



NATURAL RESOURCES DEFENSE COUNCIL

July 9, 2009

Via E-mail (ctamaki@waterboards.ca.gov) and FedEx

California Regional Water Quality Control Board
San Diego Region
Attention: Ms. Carol Tamaki
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Re: Opposition to Issuance of Waste Discharge Requirements for the Gregory Canyon Landfill, San Diego County (Tentative Order No. R9-2009-0004)

Dear Regional Board Members:

On behalf of the Natural Resources Defense Council (NRDC) and its more than 1.2 million members and activists, over 250,000 of whom live in California, I am writing to express our strong opposition to the proposed Gregory Canyon Landfill and to urge you not to adopt the waste discharge requirements in the above-referenced Tentative Order. Gregory Canyon is part of a unique California ecosystem of chaparral and coastal sage scrub habitat and serves as home to several endangered and other important species. The Landfill would have devastating impacts on the environment, including the destruction of some of the last remaining unspoiled wildlands in the region and the desecration of several sacred Native American sites.

The area surrounding Gregory Canyon also houses several important drinking water sources that serve thousands of residents and businesses throughout the region. There is a very real concern that toxic chemicals from the Landfill could leak into the fractured bedrock aquifers that lie beneath the banks of the San Luis Rey River, the aqueducts operated by the San Diego County Water Authority, and even the San Luis Rey River itself. Heavy rains, earthquakes, or a number of other factors could cause the Landfill's liner to break, which would result in irreversible harm to these critical water resources. For these reasons, the San Diego County Water Authority, a host of elected officials and other groups, and the Regional Board's own staff all have expressed grave concerns about the Landfill's potential to leak pollutants into the groundwater supplies.

We are also troubled by the Regional Board's decision not to extend the public comment deadline on this matter, despite the fact that issues have arisen recently that will need to be addressed before any public hearing can proceed. As the Regional Board acknowledges in its June 26th letter, the proposed Landfill does not have a source of

water, and significant CEQA issues regarding the Landfill still need to be resolved. As a result, the Regional Board has been forced to postpone the public hearing indefinitely. Nevertheless, the Board insists on closing the public comment period on July 12th as originally planned.

The Regional Board's refusal to extend the comment period is contrary to the letter and spirit of the public participation provisions of the Porter-Cologne Water Quality Control Act. *See, e.g.*, Cal. Water Code §§ 13378 (requiring public notice and hearing prior to issuance of discharge requirements), 13292 (establishing internal review process to ensure "fair, timely, and equal access to all participants in regional board proceedings"). Indeed, the Regional Board's April 10, 2009 notice announcing the public comment period insists that Board "wishes to obtain public input on this matter" and that "[p]ublic participation is encouraged," which makes the Board's reluctance to extend the comment period that much more perplexing. This decision is unfair to the affected community and other interested members of the public, who will be shut out of the public participation process even though new information is certain to come to light as a new water source for the Landfill is sought and the project's proponents address the outstanding CEQA issues. This is unacceptable to the affected communities and all other stakeholders who are relying on the Regional Board to consider all relevant input on this project and make a truly informed decision.

Because of the unacceptable risk the proposed Landfill poses to the region's precious drinking water sources, and the undeniable need to protect our water supplies in the face of an extensive drought and a changing climate, we respectfully urge the Regional Board not to adopt the waste discharge requirements in the above-referenced Tentative Order. We also urge the Board to extend the public comment deadline to allow the affected community and other interested stakeholders to continue to participate meaningfully in this process. Thank you for considering our views on this matter. If you have any questions, please feel free to contact me at (310) 434-2300.

Very truly yours,



Damon Nagami
Staff Attorney