



PALA BAND OF MISSION INDIANS

Pala Band claims small victory in landfill fight

Landfill foes laud cancellation of permit application

North County Times, The Californian, by Tom Pfingsten, Staff Writer
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FALLBROOK ---- Opponents of a proposed landfill near Pala declared a small victory Wednesday over the recent cancellation of Gregory Canyon Ltd.'s air-quality permit application, a move they say will slow the company's plan to dump solid waste in Gregory Canyon.

The air-quality permit application, one of two major permits required before construction can begin, was canceled June 2 due to inadequate information and a missed deadline, an Air Pollution Control District engineer, Alta Stengel, said this week.

"Gregory Canyon had not submitted all the information needed to process their application," she said, emphasizing that the cancellation did not amount to a denial, and that the application can be resubmitted without prejudice.

Gregory Canyon Ltd. officials were unavailable for comment Wednesday, but said through a spokesman that the cancellation was an insignificant administrative procedure to buy more time for preparing the permit application.

Lenore Volturno, environmental director for the Pala Band of Mission Indians, called the delay a victory for the tribe, which has vehemently protested the idea of a dump being built two miles from the reservation.

"The agencies are finally taking a real look at what we've been saying all along: that there are a lot of issues with the project that are unresolved," said Volturno.

Two lawsuits challenging the proposed dump also threaten to further postpone construction of the \$60 million solid-waste facility at Gregory Canyon, a natural gorge just south of Highway 76, about three miles east of Interstate 15.

The first suit, filed last fall and scheduled for its first hearing in Vista's Superior Court on Friday, alleges that the environmental impact report completed by Gregory Canyon Ltd. understated the effects that a landfill would have on the sensitive river habitat it would border.

RiverWatch, the Pala Band of Mission Indians and the city of Oceanside are listed as plaintiffs in that suit; Gregory Canyon Ltd. and San Diego County are listed as defendants.

The second lawsuit alleges that the project, approved by voters in 1994 in the form of Proposition C, is different from the one Gregory Canyon Ltd. now seeks to build.

Meanwhile, Pala attorneys and environmental officials are calling for the removal of construction materials stored at the Gregory Canyon site since 2003. Numerous violations have been recorded by the county's code enforcement office, said Pala lawyer Ted Griswold, but nothing has been done to force removal of the materials.

"It's storage of industrial materials without a permit," Griswold said of the assortment of concrete barriers, utility poles and containers that are easily visible from Highway 76. "More importantly, it's



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allowing a project proponent to essentially begin construction before the discretionary approvals are made. It gives the proponent an unfair business advantage, and it also shows the decisions that the county would make on this project are predetermined."

San Diego County attorney Eliot Alazraki confirmed Wednesday that several citations had been issued for code violations resulting from stored construction materials at an old dairy that is part of the Gregory Canyon site.

Alazraki said Gregory Canyon Ltd. paid the fines associated with the citations months ago, and that no further action is expected.

"The file is closed, from what I remember," he said. "We made a decision to allow them to continue because it seems that they are very far along in their permit process, and it didn't make sense for them to make them get rid of (the materials) and then bring them back once their permit is granted."

Griswold countered that the developer still has "a long row to hoe."

"That stuff's going to be up there a long time, because they've got a long way to go for their approvals," he said.

Besides the air-quality permit, for which Gregory Canyon Ltd. will ostensibly reapply, the project requires the approval of the Regional Water Quality Control Board, and must secure a host of smaller permits and overcome the legal challenges it currently faces in order to move forward.