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March 25, 2016

Scott Smithline, Director
Department of Resources Recycling and Recovery
1001 I Street
Sacramento, CA 95814

VIA EMAIL AND FIRST CLASS MAIL

Re: Appeal of San Diego County Local Enforcement Agency Hearing Panel Decision
on Gregory Canyon Landfill, Issued February 11, 2016

Dear Mr. Smithline:

Enclosed is the response of GCL, LLC, the owner of the Gregory Canyon Landfill property, to the petition submitted by the Pala Band of Mission Indians.

As was the case at the LEA Hearing Panel, GCL, LLC seeks leave to participate in and intervene as a party to this matter, as the Real Party in Interest.

Sincerely,



E. William Hutton

Enclosure

cc: Rodney F. Lorang, Esq. (w/encl.)
Walter E. Rusinek, Esq. (w/encl.)
Elliot Block, Esq. (w/encl.)
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9 Attorneys for Real Party in Interest
10 GCL, LLC

11 **BEFORE THE CALIFORNIA DEPARTMENT**
12 **OF RESOURCES RECYCLING AND RECOVERY**

13
14 PALA BAND OF MISSION INDIANS,
15 Petitioner

16
17 v.

18 SAN DIEGO COUNTY DEPARTMENT OF
19 ENVIRONMENTAL HEALTH, SOLID
WASTE LOCAL ENFORCEMENT
20 AGENCY,

21 Respondent

22 GCL, LLC, a Delaware limited liability
23 company,

24 Real Party in Interest
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) APPEAL OF SAN DIEGO COUNTY
) LOCAL ENFORCEMENT AGENCY
) HEARING PANEL DECISION ON
) GREGORY CANYON LANDFILL
) ISSUED FEBRUARY 11, 2016

) Public Resources Code §§ 44307,
) 45030 et. seq

) RESPONSE OF REAL PARTY IN
) INTEREST, GCL, LLC

1 GCL, LLC, by filing this response, requests that CalRecycle make the
2 following determinations:
3

4 1. That GCL, LLC be granted leave to participate in and intervene as a
5 party to this matter, as the Real Party in Interest. GCL, LLC is the
6 owner of the real property on which the partial demolition work would
7 occur, and would be the entity undertaking the work. As the property
8 owner, it has unique knowledge as to the condition of the property and
9 the circumstances leading to its decision to undertake the work.
10 CalRecycle allowed for intervention by the permittee and property
11 owner in its March 15, 2016 Decision in *City of Milpitas v. City of San*
12 *Jose Department of Planning, Building Code Enforcement, Local*
13 *Enforcement Agency*. GCL, LLC respectfully requests that its factual
14 documentation and legal argument, presented in writing and at the
15 February 11, 2016 hearing to the LEA Hearing Panel, be considered by
16 CalRecycle. GCL, LLC also respectfully requests the opportunity to
17 appear and present argument in the event a live hearing is scheduled in
18 this matter.

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20 2. That CalRecycle uphold the decision of the LEA Hearing Panel, which
21 found that the partial demolition of abandoned structures on the GCL,
22 LLC property would not constitute the initiation of construction of the
23 Gregory Canyon Landfill. GCL, LLC is merely exercising the right of
24 every property owner to make its property safer. GCL, LLC submits
25 on the record before the LEA Hearing Panel, and in addition adopts the
26 response filed with CalRecycle by the San Diego County Department
27 of Environmental Health, Local Enforcement Agency.
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1 GCL, LLC also wishes to notify CalRecycle that the partial demolition
2 work would not commence until September 15, 2016 at the earliest.
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4 DATED: *March 25, 2016*

LAW OFFICES OF E. WILLIAM HUTTON,
P.C.

6 By: *E. William Hutton*

7 E. William Hutton
8 Attorney for Real Party in Interest
9 GCL, LLC
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