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October 3, 2014

VIA FEDERAL EXPRESS

OCT - 6 2014

Ms. Caroll Mortensen, Director
Department of Resources Recycling and
Recovery (CalRecycle)
1001 I Street-- P.O. Box 4025
MS-25A
Sacramento CA 95812-4025

Re: Appeal of the Decision by the San Diego County Local Enforcement
Agency Hearing Panel Issued September 26, 2014

Dear Ms. Mortensen:

On behalf our client, the Pala Band of Mission Indians, we hereby request that, pursuant to Public Resources Code § 45030, the California Department of Resources Recycling and Recovery ("CalRecycle") review the decision of the San Diego County Local Enforcement Agency Hearing Panel ("LEA Hearing Panel") identified above. Attached to this letter is a Statement of Issues supporting the appeal.

The Statement of Issues provides more detail on the basis for the initial hearing before the LEA Hearing Panel and this appeal. But the underlying issue is the LEA's failure to require Gregory Canyon Ltd., LLC to remove construction debris from its property generated during the installation of the natural gas pipeline across that property by the owners of the Orange Grove Power Plant. Our claim is that the continuing disposal of this construction constitutes the illegal operation of the solid waste disposal facility for which the LEA should have issued a cease and desist order. The LEA Hearing Panel rejected that claim, holding that it was time barred.

Please note that this Request for Appeal addresses the LEA Hearing Panel's decision after a consolidated hearing held on two separate Requests for Hearing submitted by the Pala Band on July 28, 2014, and August 28, 2014. Additional

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information on why there were two hearings requested is included in the Statement of Issues.

Thank you for your attention to this matter. All correspondence on this issue can be directed to our offices.

Sincerely,

Walter E. Rusinek

WER
Enclosure

cc: Robert Smith, Chairman, Pala Band of Mission Indians
Shasta Gaughen, Tribal Historic Preservation Officer and Director, Pala
Environmental Department
Damon Nagami, Esq., NRDC
Everett L. DeLano III, Esq.
Supervisor Dave Roberts