, and new technologies have made new landfills unnecessary. San Diego County does not need this dump. -- **Robert Smith, Chairman, Pala Band of Mission Indians**

Seven former North County landfills leaking contaminants

By DEBORAH SULLIVAN BRENNAN - dbrennan@nctimes.com | Posted: Saturday, March 5, 2011 7:20 pm

Seven former North County dumps are leaking contaminants into surrounding groundwater as the decomposing remains of decades' worth of waste seep out of the unlined soil beds, water officials said in a series of recent interviews.

However, water quality officials said they know of no drinking water supplies in North County that have been contaminated by landfills.

Because most residents receive piped water through the San Diego County Water Authority, "the risk to most county residents is very small or negligible, while local water supplies located in more rural areas may be at a somewhat elevated but unquantified level of risk," said John R. Odermatt, a senior engineering geologist for the California Regional Water Quality Control Board's San Diego region.

Since the seven landfills ---- in Bonsall, Valley Center, Poway, San Marcos, Oceanside and Carlsbad ---- closed more than a decade ago, an airport, parks, schools and homes have been built on or near the sites.

Officials said that while the former landfills are leaching chemicals known to cause cancer, reproductive harm and other health problems, all seven sites are tested regularly and the regional water board has ordered corrective measures to stop the seepage. Measures to extract hazardous gas and liquid from the sites have kept the contamination from spreading, they said.

However, as county Supervisor Bill Horn and other officials push for more reliance on groundwater sources as a hedge against limited water supplies, safe groundwater has become a pressing concern. And plans to build the Gregory Canyon Landfill on county land near the Pala Indian Reservation outside Fallbrook have focused attention on the long-term storage of trash, officials said.

A toxic mix

The landfills, built between the late 1940s and 1970s, preceded environmental rules that govern waste disposal today, and served as catch-all basins for a mix of routine trash and toxic chemicals.

"The hazardous-waste checks didn't start until the 1990s," said Michele Stress, a unit manager for the county Department of Public Works, which monitors and maintains the seven sites.

Residents and businesses are now required to discard hazardous materials at special sites, but landfills built before the '90s took in everything from yard clippings and food scraps to paint thinner, batteries, solvents, motor oil and dry-cleaning chemicals.

"Probably Jimmy Hoffa is buried in one of those things, producing methane," said Henry Cole, a Maryland-based environmental consultant, referring to the powerful Teamsters Union leader who disappeared under mysterious circumstances July 30, 1975.

Landfills that opened before the '90s also lacked bottom liners that modern landfills employ to keep pollution from seeping off-site.

"A lot of companies and businesses, big and small, in the post-World War II era up into the 1970s and 1980s routinely threw away really nasty stuff in landfills," said Jonathan Scott, a spokesman for Clean Water Action, a national environmental organization. "All landfills eventually leak over time, even modern ones with state-of-the-art liners and collection systems.

"But the older ones are really problematic because they don't have (liners), and because the stuff that went into them can be presumed to be really bad."

Stress said, however, that North County had little heavy industry during that period, so landfill contents likely contain more agricultural scraps than industrial waste.

Nonetheless, the brew of chemicals in the seven landfills is releasing methane gas from decomposing biological waste, along with volatile organic compounds ---- synthetic chemicals that evaporate easily and can pollute air and water supplies.

Recent monitoring tests at the former landfill sites in Poway and Bonsall and at McClellan-Palomar Airport in Carlsbad and Bradley Park in San Marcos showed that some pollutant levels exceeded state health limits.

Pollutants that registered levels above state limits included vinyl chloride, tetrachloroethylene, trichloroethylene and benzene. Those volatile organic compounds can cause liver, brain or lung cancer, anemia, skin allergies, bone and blood problems, liver and kidney damage and reproductive problems, according to the federal Agency for Toxic Substances and Disease Registry.

All seven landfills have registered some leaks of contaminants, however, and officials said that because those chemicals don't occur naturally, any leak exceeds standards set for those sites.

"Any volatile (organic compound) that's detected in groundwater is an indication of release from the landfills, which is a violation of their current discharge requirements," said Cheryl Prowell, a water resource control engineer for the regional water quality board.

Dealing with the dumps

As the dumps filled up from the late 1960s through the 1980s, the county covered them and found other uses for the sites.

Jefferson High School, Clair Bergener School and Mission Elementary School surround the former Mission Avenue landfill in Oceanside, water board documents show.

Bradley Park sits over a former county landfill in San Marcos, the Aerie Park equestrian facility operates on the site of the former Valley Center landfill, and Palomar Airport sits atop the former landfill in Carlsbad.

Rural homes and orchards have sprung up near the former Bonsall landfill, the San Elijo Hills neighborhood abuts the former San Marcos landfill, and homes surround the former Poway landfill, near the section of Poway Road between Espola Road and Highway 67 known as the Poway Grade.

In some instances, contaminated materials have risen to the surface.

A water board report on the Mission Avenue landfill in Oceanside noted that in 1978, the year the dump closed, there was not enough soil cover to prevent water from percolating through the waste. The report also noted that the closed landfill lacked erosion control and was polluting the San Luis Rey River.

"Bad smelling, dark leachate was flowing from several points in the landfill and mixing with the storm run-off flowing down the gully to the river," the report stated. "Paper, tires, tin cans and other debris were visible at least 2,000 feet beyond the base of the landfill."

In another document, the water board cited the county's concerns in 1996 about a fireworks display at Bradley Park in San Marcos, stating that the presence of methane gas at the site posed a risk of fire and explosion hazards. That particular site has little or no gas emissions today, said Jason Forga, a senior civil engineer for the county.

A 2004 cleanup and abatement order for the Valley Center landfill stated that pollution from the site was seeping into the lower San Luis Rey River and surrounding areas.

To correct those problems, county officials have installed systems to remove contaminated water and built gas-extraction wells that suck methane and other harmful vapors from the landfills before burning them, Stress said.

At the former San Marcos landfill near San Elijo Hills, bright yellow wildflowers and other native brush grow atop a 5-foot layer of clay soil that contains the trash. A county contractor, SCS Engineers, manages gas emissions, operating a 24-hour flare that burns methane and volatile organic compounds before they reach the air or groundwater. Another company, Fortistar Methane Group, uses gas flares to generate power, which it sells to SDG&E.

Officials also inspect the topography above the landfills for places where contaminated water might be pooling, adding dirt as needed to prevent runoff, Forga said.

The county orders monthly gas checks and conducts semiannual tests for groundwater pollution, officials said, and spends $5 million a year on monitoring and maintenance of closed landfills and burn sites countywide.

Odermatt, the water board's senior engineering geologist, said it's unclear how long that will be the case, adding that the board does "not speculate on how long monitoring and maintenance may continue."

Leaky bathtubs

The corrective measures, including covering the top of the landfills, help control but don't actually contain the contamination, county officials said.

"You have to think of the landfill as kind of a leaky bathtub, particularly where the liner's on top," said Cole, the Maryland-based environmental consultant. "Usually, they're not well constructed. They tend to crack, they develop fissures, they get eroded. Water infiltrates constantly and picks up contamination."

Cole said the water pressure in landfills is usually higher than surrounding areas, and can force contaminated water into untainted wells. He also said that volatile chemicals can pose a problem known as "vapor intrusion," when chemicals evaporate from groundwater and contaminate the air in nearby homes.

In Bonsall, monitoring wells along the perimeter of the sites have shown elevated levels of three chemicals, including tetrachloroethylene, according to the water board's cleanup and abatement order for the site.

The chemical, which can cause kidney and liver damage, and may lead to cancer or reproductive harm, has also shown up in a private agricultural well in the area, Prowell said.

It could affect 34 other nearby wells, including seven domestic wells and a number of agriculture wells, she said.

The county has proposed improving drainage on the site to reduce moisture in the buried debris and prevent runoff.

Although officials said the threat to drinking water is low, that risk could rise if more communities tap into groundwater, as Supervisor Horn has suggested they do. In January, Horn convened a panel of water experts to talk about how the county should explore groundwater use in order to stretch the region's water supply in backcountry areas.

Local water district officials said their groundwater is limited or isolated from the former landfills. But Daniel Tartakovsky, a UC San Diego engineering professor who sat on Horn's water panel last month, said the county has been overly conservative in its groundwater estimate. Without studying areas site by site, Tartakovsky said, the county may have underestimated water sources.

The long-term safety of landfills also weighs heavily on the permitting process for the proposed Gregory Canyon Landfill outside Fallbrook. The landfill is proposed for 308 acres of undeveloped land near Pala, alongside the San Luis Rey River. The county Department of Environmental Health must decide whether to issue the permit by April 1.

At a meeting last month, speakers including Pala Band of Mission Indians Chairman Robert Smith, county Supervisor Pam Slater-Price and other officials said the project threatens habitat, water and air quality. No landfill liner is fail-safe, they argued.

Gregory Canyon Ltd. consultant Richard Felago argued otherwise, saying the 8-foot-thick liner, composed of layers of gravel and synthetic material, would not leak.

In addition to the five-layer composite liner, the company's website stated, landfill plans would include a system to collect and contain landfill liquids, and a groundwater treatment plant to protect water quality.

Odermatt said groundwater hazards posed by aging landfills have led to greater scrutiny of new landfill design.

"That's one reason we've been very critical, and are taking a very hard look at the proposed Gregory Canyon design," he said. "Because the people out there don't get piped-in water. They get water from wells, so we're really looking at that hard."

Stress, with the county Public Works Department, said the slow decay of past trash requires ongoing attention. She said the county expects to manage older landfills in perpetuity.

"This monitoring is long-term," Stress said. "It's going to be going on for years ---- we think forever. We're going to be doing this until the landfill is a dry tomb."

Call staff writer Deborah Sullivan Brennan at 760-740-5420.

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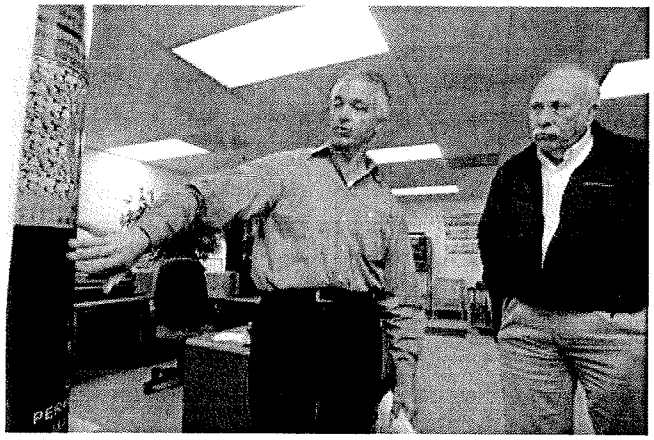
Is Gregory Canyon Landfill almost a reality?

BY J. HARRY JONES
SATURDAY, MARCH 5, 2011 AT 9:35 P.M.

After nearly 20 years, a company that has spent more than $60 million in a bid to build the Gregory Canyon landfill off state Route 76 could be just months from obtaining all the needed permits.



CHARLIE NEUMAN /P>

Gregory Canyon Landfill project manager Jim Simmons (at right) and project management adviser Richard Felago discuss their plans last week.

Whether the landfill, which would operate for 30 years and store 1 million tons of trash annually, will ever be developed is debatable.

Opponents have fought for years to delay the permitting decisions, and there is little doubt that even if the permits are granted, foes won't be giving up anytime soon.

There are always the courts and always appeals.

"We're moving on the basis that we have a solid position with regard to the impacts of this project," said Jim Simmons, project manager for Gregory Canyon Ltd. "We believe we can mitigate for every single one of them — physically, biologically, culturally. And at the end of the day, we will have a permit that will be upheld."

The private developer and the opponents are dug in deep for a fight. The opposition is well funded with gaming revenues generated by the casino run by the Pala Band of Mission Indians, which is just a couple of miles from the proposed landfill site.

Simmons said that in late 2009 the tribe made an offer to Gregory Canyon Ltd. to purchase the landfill property. He wouldn't say what was offered, but the offer was rejected.

Twice voters have been asked whether a landfill should be built south of state Route 76 about two miles west of the town of Pala, and twice — in 1994 and 2004 — they have overwhelmingly said yes.

Opposition to the dump comes from environmental groups, the Pala band and leaders of several North County cities worried that pollution from the dump might contaminate the San Luis Rey River.

Everett DeLano, an attorney who has been fighting the plans for more than a decade on behalf of environmental groups, said he doesn't believe the dump will ever be built.

Even if all permits are approved, he said, lawsuits and appeals will follow quickly. Every day that passes without a

bulldozer on the property is a victory, he said.

"The reason it's taken this long is because it's a bad idea in the first place," DeLano said. "Eventually the people who have spent all this money are going to say, 'We can't make this work.' I don't see how it makes economic sense."

Robert Smith, chairman of the Pala band, has been one of the strongest opposition voices. The landfill would be built on land adjacent to the reservation on the other side of a mountain the tribe considers sacred. He said the cultural significance of the area is vast, but it is the possible contamination of the river, which bisects the property, that is the main reason to oppose the project.

"It's not a NIMBY thing. It's a whole County of San Diego thing," Smith said.

The landfill would be built on 308 acres within a 1,770-acre parcel of land approximately three miles east of Interstate 15 and two miles southwest of the community of Pala. The remaining acreage would remain as open space.

Gregory Canyon Ltd. insists that the dump will be built in a way that ensures that the river will always be safe. It will have the best liner ever created and even if anything were to leak out — it won't, ever, says Gregory Canyon Ltd. management adviser Richard Felago — it would be quickly contained long before it gets to the river.

Opponents fear that some day, maybe hundreds of years from now, the landfill will leak toxins into the ground and eventually into the river. It's an environmental disaster waiting to happen, they say. There couldn't be a worse place to build a dump, they say. There is simply no such thing as a safe liner or containment system, they contend.

Future generations will have to deal with a series of critical decisions being made now.

Unlike most decisions outside municipal boundaries, the county's Board of Supervisors has no say in what happens.

In 1994, voters approved Proposition C, the Gregory Canyon Landfill and Recycling Collection Center Ordinance, by a vote of 68 percent to 32 percent. The vote amended the county's General Plan and Zoning Ordinance to allow a landfill without a major-use permit, thereby streamlining the project approval process and knocking the supervisors out of the decision-making process.

Ten years later, landfill opponents drafted and sponsored a second voter initiative, Proposition B, seeking to invalidate the 1994 initiative.

It remains the most expensive proposition campaign in county history, with both sides spending more than $6 million. It failed by a margin of 64 percent to 36 percent.

The final decisions now rest with five agencies, and all must issue permits for the landfill plans to proceed. They are: the county's Department of Environmental Health, the San Diego Regional Water Quality Control Board, the San Diego County Air Pollution Control District, the California Department of Fish and Game, and the U.S. Army Corps of Engineers.

All those agencies are expected to decide whether to issue permits this year, and the smart money says they will.

An environmental study of the project has been approved and upheld by the highest courts following years of litigation. Many of the permitting agencies must rely on that report during their deliberations. It says all impacts the landfill will have on the area can be sufficiently offset.

Complicating the pro-landfill argument is the way the entire region handles its trash. Back 20 years ago, just about everything that got thrown out would end up in a trash dump. Today, partly due to state mandates, more than 60 percent of the garbage in the average person's can is now diverted from landfills through recycling and other ecologically friendly ways.

Opponents say another landfill in the county is simply not needed. But Gregory Canyon Ltd. says the county's long-term trash plan depends on the North County dump and that right now about 850,000 tons of trash generated by North County residents is being trucked to landfills all over the county and even to Arizona.

Find this article at:
http://www.signonsandiego.com/news/2011/mar/05/gregory-canyon-landfill-almost-reality

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http://www.thevillagenews.com/story/54960/

Pala Tribe releases video sharing importance of preserving cultural site proposed for Gregory Canyon dump

Monday, March 14th, 2011
Issue 11, Volume 15.

PALA, CA – With decisions looming regarding several key permits for the proposed dump in Gregory Canyon in North East San Diego County, the Pala Band of Mission Indians has produced a video to tell the story of why they say it is essential to protect the sacredness of this important cultural site. The video can be viewed at http://www.savegregorycanyon.org/overview.

"It was important for us to create this video because it is the best way for us to share with the public why Gregory Canyon must be saved," said Robert Smith, Chairman of the Pala Band of Mission Indians. "It is easy for people to ignore the beauty of Gregory Canyon when they have not seen it, but the beauty of this pristine canyon; the ancient native drawings; and the rare North County Golden Eagle soaring above, not to mention the visual of how easy it is for the drinking water to be contaminated, are impossible to ignore. We know that not everyone can visit Gregory Canyon, but we hope that everyone will take a few moments to watch the video to see why so many people are fighting hard to protect it."

The video features stunning images of the untouched canyon, the San Luis Rey River and the wildlife that exists in Gregory Canyon. The video also includes interviews from San Diego County Supervisor Pam Slater-Price, Oceanside Mayor Jim Wood, local residents, and Pala Chairman Robert Smith.

The proposed Gregory Canyon Landfill project would be built on the bank of the San Luis Rey River and opponents say it threatens both surface and ground water, as well as a potential compromise of the two major San Diego County Water Authority pipelines. There are also 39 endangered and sensitive species that call Gregory Canyon home, they say.

At a recent public information meeting held by San Diego County Department of Environmental Health's Local Enforcement Agency (LEA) in Fallbrook, hundreds of residents showed up to tell the County why they should reject the application for a Solid Waste Disposal permit. The LEA is due to make a decision on the permit by April 1, 2011.

Even with approval from the LEA, the landfill will have to obtain permits from the San Diego Regional Water Quality Control Board, San Diego County Air Pollution Control District, California Department of Fish and Game and United States Army Corps of Engineers (including consultation with United States Fish and Wildlife Service.)

For more information on the opposition to Gregory Canyon go to www.savegregorycanyon.org

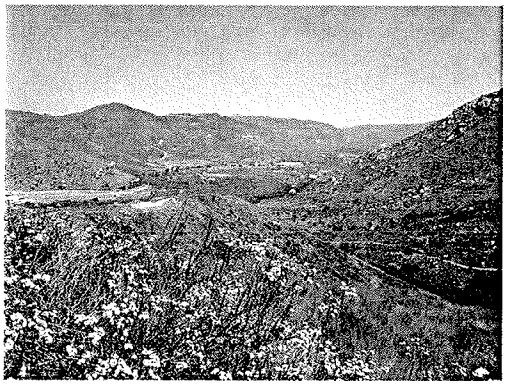
EAST COUNTY MAGAZINE

Published on *East County Magazine* (http://www.eastcountymagazine.org)

READER'S EDITORIAL: SUPERVISOR JACOB SHOULD PROTECT WILDLIFE, CULTURAL SITES AT GREGORY CANYON

More March 2011 Articles Editorial Dianne Jacob Gregory Canyon Landfill

By Ruth Harber, Secretary Treasurer, River Watch



March 14, 2011 (San Diego) --I applaud Supervisor Diane Jacob's endeavors to keep the Powerlink out of her district because of concerns for the environment.

However, I can't for the life of me understand why she would support the Gregory Canyon dump in the North County, where the canyon is also home to eagles and various endangered species, where it will desecrate Native American sacred sites, and where money seems to rule.

The Department of Environmental Health of the County always seems to bend over backwards to please the developers and their monied out of town and out of state investors.

If Supervisor Jacob has a good reason (other than "the people voted for it") for supporting the Gregory Canyon dump, I wish she'd let me know.

Note: Comments on this project are being accepted through March 24 by the County. Click here for details: http://www.sdcounty.ca.gov/deh/waste /chd_gregory.html

The opinions expressed in this editorial reflect the views of its author and do not necessarily reflect the views of East County Magazine. To submit an editorial for consideration, contact editor@eastcountymagazine.org.

More March 2011 Articles Editorial Dianne Jacob Gregory Canyon Landfill

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Panel cancels Gregory Canyon hearing

Pala attorney argues local hearing still needed

Joe Naiman
Village News Correspondent

Thursday, April 7th, 2011
Issue 14, Volume 15.

SHARE

A scheduled March 30 hearing of an appeal on the County of San Diego's decision that the Solid Waste Facility Permit application for the proposed Gregory Canyon Landfill is complete and correct was cancelled, causing the county's Department of Environmental Health to plan to forward the application to the state without a hearing and causing the Pala Band of Mission Indians to claim that a county hearing is still required.

The hearing of the Pala appeal was cancelled due to the lack of a quorum stemming from a conflict of interest definition approved earlier in March. The Department of Environmental Health, as the local enforcement agency, plans to send the application to CalRecycle (formerly the California Integrated Waste Management Board) without a local hearing. State law requires that the local enforcement agency hold a hearing when it receives a petition "from any person requesting the enforcement agency to review an alleged failure of the agency to act as requested by law or regulation".

"Indeed, the LEA has taken the position that it can ignore the statutory mandate, refuse to hold a hearing, and force a petitioner to appeal directly to CalRecycle," attorney Walter Rusinek, who is representing the Pala tribe, wrote in a March 31 letter to Department of Environmental Health director Jack Miller.

On February 1, the Department of Environmental Health made a determination that the most recent Gregory Canyon permit application was complete and correct. Pala requested a hearing on March 3.

In 1992 the San Diego County Board of Supervisors created the Solid Waste Hearing Panel to hear appeals of local enforcement agency permit or enforcement decisions. The hearing panel consists of three members, and all three members must be present to constitute a quorum. One of those members is required to be a member of the Board of Supervisors. A member of the general public who is appointed by the county supervisors also sits on the board, and the third member is also appointed by the Board of Supervisors but nominated by the San Diego County Disposal Association and chosen for his or her technical expertise and knowledge of solid waste management methods and technology. Neither the general public member nor the technical expert may be an active employee of the county.

The requirement that all three members be present to constitute a quorum left the hearing process vulnerable to cancellation due to a conflict of interest, so the county processed an amendment to allow for an alternate if one panel member had a conflict of interest related to the appeal. The Clerk of the Board of Supervisors will appoint a County Hearing Officer as an alternate if such a situation occurs. The amendment also clarified that a conflict of interest is presumed for an appeal involving a facility in direct competition with a facility in which a panel member has an employment-related interest.

The county supervisors approved the first reading and introduction of the ordinance amendment March 2, and on March 16 the supervisors approved the second reading and adoption. An ordinance takes effect 30 days after adoption, so the provision to appoint an alternate member had an April 15 implementation date.

The Solid Waste Hearing Panel currently consists of Supervisor Ron Roberts, Paul Manasjan, and Neil Mohr. Mohr is the general manager of facilities operated by Allied Waste which would be in competition with the Gregory Canyon landfill, so Mohr recused himself from the hearing.

Rusinek noted that the hearing panel is not required to make a decision but must hold a hearing unless the governing body, which is the Board of Supervisors, directs the hearing panel not to hold a hearing. "There is no evidence that the Board of Supervisors has directed the Hearing Panel not to hold a public hearing," Rusinek wrote. "Rather, that was an ultra vires decision of the LEA and that violates the law."

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A hearing must be held within 30 days of a request. Rusinek wrote that Pala would agree to waive the deadline, which has already passed, if the hearing is rescheduled for between April 16 and April 26.

The county plans to submit the permit application, including any written comments, to CalRecycle by April 29. If CalRecycle receives a petition, that agency would have 30 days to decide whether to hear the matter and another 30 days to hold an actual hearing.

1 comments

KopaJohn
Comment **#1** | 7 hours ago

Attention County Supervisors! Checks and balances ... don't pass your public duties on to the state. The composition of the hearing panel and requirement that all members be present to make a quorum seems designed to make the hearing process fail. Anyone nominated by the county Disposal Association to be on the hearing panel who's employed in the disposal industry is going to have a conflict of interest. A conspiracy buff would say the whole thing was planned to block appeals.

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FORUM: Do we even need to build another landfill?

By Damon Nagami | Posted: Friday, April 29, 2011 12:00 am

In a couple of weeks, the county of San Diego's Solid Waste Local Enforcement Agency will decide whether to grant a key permit for the proposed Gregory Canyon Landfill in North County, a 300-acre garbage dump that its proponents say will be the greenest landfill in the world.

The liner won't leak, the proponents promise, and the nearby earthquake faults pose no threat of unleashing millions of gallons of toxic leachate into the San Luis Rey River and the drinking water aquifers it feeds.

Of course, that's what you'd expect them to say. But they ignore the technological failures and natural disasters we've witnessed in recent months, first in the Gulf of Mexico and now in Japan.

It would be an enormous mistake for the county to ignore what can go wrong and approve this project. Back in the 1990s, the county's consultants rejected this exact location for a landfill because the site is on top of a drinking water aquifer, near an active earthquake fault, next to historical archaeological sites, within the San Luis Rey River's floodplain and in the middle of endangered species habitat. You could scarcely pick a worse spot for a garbage dump if you tried.

The landfill's severe environmental impacts have prompted the Environmental Protection Agency, the Army Corps of Engineers and the regional water board to scrutinize the project carefully and demand additional information about how the developer would mitigate these impacts.

And contrary to what some observers are saying, this controversy isn't about where the landfill should be built, but whether it needs to be built at all.

According to CalRecycle, the agency that regulates waste management in California, San Diego County has decreased its waste by 25 percent since 2005, partly because recycling rates are at all-time highs. At the same time, new technologies and techniques to manage trash more efficiently are being developed that will limit the need for landfills well into the future.

The bottom line is that finding yet another location to bury our garbage simply ignores the advances in how we dispose of our waste and whether the vast majority of it can be recycled through programs that provide good-paying, local jobs.

The landfill's proponents have sunk nearly 20 years and millions of dollars into this project and will do everything they can to save this money pit. However, the project was a bad idea when it was first suggested, and it is not needed now.

What we need is to continue adopting better trash management and recycling policies to allow existing landfills to work more efficiently, rather than facilitate the destruction and desecration of the Gregory Canyon site. Let's be smarter about how we manage our waste while protecting our sacred natural resources from permanent and unnecessary peril.

DAMON NAGAMI writes from Santa Monica on behalf of the Natural Resources Defense Council.

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LETTER

Vargas responds to landfill editorial

BY JUAN VARGAS
SATURDAY, MAY 7, 2011 AT MIDNIGHT

I am proudly authoring Senate Bill 833 to protect Gregory Canyon from becoming a landfill. The pristine, undeveloped nature of the canyon, located in northern San Diego County near the headwaters of the San Luis Rey River and among Native American sacred sites, must be preserved. Protecting the canyon means preserving clean drinking water for San Diego, defending an essential habitat for native and endangered species, and respecting the culture, and sacred and spiritual sites of the Luiseño people.

A Union-Tribune editorial April 29, "Sen. Vargas attempts a landfill end run," said my bill deserved to die. Fortunately, a bipartisan group of California legislators serving on our Environmental Quality Committee agreed with me on May 2, and voted to keep Gregory Canyon pristine. Not only did the committee support my efforts in saving Gregory Canyon from becoming a landfill, but the members found it easy to disregard points made in your editorial. I'd like to take a moment to clarify what I consider misstatements made in your editorial.

First, the proposed landfill would not be "high above" the San Luis Rey River, but within hundreds of feet. What would be above the river forever would be 30 million tons of garbage, hundreds of feet high, sitting on an aquifer system that ultimately supplies critical water supplies to residents and cities such as Oceanside. Oceanside draws water from the same aquifers this project potentially would impact. The same is true for farms in the San Luis Rey Valley that pull from ground water. Beyond North County, the project also would threaten two pipelines that provide a critical source of imported water to the entire San Diego region.

Recent events have made me skeptical of claims that proper engineering would protect critical water resources now and in the future. Proper engineering did not prevent nuclear fallout in Japan. Forever too often is not forever. We must be smart.

The statement that the bill's definition of sacred sites is vague is also wrong. The bill only applies to sites listed by the Native American Heritage Commission. The editorial stated that "the county did a detailed analysis of potential impacts on Indian culture and concluded that there are none that could be objectively verified." My understanding is that the county concluded the project would cause significant and immitigable impacts to these sites. Building a landfill in Gregory Canyon is like building a landfill next door to a church.

What about the premise that we need more landfills for the trash we produce? The per-capita amount of waste disposed in the county has dropped in the past five years as recycling has increased. That trend will continue and green technologies will make the waste we currently bury a valuable commodity for clean energy or other purposes. In short, we don't need another landfill given our current capacity at other sites that don't have the impacts Gregory Canyon would cause.

I originally supported the Gregory Canyon landfill project, but when I personally visited the site, I realized my support

had been wrong. Not only did I realize that dumping 30 million tons of garbage in a canyon that ended at a river would be a terrible mistake for future generations, but also that spoiling an area considered sacred by Native Americans would be inexcusable. If our elected officials don't protect our future, then who else will? The passage of SB 833 will do just that.

Finally, the members of the San Diego Chapter of the Sierra Club, the Surfrider Foundation, the California Small Business Association and Small Business California are proud to support my two bills cited in your article – the other would require that stores exceeding 90,000 square feet would have to complete economic impact analyses before they could sell groceries – and are groups that you chose to call special interests. Each bill has broad coalitions of support, filled with caring individuals who are committed to protecting what's important. You can't just toss them out with the trash.

The author is a Democratic state senator from San Diego.

Find this article at:
http://www.signonsandiego.com/news/2011/may/07/vargas-responds-to-landfill-editorial

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Sen. Vargas attempts a landfill end run

BY UNION-TRIBUNE EDITORIAL BOARD

FRIDAY, APRIL 29, 2011 AT MIDNIGHT

Find this article at:
https://ww.signonsandiego.com/news/2011/apr/29/sen-vargas-attempts-a-landfill-end-run
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A last-ditch attempt to kill the Gregory Canyon landfill in North County is before the Legislature in the form of a poorly crafted bill being carried for moneyed special interests.

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Senate Bill 823 by Sen. Juan Vargas, D-San Diego, would prohibit a landfill within 1,000 feet of the San Luis River or contributing aquifer, or within a site that is considered sacred or of cultural importance by an Indian tribe. The Pala Band of Mission Indians, which operates a casino nearby, opposes the landfill.

This is bad legislation. The state has no business getting involved in such a local or regional issue.

This bill would trump the will of the voters who overwhelmingly approved the landfill twice.

It would negate almost 20 years of effort to establish a much-needed landfill for North County, which lacks a facility of its own and must truck 850,000 tons of material a year as far away as Arizona.

Vargas' bill would usurp the authority of a host of regulatory agencies that have spent the bulk of two decades in considering the landfill and ensuring public safeguards are in place.

Conveniently, this legislation sets a vague definition of "sacred site," leaving that to the interpretation of an opposing tribe. There is no mention that the county did a detailed analysis of potential impacts on Indian culture and concluded that there are none that could be objectively verified. Or that the tribe did not challenge the accuracy of the finding.

This is the second time this year that Vargas has attempted to thwart local processes by doing an end run in the Legislature and carrying a bill for deep-pocketed special interests. He introduced an anti-Walmart bill that would require economic impact analyses as part of the permitting process. This came after the San Diego City Council rescinded a similar ordinance rather than pay the costs of an election for the public to decide.

Gregory Canyon has been fought and re-fought. Two public votes, 17 years of studies, public hearings and public input. Litigation at virtually every step of the way.

The proposed landfill is in the final stages of obtaining permits from the Air Pollution Control District, the Regional Water Quality Control District and the Army Corps of Engineers, all probably this year.

The landfill site is high above the San Luis Rey River and state Route 76, three miles east of Interstate 15. Besides extensive runoff collection and subdrain systems, the trash repository would be covered by 12 layers of soil, gravel, clay and synthetic liners.

The will of the people should not be thwarted by legislative decree on behalf of a well-financed special interest. Vargas' bill is due for a hearing Monday before the Senate Environmental Quality Committee with Sen. Christine Kehoe, D-San Diego, among the seven members. That is where the bill deserves to die.

PALA: Pala tribe challenges Gregory Canyon landfill application

Public comment period extended to April 21

By GARY WARTH - gwarth@nctimes.com | Posted: Sunday, March 27, 2011 7:25 pm

A county panel will hear an appeal Wednesday challenging the application for an operating permit for the Gregory Canyon landfill.

The hearing is scheduled for 10:30 a.m. before the San Diego County Solid Waste Hearing Panel at the Department of Planning and Land Use, Suite B, 5201 Ruffin Road, San Diego.

Developer Gregory Canyon Ltd. has been working about 17 years to gain approval for the project, and several permits from various agencies still are needed.

The landfill is proposed for 308 acres in an undeveloped, 1,770-acre parcel near Pala. The site crosses the San Luis Rey River, and is south of Highway 76 and about three miles east of Interstate 15.

Most recently, the developer has attempted to obtain a permit to operate a landfill on the site. The permit had been granted, but it was rescinded after the environmental group RiverWatch and the Pala Band of Mission Indians sued Gregory Canyon Ltd. and the county Department of Environmental Health, arguing that the project's environmental impact report was inadequate.

A judge agreed that the report did not address all the issues required by the California Environmental Quality Act.

Gregory Canyon Ltd. reapplied for the permit, and in early February the county Department of Environmental Health accepted the application as complete.

Attorney Walter Rusinek, acting on behalf of the Pala Band, has appealed the department's decision. Rusinek said the appeal addresses several topics, such as preliminary plans to close the landfill as well as several technical points.

The hearing will be before the San Diego County Solid Waste Hearing Panel, an independent board that hears appeals from solid waste decisions the enforcement agency makes regarding inspections, permitting and enforcement activities. Its members are county Supervisor Ron Roberts, Neal Mohr and Paul Manasjan.

If the panel decides in favor of the developer, the application will continue to the Department of Environmental Health, which has until April 29 to review it and decide if it should be forwarded to the state Department of Resources, Recycling and Recovery.

A previous deadline to decide on the application was extended for a month because of the appeal. Likewise, the public review period has been extend to April 21. All comments received by then will be included in the package to the state agency.

People can submit written comments by email to DEHComments@sdcounty.ca.gov or by mail to the County of San Diego LEA Program, 5500 Overland Drive, Suite 110, San Diego, CA 92123.

The county Department of Environmental Health is acting as the local enforcement agency in partnership with CalRecycle in issues regarding the Gregory Canyon landfill.

Call staff writer Gary Warth at 760-740-5410.

FALLBROOK: Gregory Canyon landfill hearing delayed

By GARY WARTH - gwarth@nctimes.com | Posted: Tuesday, March 29, 2011 5:47 pm

SAN DIEGO ---- A hearing that had been scheduled for 10:30 a.m. Wednesday on the appeal of a permit application for the proposed Gregory Canyon landfill has been delayed.

A new date has not yet been announced.

The appeal was filed by the Pala Band of Mission Indians, who challenged whether developer Gregory Canyon Ltd. had adequately completed an application seeking an operating permit for the proposed landfill. The San Diego County Solid Waste Hearing Panel had been scheduled to hear the appeal.

Call staff writer Gary Warth at 760-740-5410.

FALLBROOK: Panel member recuses self from Gregory Canyon hearing

New date, place not yet scheduled for landfill application appeal

By GARY WARTH - gwarth@nctimes.com | Posted: Wednesday, March 30, 2011 7:36 pm

Saying he had a conflict of interest, a county appointee recused himself from a panel that on Wednesday was scheduled to hear an appeal for an application for a permit to operate a landfill in Gregory Canyon near Pala.

Neal Mohr, one of three members of the San Diego County Solid Waste Hearing Panel, recused himself from the hearing because he is the general manager of the Sycamore Canyon, Otay, Ramona and Borrego landfills, according to an e-mail from county counsel Paul Mehnert.

Earlier this month, the county Board of Supervisors adopted an amendment to an ordinance addressing membership to the panel.

The amended ordinance says that a panel member cannot participate in a hearing about a facility that would operate in direct competition with another facility the member has a financial interest in.

The appeal, filed by attorney Walter Rusinek on behalf of the Pala Band of Mission Indians, challenged whether developer Gregory Canyon Ltd. had adequately completed an application for a operating permit for the proposed landfill.

The county Department of Environmental Health, acting in partnership with the state as the lead enforcement agency on the project, accepted the application as complete in February, but it has not yet granted an operating permit for the project. Other state and federal agencies still must grant additional permits before the landfill can be built.

Rusinek filed an appeal to the environmental health department's decision to accept the application. On Wednesday, he said he was surprised to learn that Mohr had abruptly recused himself from the panel the day for the scheduled meeting.

County counsel Rob Lorang said it is unlikely that the panel will have time to seat an alternate and hear the appeal before Saturday, the deadline for the environmental health department to make a decision, because newly approved rules for seating an alternate will not be in effect until mid-April.

Lorang said the Pala Band instead can ask California Department of Resources Recycling and Recovery (CalRecycle) in Sacramento to hear the appeal.

Rusinek said he has not decided if that should be his next step, adding that he is not convinced that the county can't seat an alternate and hear the appeal in San Diego before the April 2 deadline.

"I'm considering all these options," he said.

In the appeal, Rusinek argued that Gregory Canyon Ltd.'s application did not adequately address a closure plan for the landfill or ensure that an aqueduct through the property would be protected.

The landfill is proposed for 308 acres in an undeveloped, 1,770-acre parcel near Pala. The site crosses the San Luis Rey River, and is south of Highway 76 and about three miles east of Interstate 15.

Call staff writer Gary Warth at 760-740-5410.

TRAGESER: Finding a better location

By JIM TRAGESER - jtrageser@nctimes.com | Posted: Sunday, April 10, 2011 12:00 am

I'm not much for tossing the acronym "NIMBY" about. And I'm not going to start today.

If folks in a particular neighborhood won't defend it, then who will?

Now, some of those "defenses" sometimes confuse me, as with the high-end Carlsbad neighborhood whose residents banded together two years ago to oppose a group home for young adults with autism.

The opposition to the proposed Gregory Canyon landfill and the Liberty Quarry projects are more understandable. Who wants a trash dump or gravel pit near their home? I'd likely oppose either in my neighborhood, too.

At the same time, though, it strikes me that those leading the opposition to these projects would improve their causes' community standing were they to work as hard at finding alternative locations as they are at opposing the current proposals.

Because the fact remains that the demand these two projects seek to meet is going to remain, even if these specific plans are rejected.

As long as those of us who live in North San Diego County are generating trash, we're going to need a landfill. It's unfair to ask other regions to dispose of our waste for us. If we want to live the disposable lifestyle (and, collectively, it's pretty clear we do), then we need to accept some of the consequences of that.

The same goes for the proposed Liberty Quarry in Riverside County. If there wasn't a pressing need for gravel and other construction materials, Granite Construction wouldn't want to build the quarry.

It's hard to avoid the notion that we all want the benefits of modern life, but not the negative impacts.

Perhaps Gregory Canyon is not the right location for a landfill.

Then opponents should step up and help find an appropriate landfill site.

Perhaps the 135-acre site south of Temecula is not the place to put a quarry.

So let's put our best minds together and find another site that will serve equally well.

Sometimes simply saying no isn't enough. Negative-impact projects such as landfills and rock quarries are, unfortunately, necessary to our modern standard of living. We are going to have them, somewhere ---- and deciding which somewhere is the right one is often a process of finding the least objectionable location.

If you want to keep these projects out of your neck of the woods, then it behooves you to make the case that there is another location that is less objectionable than yours.

And the surest way to do that is to find that location for the rest of us.

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