

Porter



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SUPERVISOR, THIRD DISTRICT  
SAN DIEGO COUNTY BOARD OF SUPERVISORS

SAN DIEGO REGIONAL  
WATER QUALITY  
CONTROL BOARD

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John Robertus  
Executive Officer  
California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4353

**Re: Water Quality Certification 09C-073 for the Proposed Gregory Canyon Landfill**

Dear Mr. Robertus:

I am writing to register my strongest opposition to certification of the proposed Gregory Canyon landfill.

The Regional Water Quality Control Board's application for certification, which is required for construction of the proposed landfill, in my view violates the Board's obligation under the Clean Water Act - and state law - to preserve and protect waters in the state.

Approving certification means Gregory Canyon has met all requirements to protect state waters.

Yet at the same time as applying for certification, the applicant is still seeking Section 401 certification for construction of the bridge needed to access the proposed landfill. Under that application process, the Army Corps of Engineers is in the process of determining whether a Clean Water Act Section 404 permit also will be required to place fill in the creek in Gregory Canyon itself.

**Because the Army Corps has not resolved that issue – which involves protecting state water – I cannot fathom why the Regional Board is even considering the Section 401 application at this time.**

Even if it was determined that a Section 404 fill permit was the only permit needed to construct the bridge, that should not limit the scope of the Regional Board's review of the project.

The fact is that without the bridge, the proposed landfill could not be constructed. This means that the Regional Board has both the authority and the obligation under Section 401 to consider the water quality impacts of the entire project, not merely the impacts of the construction of the bridge.

The Regional Board previously was scheduled to consider the Section 401 certification as part of its consideration of Tentative Order No. R9-2009-0004 during a regularly scheduled Board meeting. Hundreds of members of the public submitted comments opposing the Tentative Order and the Section 4021 certification, and were prepared to attend the Regional Board meeting to express their concerns in person. Those comments showed that there is significant and broad opposition to this highly controversial project.

Allowing bridge construction has much greater implications:

It allows access to a landfill that once under operation will threaten critical drinking water sources and the San Luis Rey River itself.

It will cause significant impacts to important habitat for the endangered species that are present on the site.

The proposed landfill will desecrate sacred Indian sites, including Gregory Mountain and Medicine Rock.

The Regional Board cannot simply ignore the religious and spiritual beliefs and interests of Native American tribes. To do so would directly conflict with the Regional Board's continuing obligation to consider environmental justice issues when during the permitting process.

The Regional Board must deny the certification because the project will threaten the San Luis Rey River and other important sources of drinking water, will negatively impact endangered species, and will desecrate sacred Native American sites.

If the Regional Board decides to consider the Section 401 application further, it should both extend the comment period on the certification to allow the public an opportunity to consider a completed application, and speak to the issues mentioned in this letter. The Regional Board properly made the decision to address the issue at a previous public meeting and it should not reverse itself now due to the lobbying efforts of the project proponents.

Gregory Canyon is the wrong place for a landfill. This Regional Board has not allowed a landfill to be built immediately adjacent to a river, and it should not do so now.

I strongly urge the Regional Board to not let a bad decision on the proposed landfill be its legacy.

Sincerely,



PAM SLATER-PRICE  
Vice Chairwoman  
San Diego County Board of Supervisors

PSP/jw

cc: Senator Dianne Feinstein  
Senator Barbara Boxer  
Congressman Darrell Issa, 49<sup>th</sup> District  
Congressman Brian Bilbray, 50<sup>th</sup> District  
Congressman Bob Filner, 51<sup>st</sup> District  
Congressman Duncan Hunter, Jr., 52<sup>nd</sup> District  
Congresswoman Susan Davis, 35<sup>th</sup> District  
State Senator Christine Kehoe, 39<sup>th</sup> District  
Assemblyman Pedro Nava, 35<sup>th</sup> District  
Assemblyman Kevin Jeffries, 66<sup>th</sup> District  
Assemblywoman Diane Harkey, 73<sup>rd</sup> District  
Assemblywoman Lori Saldana, 76<sup>th</sup> District  
Chairwoman Dianne Jacob, SD County Board of Supervisors  
Supervisor Greg Cox, SD County Board of Supervisors  
Supervisor Ron Roberts, SD County Board of Supervisors  
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Mayor Jim Wood, City of Oceanside  
Mayor Bud Lewis, City of Carlsbad & Chairman, SD County Water Authority  
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Councilwoman Donna Frye, City of San Diego  
Councilwoman Marti Emerald, City of San Diego  
Maureen Stapleton, SD County Water Authority  
Robert Smith, Tribal Chairman, Pala Band of Mission Indians  
Lenore Lamb, Pala Band of Mission Indians  
Joel Reynolds, Natural Resources Defense Council  
Damon Nagami, Natural Resources Defense Council  
Todd Cardiff, Surfrider Foundation, SD Chapter

Scott Harrison, Surfrider Foundation, SD Chapter  
Johnny Pappas, Surfrider Foundation, SD Chapter  
Stefanie Seckich, Surfrider Foundation, SD Chapter  
Edward Kimura, Sierra Club, SD Chapter  
Bruce Resnick, San Diego Coastkeeper  
Gabriel Solmer, San Diego Coastkeeper  
Dan Silver, Endangered Habitate League  
Mark Schlosberg, Food & Water Watch  
Marco Gonzalez, Coastal Environmental Rights Foundation  
Serge Dedina, Wildcoast