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U.S. ARMY CORPS OF ENGINEERS

IN RE GREGORY CANYON LANDFILL, LTD.
APPLICATION FOR A CORPS PERMIT

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PUBLIC HEARING  
TRANSCRIPT OF PROCEEDINGS

January 31, 2013  
6:00 p.m.

340 North Escondido Boulevard  
Escondido, California

Lynne E. Woodward, RPR, CSR No. 10440

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APPEARANCES

From U.S. Army Corps of Engineers:

COLONEL MARK TOY  
Commander of the Los Angeles District

THERESE BRADFORD  
DAVID CASTANON  
BILL MILLER  
GREGORY FUDERER

From PCR Services Corporation:

LUCI HISE-FISHER  
JAY ZIFF

1 ESCONDIDO, CALIFORNIA, THURSDAY, JANUARY 31,

2 6:00 P.M.

3  
4 THERESE BRADFORD: Good evening. Welcome to  
5 the Public Hearing for the Gregory Canyon Landfill  
6 Environmental Impact Statement. I'm Therese Bradford  
7 and I'm with the Regulatory Division of the Army  
8 Corps of Engineers, and I work in Carlsbad. We have  
9 a staff there.

10 I was going to introduce all the Corps  
11 staff that are here, but I think you probably met  
12 most of them as you were coming in and they were  
13 making you sign in and all that jazz.

14 So if at any point during the hearing  
15 you have any issues or problems that you need to  
16 address, please look for the Corps shirts with the  
17 little castle on it, and any of the Corps staff will  
18 be circulating around the room to assist you with  
19 that.

20 At our front table we have Mr. Bill  
21 Miller, who is the senior project manager for Gregory  
22 Canyon from the Corps. He's the person running the  
23 process.

24 And we also have Ms. Luci Hise.  
25 Actually, she's not at the front table. Where is

1 Luci? There's Luci with her hand up, and she will be  
2 giving a presentation here today. She works for PCR,  
3 which is the company that we've been working with to  
4 develop the Draft EIS.

5 And Dave Castanon, my boss. Say nice  
6 thing things to him please. He works for the  
7 Regulatory Division. He's based in Ventura.

8 And then our court reporter, who will be  
9 transcribing everything that we say this evening, so  
10 please keep her in mind because she is going to be  
11 taking down every word that you say.

12 And finally, and introduce -- to  
13 introduce our Colonel, Colonel Mark Toy, Commander of  
14 the U.S. Army Corps of Engineers, Los Angeles  
15 District.

16 And at this time I'd like to turn it  
17 over to Colonel Toy.

18 COLONEL MARK TOY: Well, good evening, ladies  
19 and gentlemen. My name is Colonel Mark Toy. I'm  
20 Commander of the Los Angeles District of the U.S.  
21 Army Corps of Engineers.

22 On behalf of the Corps of Engineers I'd  
23 like to welcome all of you to this public hearing.

24 For a bit of background as to why we are  
25 all here today, Gregory Canyon Limited, or GCL,

1 proposes to construct a landfill that includes  
2 building a bridge across the San Luis Rey River, and  
3 filling in a portion of the stream in Gregory Canyon  
4 in Northern San Diego County.

5 The work within the San Luis Rey River  
6 in Gregory Canyon requires a Standard Individual  
7 Permit under Section 404 of the Clean Water Act in  
8 the Corps' Regulatory Program.

9 Because Federal permits qualify as  
10 Federal actions, the Corps must also comply with the  
11 National Environmental Policy Act or NEPA.

12 The Corps determined that this proposed  
13 project could result in significant impacts due to  
14 the nature and scope of the proposed activities  
15 involving impacts to Corps jurisdiction, and  
16 therefore requires an Environmental Impact Statement,  
17 or EIS.

18 My staff has been working on the  
19 development of a Draft EIS since our scoping meeting  
20 in June 2010.

21 As many of you know, on December 12,  
22 2012, we issued a public notice announcing the  
23 availability of the Gregory Canyon Landfill Draft EIS  
24 for public review and comment, which included  
25 information on this public hearing meeting, followed

1 by publishing our notice of availability in the  
2 Federal register of the Draft EIS.

3 Bill Miller will get into more specifics  
4 during his presentation of the Corps' role and  
5 responsibilities in just a moment.

6 At this public hearing this evening, the  
7 Corps is requesting oral and written comments on the  
8 Draft EIS that should be considered in our final EIS  
9 and permit action under Section 404 of the Clean  
10 Water Act.

11 The Corps would like to emphasize that  
12 we carefully consider all comments that we receive  
13 for the proposed project, and they will be given full  
14 consideration as part of our final permit decision.

15 As many of you know, we recently  
16 extended the public comment period to submit brief  
17 comments until April 15th, giving agencies and the  
18 public an additional 60 days to comment.

19 There will be no further extension of  
20 the comment period and the Corps will only consider  
21 comments received on or before April 15th, so if you  
22 don't plan to comment tonight but would like to do  
23 so, please be sure to get your comments in on or  
24 before April 15th.

25 I will now turn the rest of the

1 presentation portion of the meeting over to Bill  
2 Miller, the Corps senior project manager working on  
3 the proposed project, and Luci Hise-Fisher of PCR  
4 Services Corporation, the team lead of our contractor  
5 working on the EIS for this project.

6 Bill will go first into a bit more  
7 detail about the Corps' permitting process. Luci  
8 will then briefly discuss the Draft EIS, including an  
9 overview of the components of the project, the  
10 project's purpose and need, alternatives evaluated,  
11 and the Federal permitting process.

12 Then the Applicant, Gregory Canyon  
13 Limited, will give a brief presentation on the  
14 proposed project.

15 Following the Applicant's presentation,  
16 Bill will then discuss how we will take oral  
17 testimony from you this evening.

18 If you know you would like to speak  
19 tonight, please fill out a speaker card and give it  
20 to one of the Corps or PCR staff at the auditorium  
21 entrance, identifiable by the Corps or PCR badges.  
22 This will help us transition to the public input  
23 sessions.

24 Also, if you would like to submit  
25 written comments this evening, we have comment forms

1 available at the information tables at the entrance  
2 as well.

3 Thank you all again for coming tonight.

4 Bill.

5 BILL MILLER: Thank you, Colonel.

6 Under our Federal permit program, the  
7 Corps of Engineers is responsible for regulating  
8 dredged and filled materials in waters of the United  
9 States. Gregory Canyon Limited has proposed  
10 activities in the San Luis Rey and the Gregory  
11 Canyon, which would include the discharge of dredge  
12 material, or filled materials, rather, into the  
13 waters of the U.S., and are therefore regulated under  
14 Section 404 of the Clean Water Act.

15 Federal actions, such as a Corps permit  
16 decision, are subject to compliance with a number of  
17 Federal environmental laws, in addition to the  
18 National Environmental Policy Act. These laws  
19 include the Endangered Species Act and the National  
20 Historic Preservation Act.

21 We are also obligated to consult with  
22 affected or interested tribes.

23 Consequently, the Corps has a  
24 responsibility to evaluate the environmental impacts  
25 that would be caused by the proposed project prior to



1 making a permit decision.

2 In meeting this regulatory  
3 responsibility, the Corps is neither a project  
4 proponent nor an opponent.

5 In addition to evaluating the direct,  
6 indirect, and cumulative impacts of Gregory Canyon  
7 Limited's proposed project, the Corps must determine  
8 whether the proposed project is the least  
9 environmentally damaging practicable alternative that  
10 meets the overall project purpose.

11 Also, no permit can be granted if we  
12 find that the proposal is contrary to the interest of  
13 the public.

14 The public interest determination  
15 requires a careful weighing of those factors relevant  
16 to the particular project. This is often referred to  
17 as the 404(b)(1) analysis.

18 Some of the factors considered include  
19 economics, safety, consideration of the property  
20 ownership, and the needs and welfare of the public.

21 The project's benefits must be balanced  
22 against its reasonably foreseeable detriments.

23 The Corps' action is specific to the  
24 application submitted by Gregory Canyon Limited.

25 At the conclusion of our analysis, the

1 Corps will do one of three things: Either issue a  
2 permit, issue a permit with modification and  
3 conditions, or deny the permit.

4 The EIS, Environmental Impact Statement,  
5 has included alternatives for the sake of making  
6 comparisons, but the end result of this process will  
7 relate only to Gregory Canyon.

8 To highlight where we are in the  
9 process, we are currently in the public review stage  
10 of the National Environmental Policy Act's process.

11 Following April 15th, the conclusion of  
12 the comment period, the Corps will be required to  
13 consider every comment that was submitted and will  
14 document how each comment was addressed.

15 Concurrent to that, the Corps will also  
16 be evaluating such factors as economics, safety,  
17 considerations of ownership, and the needs and  
18 welfare of the public as part of the 404(b)(1)  
19 analysis that I previously mentioned.

20 Once completed, the final EIS and the  
21 Draft 404(b)(1) analysis will be published in the  
22 same way that this draft has been.

23 Pending the comments on the 404(b)(1)  
24 analysis and the conclusion of tribal consultations,  
25 the Corps will then be able to arrive at a decision.

1                   At this point we cannot set a date for  
2 the final decision, simply because we do not yet know  
3 the extent or the complexity of the comments that are  
4 being submitted now.

5                   As part of the public comment period,  
6 the Corps is holding this public hearing, and all  
7 oral and written testimonies made this evening will  
8 become part of the administrative record, and the  
9 Final EIS will document how each of the comments have  
10 been considered.

11                   Please understand that this forum this  
12 evening is intended to give you an opportunity to  
13 comment or make suggestions on the Environmental  
14 Impact Statement.

15                   So that we can hear as many speakers as  
16 possible this evening, we will not be answering  
17 questions regarding the document. If you have  
18 general questions, there are members of the team in  
19 the back that might be able to help answer those. If  
20 you have more specific questions, please contact us  
21 using the information provided in the Environmental  
22 Impact Statement or in the materials that have been  
23 presented to you this evening as you arrived.

24                   I would now like to invite Luci  
25 Hise-Fisher of PCR Services to present an overview of

1 the Applicant's proposed project and offer highlights  
2 of the EIS.

3 LUCI HISE-FISHER: Thank you, Bill.

4 As Bill said, the EIS was required  
5 pursuant to NEPA to address the environmental effects  
6 of, and alternatives to, the Gregory Canyon Landfill,  
7 which is referred to as the Applicant's Proposed  
8 Alternative.

9 First I want to provide a brief overview  
10 of the Applicant's Proposed Alternative, which is  
11 described in detail in Chapter 3 of the Draft EIS and  
12 analyzed in the EIS.

13 This slide shows the location of the  
14 site, which is on SR 76, about three miles east of  
15 I-15.

16 The primary components associated with  
17 the landfill would occupy approximately 308 acres of  
18 the approximately 1,770-acre site.

19 There are several easements that run  
20 through the site, including SR 76, the San Diego  
21 County Water Authority's Pipelines 1 and 2, and SDG&E  
22 power lines.

23 The landfill would have a maximum daily  
24 intake of 5,000 tons, and an annual intake of about  
25 one million tons. The landfill would accept solid

1 waste for approximately 30 years.

2 The landfill would have a Double  
3 Composite Liner and Leachate Collection and Removal  
4 system. There is a model of the liner available for  
5 people to look at.

6 The Applicant's Proposed Alternative  
7 includes improvements to SR 76 at the entrance to  
8 improve sight distance and facilitate truck  
9 movements. The access road would enter the site and  
10 a bridge would be constructed across the San Luis Rey  
11 River.

12 Vehicles would enter the ancillary  
13 facilities area, where the booths, scales, an  
14 administrative office building, a maintenance  
15 building, recyclable drop-off areas, and storage  
16 tanks, as well as a reverse osmosis system would be  
17 located.

18 The landfill prism would be located in  
19 the canyon, and there are two borrow/stockpile areas,  
20 totaling about 87 acres.

21 In addition, there would be monitoring  
22 wells and pumping wells. The majority of  
23 construction would occur south of SR 76, but a new  
24 well would be installed to the north of SR 76 and  
25 water would be piped to the storage tank.

1                   The SDG&E power lines would be relocated  
2 up the slope of the mountain to accommodate the  
3 landfill footprint.

4                   The Applicant's Proposed Alternative  
5 includes either the protection of the aqueduct or the  
6 relocation of the pipelines.

7                   A Habitat Restoration and Resource  
8 Management Plan would be implemented on the site as  
9 part of the project. In addition, in accordance with  
10 Proposition C, a minimum of 1,313 acres of open space  
11 would be provided for the long-term preservation of  
12 sensitive habitat and species.

13                   Although studies have been previously  
14 conducted by the County, in response to comments  
15 received during the scoping process, the Corps  
16 conducted an Independent Needs Assessment to  
17 determine whether there is a need for a new landfill.  
18 The Needs Assessment was prepared by R3 Consulting  
19 Group and is contained in Appendix B of the Draft  
20 EIS.

21                   The Needs Assessment indicates that,  
22 under current conditions, and assuming current rates  
23 of diversion and no new landfills or landfill  
24 expansions, San Diego County is estimated to be out  
25 of landfill disposal capacity in 2024.

1                   Based on San Diego's current remaining  
2 disposal capacity and the agreements affecting other  
3 counties' ability to accept out-of-county waste,  
4 additional landfill capacity is needed for San Diego  
5 County to meet its disposal capacity needs.

6                   The finding in the Needs Assessment is  
7 consistent with the findings in the County's 5-Year  
8 Update of the Siting Element with respect to current  
9 permitted capacity.

10                  Thus, the purpose of the Applicant's  
11 Proposed Alternative is to meet a portion of  
12 San Diego County's long-term waste disposal needs by  
13 providing non-hazardous solid waste disposal capacity  
14 to service waste generated in or near North County.

15                  The Corps considered both on- and  
16 off-site alternatives.

17                  Under direction from the Corps,  
18 potential on-site alternatives were reviewed and he  
19 evaluated by Geosyntec Consultants, an engineering  
20 firm that specializes in landfill permitting, design,  
21 and construction.

22                  With regard to off-site locations for a  
23 landfill, the siting of a landfill is highly  
24 technical, complex, and political.

25                  The County of San Diego has a history of

1 trying to identify potential landfill sites in  
2 various locations throughout the County. Various  
3 studies were conducted in the late 1980s and the  
4 early 1990s, prior to the County's privatization of  
5 the solid waste disposal system in 1997.

6 Between all the studies undertaken by  
7 the County, a total of 339 sites were considered by  
8 the County, with 196 sites in North County and 143  
9 sites in Southwestern County.

10 Given the complexity and challenges  
11 involved in siting landfills, and the substantial  
12 information available in the County siting studies,  
13 it was not considered necessary or feasible to  
14 conduct a new landfill siting study for the County.  
15 Rather, earlier studies and more recent landfill  
16 proposals were relied on to fulfill NEPA and the 404  
17 requirements to identify and analyze a reasonable  
18 range of feasible alternatives that could meet the  
19 purpose and need, reduce potential significant  
20 effects associated with the Applicant's Proposed  
21 alternative, and foster the Corps' ability to make a  
22 reasoned choice among alternatives.

23 The Corps identified 12 screening  
24 criteria that were based on Federal regulations,  
25 Siting Elements, and the County's siting studies.



1                   As a result of two tiers of screening,  
2 five off-site alternatives were identified for  
3 evaluation.

4                   These are the alternatives that are  
5 evaluated in the Draft EIS. The alternatives are all  
6 defined in Chapter 3 of the document.

7                   The location of the off-site  
8 alternatives evaluated in the Draft EIS are shown on  
9 this map. For the off-site alternatives, except  
10 Sycamore Canyon expansion, Geosyntec was contracted  
11 to prepare preliminary plans for landfills at the  
12 selected sites.

13                   The Draft EIS consist of eight volumes,  
14 the first two being the EIS itself and the remainder  
15 being technical appendices.

16                   The Draft EIS evaluates 16 environmental  
17 issues which are listed on this slide.

18                   Each section within Chapter 4 of the EIS  
19 provides a description of relevant regulations, as  
20 well as the criteria and methodology used to evaluate  
21 environmental effects associated with the applicable  
22 environmental issues.

23                   Each alternative is evaluated separately  
24 within each technical section in Chapter 4.

25                   As required by NEPA, the Draft EIS

1 provides a comparison of the alternatives.  
2 Chapter 5, which provides the comparison, includes a  
3 discussion of the significant adverse effects of each  
4 alternative and contains a summary table comparing  
5 the alternatives by each of the criteria used to  
6 identify the environmental effects.

7 While NEPA requires the identification  
8 of an environmentally preferred alternative, the  
9 Corps has not identified a preferred alternative in  
10 the Draft EIS.

11 A preferred alternative will be  
12 identified in the Final EIS after receipt and  
13 consideration of public comments.

14 As required by NEPA, the Draft EIS  
15 provides a cumulative analysis for each alternative.  
16 NEPA regulations define cumulative impact as the  
17 impact on the environment which results from the  
18 incremental impact of the action when added to other  
19 past, present, and reasonably foreseeable future  
20 actions regardless of what agency or person  
21 undertakes such other actions.

22 The cumulative analysis is contained  
23 in Chapter 6 of the document and is organized by  
24 alternative and then by environmental topic area.  
25 A summary table is also provided.

1           The Draft EIS, as it has been said, was  
2 distributed for review and comment, beginning on  
3 December 12th, 2012. Although 45-day comment period  
4 complies with NEPA requirements, the Corps initially  
5 set a 60-day period, and due to requests from the  
6 public, the Corps extended the comment period from  
7 February 12 to April 15, resulting in an  
8 approximately 120-day comment period.

9           There are several ways to provide  
10 comments. Comments, which are due on April 15, can  
11 be submitted this evening either orally or in  
12 writing, and there are forms available that can be  
13 used for written comments that can be left here  
14 tonight or mailed in.

15           There's also an information flyer  
16 available in the back that contains all this  
17 information that's on this slide.

18           Written comments should be mailed to the  
19 address provided on the slide or on the board, and in  
20 addition, comments can be submitted electronically,  
21 and the address is provided.

22           The slide also shows locations where the  
23 Draft EIS is available for review.

24           I will now turn the meeting back over to  
25 William Miller.

1 BILL MILLER: Thank you very much, Luci.

2 I would now like to invite  
3 representatives from Gregory Canyon Limited to speak  
4 for a few moments on their proposed project.

5 JIM SIMMONS: Good evening, Colonel Toy,  
6 members of your staff, members of your consulting  
7 team, all elected officials, ladies and gentlemen.

8 Welcome to Escondido. We are pleased to  
9 have you here tonight to participate in the public  
10 review process of the Army Corps Environmental Impact  
11 Statement to analyze the Federal permitting process  
12 for Gregory Canyon.

13 I want to take an opportunity to set the  
14 stage for what I'm sure will be, at the very least,  
15 an interesting evening.

16 Above all else, the level of study,  
17 review, and scrutiny for the non-hazardous municipal  
18 waste facility is unprecedented anywhere in the  
19 world. After nearly two decades, there has been no  
20 legitimate argument that the landfill will not fully  
21 protect water quality, air quality, and endangered  
22 species.

23 The lining and other ground water  
24 protection facilities that the condition is a part,  
25 the Solid Waste Facilities Permit exceed all Federal

1 and State laws.

2 All the time and money that has been  
3 spent on this has been spent in order to demonstrate  
4 to the regulators and to the neighbors that we heard  
5 their concerns and that we're willing to address them  
6 in a way that no other landfill developer has ever  
7 done.

8 The mitigation measures created for this  
9 facility have been created through an application of  
10 the best-known engineering and scientific principles  
11 available in the world today.

12 This is not just a statement made in a  
13 public setting to impress the Corps or the public.  
14 This is a statement born of decades of effort from  
15 the State of California Environmental Impact Report  
16 and all the engineering and science that went into  
17 that document.

18 After all those years and effort and  
19 litigation, the science and engineering has upheld  
20 all the way to the California Supreme Court.

21 You will hear a great deal tonight about  
22 the public interest decision that the Corps has to  
23 make in order to approve the 404 permit for this  
24 project.

25 Keep in mind that the public and the

1 County of San Diego have voted twice, and by large  
2 majorities have favored the landfill project.

3 San Diego -- excuse me.

4 Two governors from the State of  
5 California have, on separate occasions, taken  
6 concrete actions to allow the project to move  
7 forward, citing the need, in both cases, to  
8 acknowledge and defer to local expressions of public  
9 interest.

10 Further, the San Diego County Department  
11 of Environmental Health, when reviewing the impacts  
12 of the facility, including those of the sacred sites,  
13 found overriding circumstances that would allow the  
14 project to go forward because of the benefits of the  
15 project to the broader public interest.

16 Please note here that the opposition did  
17 not challenge these overriding considerations and  
18 benefits when they had a chance to litigate the CEQA  
19 environmental document.

20 And finally, you'll receive letters and  
21 hear comments from a wide spectrum of public  
22 officials, union leaders, and business groups that  
23 broadly represent the needs and interests of over  
24 three million residents, employees, and business  
25 owners in San Diego County.

1                   We made every effort to work with the  
2                   opposition and address their concerns and there has  
3                   been no willingness to accommodate that effort.

4                   We can and will protect the sacred  
5                   sites. We will be a good neighbor.

6                   In closing, I would simply want to say  
7                   that we trust that the Corps will make a decision  
8                   based on objective facts, not emotional and  
9                   unsupported claims.

10                  Gregory Canyon is, in fact, the best  
11                  alternative for this site.

12                  Thank you very much.

13                  I'd like to introduce Bill Hutton, who  
14                  is our deputy counsel.

15                  BILL HUTTON: Good evening, Colonel Toy. My  
16                  name is Bill Hutton. I'm legal counsel for Gregory  
17                  Canyon.

18                  I have over 20 years of experience in  
19                  the field of solid waste collection, recycling, and  
20                  disposal.

21                  My presentation tonight will focus on  
22                  protection of cultural resources, Gregory Mountain  
23                  and Medicine Rock.

24                  This is an important issue.  
25                  Fortunately, there is some recent clear guidance from

1 the Ninth Circuit Court of Appeals that provides a  
2 pathway to a reasoned and reasonable decision  
3 consistent with public interest.

4 This case arose from a BLM decision  
5 about a mining project. It is entitled Te-Moak Tribe  
6 of Western Shoshone versus BLM. The Ninth Circuit  
7 distinguished between a broader landscape that has  
8 significance to the Native American peoples and the  
9 discrete features that qualify the property for  
10 inclusion in the National Register of Historic  
11 Places.

12 The court found that the Historic  
13 Protection Act does not mandate protection of all  
14 parts of that broader landscape, but only those  
15 discrete essential features.

16 Applying that principle, the Ninth  
17 Circuit upheld BLM's decision to create exclusion  
18 zones to protect the essential features, but allow  
19 the remainder of that project to proceed.

20 The exclusion zone solution is identical  
21 to the approach taken for this project.

22 The Draft EIS found that none of the  
23 essential physical features that enabled Gregory  
24 Mountain to convey its historic identity would be  
25 affected. Those include the summit, two Taakwic Puki



1 or Taakwic resting places identified in ethno  
2 historical literature and views from Pala.

3 The exclusion zone solution approved by  
4 the Ninth Circuit has always been a part of this  
5 project. The essential features on Gregory Mountain  
6 identified in the Draft EIS will not be disturbed and  
7 will be part of a perpetual open space area.

8 Medicine Rock is not in the landfill  
9 property and is likewise excluded from disturbance.

10 In addition, the Draft EIS provides for  
11 additional mitigation measures to further protect  
12 this resource, and Gregory Canyon has committed to  
13 creating a 1,000 foot buffer between Medicine Rock  
14 and the limited refuse, if desired by the Pala Band,  
15 and this is one measure that could be incorporated  
16 into the Section 106 MOA.

17 Because of the built-in exclusion zones  
18 and other project features and mitigations described  
19 in the Draft EIS, the requirements to protect  
20 cultural resources have been met in a way that  
21 addresses the interests of all stakeholders.

22 Finally, we want to confirm our  
23 commitment to work with the Corps, SHIPO (phonetic),  
24 and the tribes on the Section 106 MOA, and again, our  
25 openness to consider additional measures to provide

1 reasonable accommodations to tribal concerns  
2 consistent with the broader public interest in  
3 support of this project.

4 Thank you. Our next speaker will be  
5 Rich Felago, management partner for Gregory Canyon.

6 RICHARD FELAGO: Thank you, Bill.

7 Good evening, Colonel Toy, members of  
8 the Corps staff. I appreciate very much the  
9 opportunity to talk to you this evening.

10 I'd like to give you a little thumbnail  
11 about myself to put in context the comments I will  
12 make that will follow.

13 I'm an engineer by training. I have a  
14 Bachelor's degree in mechanical engineering, Masters  
15 in civil/environmental. I'm a Licensed Professional  
16 Engineer in three states. I'm a board certified  
17 environmental engineer with the American Academy of  
18 Environmental Engineers and Scientists.

19 I worked on the design of the first  
20 lined landfill ever contemplated in the United  
21 States, and therefore in the world, in Lycoming  
22 County, Pennsylvania in 1976/77. I worked on solid  
23 waste projects in 35 states, more than a dozen  
24 countries, foreign countries, and in Puerto Rico and  
25 Guam.

1                   And coincidentally, 2013 happens to be  
2 my 40th year in the recycling, solid waste, and waste  
3 to energy business.

4                   I'd like to just make a couple of points  
5 as part of our summary presentation.

6                   As you know, since the late 1980s the  
7 County has sought to have a landfill in North County  
8 for North County. They began to look in the '80s in  
9 anticipation of the closure of the San Marcos  
10 Landfill. All of this is noted in your Draft  
11 Environmental Impact Statement.

12                   The reality is that, after 19 years of  
13 process, since 1994 when the project started, the  
14 first Draft Environmental Impact Report was issued in  
15 1999, nothing on this project has changed since then.  
16 And here we are, 14, 15 years later, and we're still  
17 studying and restudying the studies. There's no need  
18 for any more delay.

19                   The landfill that we proposed, as  
20 you well know, and it's evident from the Draft  
21 Environmental Impact Statement, is the most  
22 technologically advanced landfill that's ever been  
23 proposed for municipal solid waste.

24                   In fact, in my opinion it could be  
25 equivalent to a Subtitle C above-ground hazardous

1 waste impoundment facility. It's that good.

2 There's a visual aid in the back of the  
3 room that describes the seven-and-a-half foot thick,  
4 five-barrier layer containment liner that will  
5 absolutely assure ground water protection out on the  
6 site.

7 Now, the Draft Environmental Impact  
8 Statement looked at seven alternatives, including the  
9 proposed alternative, the no action alternative, and  
10 five others. And clearly, if you read through that  
11 analysis, which, as you know, is massive, it's very  
12 clear that Gregory Canyon is the preferred  
13 environmental alternative.

14 There are many reasons for that, but I  
15 just -- in the interest of time I'll just make one.  
16 It's important to note that we're talking about a  
17 182-acre landfill footprint on a nearly 1,800-acre  
18 property. All of that will be left in open space,  
19 all of it will be revegetated, enhanced habitat will  
20 be planted. And when the landfill is completed and  
21 closed over, the entire 1,800 acres will be open  
22 space and revegetated, enhanced habitat.

23 When completed -- this is an  
24 infrastructure project, as I said, in North County,  
25 for North County. My opinion is that the broad

1 public interest is served by this landfill, which the  
2 County has been seeking for 25 years.

3 So in conclusion, I'd like to suggest  
4 this, and I'd like to make a request: We spent  
5 enough time and money. There's no need to continue  
6 to restudy the studies. I'm asking the Corps to move  
7 along as quickly as possible. Let's get to the Final  
8 Environmental Impact Statement.

9 There's been so many years invested in  
10 this. Let's get to the Final Environmental Impact  
11 Statement, let's get to the ROD, let's get to the  
12 issuance of the 404 permit so we can get on with this  
13 project, construct this facility, and provide with  
14 the County with the facility that it's been seeking  
15 for 25 years.

16 Thank you for the opportunity to address  
17 you tonight.

18 BILL MILLER: Thank you for your remarks.

19 We will now begin taking oral testimony  
20 from the public in two sessions. The first session  
21 will be devoted to hearing from tribal leaders,  
22 elected officials, and selected representatives from  
23 significant interest groups. Because these speakers  
24 represent significant numbers, they will be allowed  
25 an extended period of time.

1                   Because of the total volume of speakers  
2 requesting to speak this evening, I'm afraid we will  
3 be limiting these speakers to two minutes.

4                   The second session will be for members  
5 of the public who would like to present their views  
6 as individuals. During this session, speakers will  
7 be given one minute to make their comments.

8                   As the Colonel mentioned earlier, if you  
9 would like to speak during the second session, it  
10 will be important for you to fill out a speaker card  
11 before we finish that session.

12                   It is also important to mention that all  
13 of these comments will be either recorded by the  
14 reporter or may be submitted in writing and all will  
15 be dealt with in the same way.

16                   So please, please feel free, if you are  
17 not able to make all of your comments, to submit them  
18 in writing to us, either this evening or by mail.

19                   All oral and written testimony will  
20 become part of the administrative record for this  
21 permit application. Once we have a written  
22 transcript of the testimony, it will be published on  
23 our Regulatory Division website, which was provided  
24 by Luci in her presentation and is posted elsewhere  
25 in this room.

1                   Please, when making testimony this  
2 evening, speak clearly and slowly so that the court  
3 reporter will be able to hear and transcribe  
4 everything that we're saying.

5                   Additionally, we will ask that you state  
6 your name and mailing address before you begin, that  
7 will not count towards the minute, and during the  
8 testimony I may ask for -- or I will ask for breaks  
9 to allow the court reporter to rest.

10                  As you make your comments, please note  
11 that there will be a timer on this front table. The  
12 light will be green when you begin, and when you have  
13 about 15 seconds left it will turn yellow. When the  
14 time is up, the light will turn red. And we please  
15 ask that you respect the time limits so that all who  
16 wish to speak will have the opportunity to do so.

17                  Again, so we can hear as many speakers  
18 as possible, we will not be answering questions  
19 during the sessions. If you have general questions,  
20 there are team members that may be able to help you,  
21 but if you have more specific questions, as I stated  
22 earlier, there are avenues by which to get ahold of  
23 us identified in the Environmental Impact Statement  
24 or in the materials that have been provided as you  
25 entered.

1                   At this time I would like to ask our  
2 first speaker to come forward, Mr. Robert Smith,  
3 Chairman of the Pala Band of Indians, followed by --

4                   After Mr. Smith the next speaker will be  
5 Mrs. Peck, followed by Mel Vernon.

6                   ROBERT SMITH: Good evening, Colonel Toy. My  
7 name is Robert Smith, Chairman of the Pala Band of  
8 Mission Indians. I'm here to strongly oppose the  
9 proposed Gregory Canyon Landfill, which is a terrible  
10 and unnecessary project.

11                   If built, this dump would desecrate  
12 Gregory Mountain, which we know as Chokla, the other  
13 areas considered sacred by the Luiseno people. It  
14 would be forever threatened, our water sources that  
15 supply tens of thousands of San Diego County  
16 residents, degrade air quality, industrialize rural  
17 area that provides habitat for a number of endangered  
18 and other special species.

19                   While my comments will focus on role of  
20 the Federal government in this process, I think it is  
21 important to place this proposed dump in a historical  
22 content.

23                   For the Pala Band and other tribes, this  
24 project is simply another example of governments  
25 ignoring concerns and cultures of Native American



1 tribes. While it's not surprising, we see it ironic  
2 that the location chosen for the landfill, that the  
3 developers and the County San Diego claim would serve  
4 San Diego County residents, would be located at far  
5 reach of the County on the border of the Pala Indian  
6 reservation. That the proposed dump would be located  
7 on the border is a cultural environmental injustice.

8           The current boundary was created in 1902  
9 when the reservation was expanded to provide a home  
10 to the Cupeno Indians, who had been forcibly evicted  
11 by the Federal government from their home in Warner  
12 Springs so that the White settlers could control and  
13 develop the area.

14           A century later, non-Indians now propose  
15 a garbage dump along the same border.

16           The history is important because it  
17 helps explain why Pala has opposed this dump since  
18 the late 1980s, long before Pala had its enterprise  
19 built. The Pala Band does not oppose this dump  
20 because of its enterprise, rather the Pala Band has  
21 been able to make opposition to the project because  
22 of our enterprise.

23           The County actually had the right, when  
24 it repeatedly refused to approve the landfill in  
25 Gregory Canyon in the 1990s because of its location.

1 The proponents got a majority of the voters of the  
2 County to re-zone the site in a separate populated  
3 corner of the County next to an Indian reservation.

4 The vote was evident, Democracy does not  
5 always produce justice results, just results. Once  
6 the vote occurred, the County became an unwavering  
7 supporter of the project. Now it's the Federal  
8 government's turn to evaluate the need, the impact,  
9 and alternatives to the dump.

10 While the County could ignore the  
11 concerns of the tribe, the special trust relationship  
12 between the Federal government and Native American  
13 people demands more from the Federal government. The  
14 special relationship was recognized in a resolution  
15 of apology passed by Congress and signed by President  
16 Obama in December of 2009.

17 The resolution admitted the Federal  
18 government had breached the trust obligation on  
19 numerous occasions, but it also acknowledged that the  
20 tribes and the Federal government have a solemn  
21 covenant with the lands that they both share.

22 There's a simple reason why this project  
23 has been studied for so long. Gregory Canyon is the  
24 wrong place for a dump. It is next to the San Luis  
25 Rey River, a resource of natural importance, next to

1 two major drinking water pipelines, within critical  
2 habitat of three endangered species, and on the other  
3 side of a sacred mountain.

4 Surely there is alternatives that would  
5 be less environmentally damaging and would better  
6 serve the interest of the public.

7 Federal review must also acknowledge  
8 that circumstances have changed and new technologies  
9 for disposing the waste have been developed. The  
10 claimed landfill crisis has not materialized and  
11 stricter laws and growing public awareness has  
12 decreased the percentage of waste that is disposed.  
13 And the amount of waste that will be recycled,  
14 reused, turned into energy in the future, will only  
15 increase. Simply, there's significant landfill  
16 capacity, there's no need for this landfill.

17 Critically, water supplies have  
18 decreased. The recent forecast call for an  
19 increasing secrecy (sic) of water and global climate  
20 change.

21 In light of these facts, does it make  
22 sense to build a landfill that would threaten  
23 critical ground waters as well as critical  
24 pipeline that carries imported water to the County of  
25 San Diego?

1                   One -- we need only to look at the  
2 history of landfills to realize the claims that  
3 proposed dump would be state-of-the-art, meaning  
4 nothing. 30 million tons of garbage will remain  
5 buried along the landfill, owners are gone, looming  
6 over the river and threatening precious water  
7 supplies forever.

8                   Nothing but a rubber liner, a few layers  
9 of sand and gravel stand between the dump and an  
10 environmental catastrophe. The best way to protect  
11 our water is not to dump trash next to it. There is  
12 no way to guarantee that this dump will not leak.  
13 Our water is too precious to take any chances.

14                   The need to protect increasingly  
15 declining water supplies outweighs the claimed need  
16 for additional landfill capacity.

17                   This project is not in the best  
18 interests of the public. There are less  
19 environmental damaging alternatives. For this  
20 reason, the Pala Band and all other tribes in  
21 San Diego County urge the Federal government to abide  
22 by its trust obligation and reject this project.

23                   Thank you.

24                   BILL MILLER: Thank you.

25                   UNIDENTIFIED SPEAKER: If someone has signed

1 up and they don't wish to speak right now, could you  
2 concede that one minute to another speaker?

3 COLONEL MARK TOY: Yeah, we have a process  
4 right now, sir. If a person signs up for one minute,  
5 he will be given the opportunity to speak. You can  
6 put the rest of the comments that don't fit into a  
7 minute into a card and it will still be considered  
8 like as to be oral testimony.

9 UNIDENTIFIED SPEAKER: Yes, but oral testimony  
10 has more impact. You know that.

11 COLONEL MARK TOY: Not in this process, sir.

12 BILL MILLER: Would Ms. Peck please come  
13 forward. Mr. Vernon will be next, followed by  
14 Anthony Pico.

15 Ms. Peck.

16 UNIDENTIFIED SPEAKER: She's not here tonight.

17 BILL MILLER: Mr. Vernon, please.

18 MEL VERNON: All right, thank you.

19 I just -- Mel Vernon, San Luis Rey Band  
20 of Mission Indians.

21 I just want to thank you for having this  
22 hearing, I guess what we call it, this coming  
23 together one more time. It's been very redundant,  
24 not only in approving again, or bringing this issue  
25 forward.

1 I stand with Chairman Smith on all the  
2 issues with culture, and being that culture is  
3 something that may be sacred to a certain part of the  
4 community, but it seems that, if you're in that  
5 community that holds something sacred, you have to  
6 prove it to the rest of the community that it means  
7 something. It's very unique for the Indian people to  
8 have to do this every time we come up with a cultural  
9 issue in this state.

10 And it's very simple. If this dump was  
11 going to be next to the Catholic church, you might be  
12 able to see that a little closer. But it's -- this  
13 issue brings these issues up, this dump, this site.

14 Drinking water is very important to us.  
15 Water is life. And at the same time we seem to be  
16 having -- meeting all the criteria that some day down  
17 the road we might be drinking some leachate from this  
18 landfill somehow.

19 I was at another meeting maybe a year or  
20 two ago, talking about putting fish back into the,  
21 steelhead, the salmon, the trout run up this river  
22 again. And I think it's kind of ironic that on one  
23 side you're bringing the endangered species back, and  
24 another side of the same river you're putting in  
25 toxins some day. I think it's kind of an interesting

1 juxtaposition, I guess you could say.

2 Also, seeing that 67 million dollars  
3 has been going into this project, and 20 years.  
4 67 million dollars is a lot of money to put on the  
5 table for this project if you're not sure it's going  
6 to happen. It must be a big, a big issue to write  
7 that much money off to get involved in this. So it's  
8 very important.

9 So I would say I wouldn't be against the  
10 project if it was somewhere else, because when this  
11 project comes in, the technology, I think, would be  
12 wonderful if it was somewhere else, money would be  
13 spent better somewhere else. The question is that,  
14 for all we've done here in this time, we haven't come  
15 very far. To resolve the issue of health, seems to  
16 be one of what we're dealing with over and over  
17 again.

18 So thank you very much.

19 BILL MILLER: Thank you very much, sir.

20 Would Anthony Pico please come forward.  
21 Supervisor Bill Horn will be next, followed by County  
22 Supervisor David Robertson. Dave Roberts.

23 ANTHONY PICO: Good evening. I'm Anthony  
24 Pico. I'm Chairman of the Viejas Band of Kumeyaay  
25 Indians, about 35 miles east of San Diego. I reside

1 at 57 Viejas Way Road in Alpine, California, which is  
2 within the reservation.

3 I'm here to strongly oppose the proposed  
4 Gregory Canyon Landfill. This unnecessary project is  
5 a perfect illustration of how Native Americans have  
6 been the victims of terrible cultural and  
7 environmental injustices at the hands of both  
8 government and private interests.

9 The Gregory Canyon dump is sited in the  
10 border of the Pala Indian reservation in a remote  
11 section of San Diego County, because the developers  
12 assume that the Pala Band and other Native American  
13 tribes will offer little resistance to its  
14 construction, even though the developer of the canyon  
15 knew that it would be located on sites considered  
16 sacred in tribal nations.

17 Now, 20 years later, all Indian tribes  
18 of San Diego County and others outside the County  
19 stand united in opposition to this project, the  
20 Kumeyaay, the Luiseno, the Cupeno, the Cahuilla  
21 nations all share the common principle of respect for  
22 our sacred sites, religions, and cultures.

23 If Gregory Canyon's sacred Chokla, the  
24 Luiseno people, is defiled by a garbage dump, then  
25 this injury is felt by all Indian people. With so



1 much already lost, we simply cannot stand idly by  
2 while private developers assert the public process in  
3 order to turn a profit at the expense of our culture  
4 and our traditions.

5           The cumulative impacts of centuries of  
6 oppression means that there is little left that  
7 hasn't already been defiled or destroyed. If Chokla  
8 is sacred to one Indian tribe, then it is sacred to  
9 all tribes.

10           The Army Corps is here today to  
11 determine if the Gregory Canyon Landfill is in the  
12 public interest. It is certainly not in the interest  
13 of Native Americans. We've already lost so much of  
14 our cultures and traditions at the hands of unchecked  
15 development.

16           And it's certain not in the interests of  
17 the people of San Diego County, who already have  
18 enough landfill space for years to come. And it's  
19 not in the interest of communities like the City of  
20 Oceanside which draws 20 percent of its potable  
21 drinking water from the San Luis Rey River that flows  
22 past the dump site. And is not in the interests of  
23 the plants and the animals that live in and around  
24 Gregory Canyon that we revere.

25           No. In fact, no public interest is

1 served by the building of a garbage dump in Gregory  
2 Canyon.

3 The Army Corps has a critically  
4 important job determining whether or not this project  
5 is in the public interest and shouldn't move forward.  
6 In making that decision, the Army Corps should  
7 consider the primary benefit of the project would be  
8 to the private developers behind the dump and not to  
9 the public at large or to Native Americans, to whom  
10 the Army Corps has a fiduciary duty to protect.

11 This is not just a tribal issue, it's an  
12 issue that affects all people of San Diego County.  
13 You have the power to see that cultural environmental  
14 justice is done. You have the power to protect the  
15 centuries of sacred traditions.

16 I urge you to do the right thing for  
17 tribal nations and the environment and for the people  
18 of San Diego County and reject the permit for the  
19 dump in Gregory Canyon.

20 And thank you very much for giving me  
21 this opportunity.

22 BILL MILLER: (Inaudible due to applause)  
23 asked if you could please limit your remarks to two  
24 minutes, and for all future speakers as well. Thank  
25 you.

1 BILL HORN: All right. I'll try.

2 Good evening, Colonel Toy. My name is  
3 Bill Horn. I'm the elected supervisor for San Diego  
4 County's Fifth District, which Gregory Canyon site is  
5 located. I'm also the chairman of the board when we  
6 closed San Marcos and got out of the trash business,  
7 probably the best day of our life.

8 In 1991 the County Board of Supervisors  
9 identified eight potential sites to serve as  
10 replacement for San Marcos that reached capacity in  
11 1997. Gregory Canyon was identified as one of those  
12 sites. Unfortunately, the residents living in the  
13 cities of the other eight sites were so vociferously  
14 opposed to their selection that it was impossible to  
15 secure three votes at the Board of Supervisors to  
16 select any of them, necessitating a County-wide  
17 initiative.

18 Since then, the residents of San Diego  
19 County have voted, not once, but twice in favor of  
20 the Gregory Canyon Landfill. The votes approved for  
21 this project were 68 percent in 1994, that was the  
22 year before I was elected, and 67 percent in 2004.  
23 I've been the supervisor in this district for 18  
24 years.

25 The EIR in this project has been under

1 scrutiny more than any other public infrastructure  
2 project in my memory in this region, and I'm aware of  
3 its recent past. And after ten years of  
4 comprehensive environmental review, the County  
5 Department of Environmental Health certified the  
6 landfill's EIR, which determined that our water  
7 resources would be protected.

8 The landfill's environmental system,  
9 featuring a seven-foot thick protective liner system,  
10 will not only make Gregory Canyon the most protected  
11 landfill in San Diego County, but, as previously  
12 testified, in the nation.

13 The landfill will be closely monitored  
14 and regulated by State, Regional, and County  
15 environmental agencies, ensuring the water resources  
16 full protection.

17 The owners of Gregory Canyon have been  
18 diligent in putting in safeguards to protect the  
19 San Luis Rey River, which was my major concern, the  
20 surrounding environment, and they have, I think,  
21 exceeded our expectations.

22 I ask you to make a finding that this  
23 project complies with the Clean Water Act and it is  
24 the least environmentally damaging practical  
25 alternative and issue the permit for the 404 Clean

1 Water Act.

2 It's time to end this. This project has  
3 gone on far too long.

4 And thank you for allowing me to speak  
5 to this and I will give this . . .

6 BILL MILLER: Thank you very much. After  
7 Supervisor Dave Roberts, we'll have Mayor Jim Woods  
8 and Olga Diaz.

9 DAVE ROBERTS: Colonel Toy, Toy's staff,  
10 ladies and gentlemen. I'm Dave Roberts, and I'm the  
11 first new supervisor in 18 years and I represent  
12 District 3.

13 I stand before you here tonight that  
14 times are changing and we're all getting smarter, and  
15 we really need to look at this project. I'm also the  
16 father of five young children, and I believe that  
17 this project is not in the public interest and I want  
18 to give you the reasons why.

19 This dump poses an unacceptable risk of  
20 contamination of the San Luis Rey River, which  
21 supplies drinking water and bathing water to the City  
22 of Oceanside, and Mayor Jim Woods is going to speak  
23 next.

24 This dump isn't even needed. With  
25 expanded capacity at Miramar, which is in my

1 supervisory district, and Sycamore, which is in  
2 Supervisor Dianne Jacobs' district, as well as a new  
3 landfill approved for East Otay Mesa in Supervisor  
4 Greg Cox's district, we have capacity for decades,  
5 long after you and I are gone. This is not in the  
6 public interest.

7           Recycling programs are further cutting  
8 trash to our dumps. This adds even more years of  
9 capacity. Just three weeks ago my colleague,  
10 Supervisor Bill Horn, and I voted to expand and put  
11 in commercial recycling here in San Diego County,  
12 which is going to greatly increase our diversion  
13 rates, so this dump is not needed.

14           And if nothing else sticks in your head  
15 tonight, three decades ago we were told that nuclear  
16 power was safe and it would not leak. This week we  
17 celebrate the one year anniversary of our nuclear  
18 power plant being shut down because it leaks.

19           They tell us this liner is, will never  
20 leak. How can they guarantee it when nuclear power  
21 right down the street here said that that wouldn't  
22 leak?

23           So let's get smart about what we're  
24 talking about here. Nothing is leak proof.

25           So let's not repeat the mistakes of the

1 past. Let's do what's in the public interest.

2 I'm also authorized to speak on behalf  
3 of the cities and my district of Encinitas, Solana  
4 Beach, and Del Mar, who have all passed resolutions  
5 opposed to this and authorized me to speak on their  
6 behalf tonight.

7 I hope you will deny this permit.

8 Thank you very much.

9 BILL MILLER: Thank you. Mayor Jim Wood,  
10 followed by Olga Diaz and Rita Fernandez.

11 JIM WOOD: I'll cut it short. I had a longer  
12 speech, but two minutes.

13 I'm Jim Wood, I'm the mayor of the  
14 largest city in North San Diego County, the one  
15 impacted directly by this particular thing. I'm the  
16 senior mayor in North County, San Diego County, and  
17 so that means a lot that I'm here to represent a  
18 large number of people.

19 We got involved early in this many years  
20 ago because we thought it was just wrong; wrong about  
21 the landfill, the dump, whatever you wish to use and  
22 call it.

23 My concerns are obvious: We're  
24 downstream. We're downstream. We're one of the few  
25 cities that do desal from the downstream water. We

1 get about 20 percent of our water from underground  
2 water sources from the San Luis Rey River. We're  
3 spending millions of dollars and looking at spending  
4 even more to get up to 50 percent of our water from  
5 desal from downstream. Can you imagine spending that  
6 kind of money getting that where you can get the  
7 rates down for our citizens?

8 I'm a military town, seniors and  
9 veterans. Our water rates have gone up over 100  
10 percent since 2006. People on fixed incomes. So we  
11 are trying to resolve that by desal locally.

12 Can you imagine if we went to that kind  
13 of cost and then all of a sudden there's a leak  
14 upstream? That would destroy all of that. We would  
15 have to shut it down. And then the cost to the other  
16 cities who would have had to go back and buy that  
17 money and that amount of water, 50 percent, from  
18 another source and the cost.

19 That's our concerns from the City of  
20 Oceanside, obviously.

21 I won't go into details because we've  
22 told you this before. However, with that, I think  
23 you understand this too, our governor was concerned  
24 about protecting water sources. He came out recently  
25 and said that. It's important. Here's a water



1 source.

2 I'm not against a landfill or dump,  
3 whatever they want to call it, I just didn't like the  
4 location they picked, right on a water source for my  
5 city and the Pala Indians. All the culture in this  
6 area would be impacted by that also.

7 So we're concerned. I'm looking at  
8 losing billions of dollars in our assets for this  
9 future, and why would we do it? Secondly, all the  
10 rivers, streams, wetlands, the ocean, my harbor, if  
11 it's contaminated downstreams, that's also impacted.

12 And this is really about two things  
13 today here in front of you; money and quality of  
14 life, and I think that's (inaudible due to applause).

15 I find it hard that any politician would  
16 stand up here representing any group of people and  
17 threaten their possible water source, the most  
18 valuable item we have in Southern California. Plus  
19 the landfill dump is not needed under new guidelines.  
20 Thank you.

21 BILL MILLER: Thank you, Mayor. Olga Diaz,  
22 followed by Rita Fernandez and Esther Sanchez.

23 OLGA DIAZ: I'll be out of character and brief  
24 this evening.

25 My name is Olga Diaz. I'm the Deputy

1 Mayor of the City of Escondido, and I'm here to speak  
2 against the permit for the Gregory Canyon Landfill,  
3 and I'll tell you why.

4 The folks of Oceanside deserve a  
5 protection. Although this particular water source  
6 doesn't impact the residents that I represent, if, in  
7 fact, the water source for Escondido were threatened,  
8 I would expect other elected officials around the  
9 County to come and support my city, so I'm here to  
10 support Oceanside.

11 And to speak from a position of being  
12 informed, I actually visited the site. I toured it.  
13 In fact, interesting story, I took my ten-year-old  
14 daughter along when I went. And even she was able to  
15 say, "Why would they put trash by the river?"

16 So it makes no sense. If you have not  
17 been on site, you must visit. And unless you have  
18 visited, you don't know the damage that you are  
19 imparting on that water source.

20 There isn't anything you can say to me  
21 that will convince me that the trash won't leak into  
22 that water source. Maybe not 10 years from now, but  
23 20, 30, 40, 50, long after the advocates for this  
24 project have passed, and quite frankly, long after  
25 many of the folks in the room have passed, there is

1 nothing that can convince me that that liner will not  
2 break or leak. And the folks in Oceanside deserve a  
3 greater protection, so I would really encourage you  
4 not to support this.

5 The Army Corps has solved a lot of  
6 problems around the country in terms of flooding and  
7 waterways. In the City of Escondido we have a creek  
8 that was channelized well over 50 years ago, and we  
9 are now working to restore that creek and we are  
10 working with the Army Corps of Engineers to achieve  
11 that.

12 So I would hate, 50 years from now, for  
13 somebody to have to work with the Army Corps to try  
14 and unpollute the San Luis Rey River because of this  
15 landfill. So it's best to avoid the problem in the  
16 first place.

17 Thank you.

18 BILL MILLER: Thank you very much for your  
19 comments.

20 Rita Fernandez, thank you very much,  
21 Esther Sanchez, followed by Jack Feller.

22 Thank you.

23 RITA FERNANDEZ: Thank you very much.

24 Good evening. My name is Rita Fernandez  
25 and I'm a community liaison for Congressman Juan

1 Vargas.

2 As some of you may know, when  
3 Congressman Vargas was in the State Senate not too  
4 long ago he sponsored SB 833. This bill essentially  
5 would prohibit a project like this landfill that  
6 we're discussing today.

7 There were a couple of reasons for which  
8 he took this position in opposition to these types of  
9 projects.

10 Firstly, something that has been  
11 discussed at great length and with great emotion is  
12 the Native American sacred sites. The Congressman  
13 believes that these types of sites should be  
14 protected and given the due respect that they  
15 deserve.

16 Additionally, there are environmental  
17 reasons why he opposed it. The San Luis Rey River  
18 is, of course, a drinking water source for many  
19 people in this community, and there were many public  
20 health concerns that were raised during this debate.

21 I appreciate the opportunity to be able  
22 to speak here and I hope that the decision that is  
23 reached is the best for this community.

24 Thank you very much.

25 BILL MILLER: Thank you. After Esther Sanchez

1 and Jack Feller will be Cristina Sanchez.

2 CHRISTINA SANCHEZ: My name is Cristina  
3 Sanchez, aid to Oceanside Councilmember Esther  
4 Sanchez, and I'm here this evening to provide oral  
5 comments on the Gregory Canyon EIS on her behalf.  
6 Councilmember Sanchez also is representative on the  
7 California Coastal Commission.

8 Councilmember Sanchez is passionate  
9 about maintaining the water quality along Oceanside's  
10 coastline, as well as protecting the substantial  
11 investment that the city has made in developing local  
12 water supplies.

13 As such, she feels strongly that there  
14 are several areas of the EIS that are not fully  
15 mitigated and would seriously harm the City of  
16 Oceanside.

17 Most notable of these inadequacies is  
18 the liner integrity. Based on the scientific  
19 literature, it is well documented that landfill  
20 liners will eventually leak. When this happens, the  
21 leachate will enter the ground water in the San Luis  
22 Rey River and be transported to the City of Oceanside  
23 and the coastline. This toxic soup can contain heavy  
24 metals, organics, PCBs, and dioxins.

25 Based on the scientific literature, it

1 is well documented that these types of chemicals are  
2 toxic, interfere with hormones in the body, can  
3 bioaccumulate in fish such as the steelhead trout and  
4 other aquatic organisms, plays a significant role in  
5 the decline of amphibians such as the arroyo toad,  
6 and harm marine fish and shellfish.

7 There is no discussion in the EIS  
8 regarding how mitigation will occur when sediments,  
9 the water in the river, and the larger fishery  
10 industry of the Pacific are impacted by leachate  
11 pollution.

12 The EIS does address monitoring wells  
13 that will monitor around the landfill, but however,  
14 what are the assurances that the liner will not leak  
15 and our water supplies will not be impacted?

16 Councilmember Sanchez requests that the  
17 Environmental Impact Statement be rejected. There  
18 are just too many unanswered questions and too high  
19 of a risk for this project to proceed.

20 On behalf of Councilmember Sanchez,  
21 thank you for the opportunity to speak tonight.

22 BILL MILLER: Thank you very much.

23 After Jack Feller will be Gary,  
24 apologize for mispronouncing your name, Feller. Very  
25 sorry, sir. And Cari Dale following that.

1 JACK FELLER: Good evening, Colonel Toy.  
2 Good seeing you again. I am Jack Feller, City  
3 Councilmember for the City of Oceanside, and I'm  
4 speaking on my own behalf.

5 Colonel Toy, you and your staff have a  
6 huge job ahead of you, and that comes with being the  
7 U.S. Army Corps of Engineers.

8 I do support the Gregory Canyon Landfill  
9 permit issuance. This much needed facility has been  
10 approved by County voters twice, and was approved at  
11 the polls in Oceanside. The level of protection is  
12 unprecedented, everything is state-of-the-art, and  
13 water quality will be preserved.

14 The civilian bureaucracy has given most  
15 all of the needed approvals, and I trust this  
16 project.

17 I've grown up in the construction  
18 industry and I've grown up on your projects. The  
19 Oahe in South Dakota in the '50s, Blue River Dam in  
20 Oregon in the '60s, just to name a couple of them.

21 The, the U.S. Army Corps of Engineers  
22 does design, build, process, and approve projects  
23 that are, that are great. You are serving the needs  
24 of America in -- right now it's San Diego that needs  
25 your attention.

1 I appreciate your attention to this and  
2 I would ask for your approval on this EIS.

3 Thank you.

4 BILL MILLER: Thank you, Jack.

5 After Cari Dale will be Gabriel  
6 Gutierrez.

7 GARY FLEEN: My name is Gary Fleen and I'm a  
8 City Councilman from the City of Oceanside.

9 And I've come to speak before you  
10 tonight to acknowledge that, when the residents of  
11 Oceanside had a chance to speak for themselves,  
12 twice, they voted for the Gregory Canyon Land  
13 project, along with the residents of San Diego  
14 County.

15 And what they were asking for is, and  
16 what I'm asking for, when I voted for it as well, is  
17 for the process to go forward, for it to be  
18 objective, for it to be based on science and  
19 engineering and not based on hysteria and emotion.

20 And I'm not an engineer, I'm not a  
21 geologist, I'm not a scientist, so I don't know where  
22 this process is going to end up. But as the  
23 proponents claim, as they claim that it's the most  
24 scientifically protected landfill that's ever been  
25 devised, and it will provide the level of protection



1 that the law requires, then the project should be  
2 approved. If it doesn't meet that threshold, then it  
3 should be denied.

4 And that's what the voters are asking  
5 for. They're asking for an honest review, they're  
6 asking for an objective review, they're asking for a  
7 decision that's based on science. And once again,  
8 the voters themselves, when they had a chance to  
9 speak for themselves, voted for this process to go  
10 forward.

11 So I appreciate your work that you're  
12 going to do on this, it's certainly a complicated  
13 decision, but just make sure it's based on the facts  
14 and not based on emotion.

15 Thank you.

16 BILL MILLER: Thank you very much.

17 Cari Dale, Gabriel Gutierrez, and I  
18 apologize, Damon --

19 DAMON NAGAMI: Nagami.

20 BILL MILLER: Thank you, sir.

21 CARI DALE: Good evening. My name is Cari  
22 Dale and I am the Water Utilities Director  
23 representing the City of Oceanside. I'm here tonight  
24 to oppose the Gregory Canyon Landfill.

25 Of foremost concern to my department and

1 to the citizens in Oceanside is the water supply.  
2 The EIS states that there are two sources of local  
3 water supply that they intend to use, riparian  
4 underflow and percolating ground water. And for  
5 those of you in the audience that don't understand  
6 what these mean, these are somewhat technical terms,  
7 so let me clarify for you: Both of these are water  
8 sources that have been claimed by other parties,  
9 including the City of Oceanside, and as such, the  
10 City of Oceanside will vehemently protest any  
11 application to appropriate water from the San Luis  
12 Rey River, and will object to any attempts to  
13 initiate a diversion or increase a diversion.

14 The City of Oceanside will also  
15 vehemently protest any application to appropriate  
16 water emanating from riparian underflow and  
17 percolating ground waters.

18 Water rights and their permitting  
19 authorizations have not even been addressed in this  
20 EIS.

21 The EIS further states that the landfill  
22 itself would obstruct rain water infiltration through  
23 the soil and ground water. This recharge would be  
24 diminished, and therefore the City of Oceanside  
25 protests any activity which would reduce the

1 percolation of rain water, thereby diminishing the  
2 quantity of percolating ground water available for  
3 downstream appropriatives, such as the City of  
4 Oceanside.

5 Again, water rights need to be  
6 addressed.

7 And for brevity, I'll just describe how  
8 much we have invested in this local supply. Up to  
9 this date it's been 23 million dollars. By 2022  
10 we're going to invest another 85 million dollars, and  
11 in the next 30 years, 180 million dollars. This is a  
12 significant investment in our local supplies.

13 Please don't ignore the enormity of the  
14 impact the landfill will have on local water supplies  
15 for the City of Oceanside.

16 And I'll just wrap it up.

17 We are counting on you to reject this  
18 EIS and find that it is not the least environmentally  
19 damaging alternative.

20 Thank you for your time.

21 BILL MILLER: Thank you for your comments.  
22 Gabriel Gutierrez, Damon Nagami, and Josan Feathers.

23 GABRIEL GUTIERREZ: Good evening. My name is  
24 Gabriel Gutierrez. I'm a policy advisor for County  
25 Supervisor Ron Roberts.

1 Ron is sorry he could not be here today.  
2 He wanted me to share with you his longstanding  
3 support of this project.

4 About 18 months ago, the Board of  
5 Supervisors sent a letter to Governor Brown, urging  
6 him to not sign a bill that would have killed this  
7 project. I'd like to read you a paragraph from that  
8 Board letter.

9 San Diego's vast, sprawling, and  
10 populous North County has been without a landfill for  
11 decades. Recent census data shows North County to be  
12 among the County's fastest growing regions. The  
13 trash generated by North County residents must be  
14 collected and then transported by heavy trucks to  
15 landfills in the East County, Sycamore, and South  
16 County, Otay.

17 County of San Diego voters twice have  
18 gone to the polls, 1994 and 2004, and in overwhelming  
19 numbers, 68 percent and 64 percent respectively, in  
20 support of the Gregory Canyon Landfill project.

21 The project has an approved  
22 Environmental Impact Report that has withstood legal  
23 scrutiny as high as the California Supreme Court.

24 Supervisor Roberts also wrote recently  
25 to the Army Corps, reiterating his support for the

1 Gregory Canyon Landfill. While I know you have the  
2 letter, I'd like to read this part.

3 I have supported this project from the  
4 beginning and expect it will be among the most  
5 advanced and environmentally sound landfills in the  
6 nation. The Gregory Canyon project will bring an  
7 economic boost to the region during construction, and  
8 once operational, will generate much-needed tax  
9 revenue and increase local spending.

10 The Gregory Canyon project has been well  
11 vetted and received overwhelming support from San  
12 Diego County voters.

13 I urge you to allow this project to move  
14 forward for the benefit of the entire San Diego  
15 County region.

16 Thank you for your time.

17 BILL MILLER: Following Ms. Feathers will be  
18 Shasta Gaughen. Right now, Damon Nagami.

19 DAMON NAGAMI: Thank you.

20 Good evening. My name is Damon Nagami.  
21 I'm a senior attorney for the Natural Resources  
22 Defense Counsel and director of NRDC Southern  
23 California Ecosystem Project.

24 I'm here on behalf of our tens of  
25 thousands of members and activists in Southern

1 California.

2 Our message tonight is simple: This  
3 landfill is not in the public interest. The debate  
4 over this landfill should have ended a long time ago.

5 When it was originally proposed back in  
6 the late '80s, this landfill failed seven out of  
7 eight landfill siting criteria set out by the County.  
8 It's on top of a drinking water source, it's near  
9 important archeological sites, it's near an  
10 earthquake fault, it's home to endangered species.  
11 There's no question that this is the wrong place to  
12 put a garbage dump.

13 Now, sensing defeat, in 1994 the dump's  
14 proponents did an end run around the County and put  
15 the approval for the dump on the ballot, but that  
16 ballot initiative was misleading. The project was  
17 described primarily as a recycle measure. They also  
18 warned of a waste crisis in the County, which has  
19 turned out to be wrong. What was most egregious was  
20 that the ballot initiative failed to tell the voters  
21 that the dump would desecrate important Native  
22 American sites and threaten critical drinking water  
23 supplies and endangered species.

24 So you have all of those bad  
25 environmental impacts on one side that are clearly

1 not in the public interest.

2 The only factor that could possibly make  
3 a difference on the other side is whether there's an  
4 actual need for this landfill, but San Diego County  
5 does not need this landfill. Despite claims by the  
6 landfill's developers to the contrary and R3  
7 Consulting's long report, the County has more than  
8 enough landfill capacity, and the reason is that  
9 residents and businesses have been going gangbusters  
10 with recycling and other waste diversion techniques.

11 According to Cal Recycle, waste disposal  
12 in the County in 2011 was nearly 30 percent less than  
13 the amount of waste that was disposed in 2005. And  
14 this decline is likely to continue, due in part to  
15 state and local laws mandating the diversion of waste  
16 from landfills, as well as growing markets for  
17 recyclable and reusable items.

18 We should be focusing on 21st century  
19 approaches to dealing with waste. This includes  
20 recycling, reusing, composting, waste diversion,  
21 reducing consumption, and aiming for a zero waste  
22 society.

23 Even the CEO of Waste Management agrees  
24 that landfilling is a dinosaur that's about to go  
25 extinct. In a Wall Street Journal article he

1 predicted that in 10 to 15 years his company would be  
2 out of the landfill business and would be focusing  
3 instead on recycling and finding up-value from the  
4 waste rather than burying it.

5 So if this project is not in the public  
6 interest, who is benefiting? Well, when in doubt,  
7 follow the money. The sole beneficiaries of this  
8 (inaudible due to applause) for some reason looked at  
9 the San Luis Rey River in Gregory Canyon and  
10 envisioned a mountain of garbage. You must not let  
11 them do that.

12 This landfill is not in the public  
13 interest. You should deny this permit and stop this  
14 project once and for all.

15 Thank you.

16 BILL MILLER: Thank you for your comments.

17 Shasta Gaughen, Josan Feathers, and  
18 Larry Purcell.

19 SHASTA GAUGHEN: My name is Dr. Shasta  
20 Gaughen. I'm the Environmental Department Director  
21 and the Tribal Historic Preservation Officer for the  
22 Pala Band of Mission Indians.

23 It is my job to protect the environment  
24 for the Pala reservation and to fulfill Federal and  
25 State requirements for the protection and



1 preservation of historic, cultural, and archeological  
2 resources of importance to the tribe.

3 As part of the review process, the Army  
4 Corps is obligated to assess whether a proposed  
5 project best serves the interests of the public. The  
6 Gregory Canyon Landfill fails to meet the public  
7 interest criteria at almost every level.

8 Of highest importance to the Pala people  
9 and all the Southern California bands are the  
10 cultural and historic values of the project site. A  
11 dump would completely desecrate and destroy Gregory  
12 Mountain; one of the most important sacred sites of  
13 the Luiseno and Cupeno people.

14 There are no exclusion zones that can  
15 protect the mountain from desecration. It is sacred  
16 from the bottom to the top.

17 The landfill investors want you to  
18 believe that Pala only opposes this dump because of  
19 their casino, but nothing could be further from the  
20 truth. Gregory Mountain has been listed as a sacred  
21 site with the Native American Heritage Commission  
22 since the 1980s, well before the casino was even  
23 proposed.

24 References to the sacred significance of  
25 Chokla appear in the anthropological literature

1 beginning in the early 1900s. The County of  
2 San Diego knows this and determined that the landfill  
3 would cause unmitigable damage to archeological sites  
4 and cultural and religious values.

5 It is not in the public interest to ask  
6 for tribes to give up yet another piece of their  
7 living heritage.

8 A dump in Gregory Canyon also imposes  
9 unacceptable risks to the environment. How could the  
10 public benefit from threats to water quality, water  
11 supply, and water conservation? You cannot make a  
12 dump liner thick enough or advanced enough to  
13 guarantee that it will never leak.

14 This is not just about those of us  
15 living today, but about the future. We have an  
16 obligation to our children and to our children's  
17 children not to allow this landfill to threaten our  
18 water supply.

19 The Gregory Canyon Landfill would  
20 destroy the critical wildlife habitat that provides  
21 home for endangered species, it will destroy water  
22 quality, and it will destroy tribal heritage.

23 The Army Corps needs to consider  
24 alternatives. There is no benefit to the public for  
25 this project.

1                   Thank you for your time. And in my last  
2 few seconds, if you're against this dump, stand up.  
3 Show them that you don't want it.

4                   BILL MILLER: Thank you for your comments.

5                   Larry Purcell, followed by Lenore Lamb  
6 and Michael McSweeney.

7                   UNIDENTIFIED SPEAKER: Josan Feathers.

8                   BILL MILLER: Oh, I'm sorry. Yes, please. I  
9 thought -- Josan Feathers.

10                  JOSAN FEATHERS: I think you already have my  
11 handout there.

12                  My name is Josan Feathers, I'm a  
13 registered civil engineer, and I am here on behalf of  
14 the League of Women Voters of San Diego County and I  
15 am their natural resources director.

16                  The League of Women Voters of San Diego  
17 County urges the Army Corps to deny the Gregory  
18 Canyon Landfill.

19                  Our concerns are based on the League's  
20 positions regarding waste management, water quality,  
21 and land use. We support measures to ensure  
22 environmentally sound and efficient solid waste  
23 management and policies to reduce the generation and  
24 promote the reuse and recycling of solid wastes. We  
25 support the preservation and the integrity of

1 ecosystems in order to protect public health and air,  
2 water, and land resources, whose inner relationships  
3 should be recognized in designing environmental  
4 safeguards and to prevent ecological degradation.

5 Our position on water resources supports  
6 stringent controls to include protection of  
7 watersheds for surface supplies and of recharge areas  
8 for ground water. Specifically these positions all  
9 apply directly to the proposed Gregory Canyon  
10 Landfill. However, the bottom line is that the need  
11 for this landfill has diminished, as the recycling  
12 rates have increased, thereby reducing the need for  
13 additional landfills.

14 Our primary concern is with water  
15 quality. The following issues are cause for concern:  
16 The proposed landfill site is located partly in the  
17 100-year floodplain where it could impact the  
18 watershed aquifers and the aquifer recharge areas.  
19 The impacts of the construction of a 35-foot wide and  
20 640-foot long bridge. Really?

21 The impacts are just excessive,  
22 especially in this rural area, especially five sets  
23 of piles in the San Luis Rey River. The possibility  
24 of vehicular leakage where load spills from vehicles  
25 containing solid and/or hazardous wastes as they

1 cross the long bridge over the river is alarming.

2 The ancillary facilities will house a  
3 diesel storage tank, a household hazardous waste  
4 storage area, and a leachate and subdrain collection  
5 system holding tanks.

6 The owners claim the proposed landfill  
7 liner will keep toxic leachate from leaking into the  
8 ground water, although authorities insist there's no  
9 such thing as a failsafe liner. Critical habitat  
10 will be impacted.

11 We urge you to deny this permit. Thank  
12 you.

13 BILL MILLER: Thank you very much for your  
14 comments (inaudible due to applause).

15 Larry Purcell, followed by Lenore Lamb  
16 and Michael McSweeney.

17 LARRY PURCELL: Thank you. Larry Purcell,  
18 4677 Overland Avenue, San Diego, 92123.

19 I'm here tonight representing the  
20 San Diego County Water Authority, the public agency  
21 responsible for supplying the imported water  
22 necessary to support over three million residents and  
23 186 billion (inaudible) County.

24 Our concerns with the proposed landfill  
25 have always been and remain two-fold: One is

1 ensuring protection of water resources, number two is  
2 ensuring protection of our facilities.

3           The proposed landfill site is  
4 immediately adjacent to the San Luis Rey River, sits  
5 atop and is upstream of several ground water basins  
6 currently used as supply for local agencies, and  
7 those supplies are expected to be expanded in the  
8 future. We believe the Draft EIS is lacking and it  
9 does not contain any analysis regarding impacts of  
10 the loss of this local supply, or provide any  
11 mitigation to compensate for additional treatment or  
12 replacement costs, should surface and ground water  
13 become unusable in the future.

14           Our second concern is the integrity of  
15 the regional water delivery system. The proposed  
16 landfill is immediately adjacent to two existing  
17 large diameter pipelines, which will be exposed to  
18 repeated blasting and heavy vehicle process. We  
19 believe the DEIS is lacking and that it does not  
20 contain an adequate analysis of nearby long-term  
21 blasting on the existing 60-year-old pipelines, nor  
22 does it include an analysis of the approved, but not  
23 yet built, Pipeline 6, plan for the State  
24 right-of-way.

25           In addition, the Draft EIS does not

1 contain enough detail of a possible pipeline  
2 relocation option, including the design,  
3 construction, and schedule, to determine if it is  
4 appropriate for our conveyance system. Without this  
5 information, we are left wondering if the project  
6 described in the Draft EIS is in the public interest  
7 when it potentially puts the regional water system  
8 for millions of San Diegans at risk.

9 Thank you for the opportunity to speak.

10 BILL MILLER: Thank you. Lenore Lamb,  
11 followed by Michael McSweeney and Jim Knott.

12 LENORE LAMB: Good evening, Colonel Toy and  
13 members of your staff, and thank you for having me.  
14 My name is Lenore Lamb and I am the Natural Resources  
15 Officer for the Bureau of Indian Affairs, Southern  
16 California Agency.

17 The BIA is here to be an advocate for  
18 the sovereignty and rights of tribes in dealing with  
19 other governmental entities. We want the Army Corps,  
20 as our sister agency, to understand that all Federal  
21 agencies share in this trust responsibility. We want  
22 to ensure that meaningful consultation is performed  
23 by the Army Corps on this project, and is effective  
24 pursuant to your own government-to-government  
25 consultation policy, as supported by President Obama

1 in Executive Order 13175.

2 Specifically it calls for an accountable  
3 process to interact with tribes, and requires an  
4 obligation of pre-decisional government-to-government  
5 consultation.

6 The EIS acknowledges, in Table ES-4,  
7 that the proposed action in building this landfill is  
8 the only action of disproportionately high and  
9 adverse environmental justice effects for five out of  
10 the six criteria evaluated. This is not -- this is  
11 contrary to the public interest.

12 If this project is permitted by the Army  
13 Corps, millions of tons of garbage will be buried in  
14 the canyon in a site sacred to Indian people. We ask  
15 the Army Corps to respect the cultural significance  
16 of this site to tribes. It is an irreplaceable  
17 resource, and it would be a dishonor to approve a  
18 solid waste landfill which will desecrate a site  
19 sacred to Indian people. Thank you.

20 BILL MILLER: Thank you for your comments.

21 Michael McSweeney, followed by Jim Knott  
22 III and Ted Griswold.

23 MICHAEL MCSWEENEY: Good evening. My name is  
24 Michael McSweeney. I'm the Senior Public Policy  
25 Advisor for the BIA, the other BIA, Building Industry



1 Association.

2 And I represent nearly 700 companies and  
3 nearly 40,000 employees who earn their living  
4 building the communities many of you live in. The  
5 BIA holds dear communities in which we live, work,  
6 and play. Our motto is, we don't build, we build  
7 community.

8 Many folks here tonight have probably  
9 never set foot in a landfill. For nearly 30 years,  
10 until I took my current position, I, in the course of  
11 my business as a general contractor, utilized local  
12 landfills. Most are at or near capacity. I'm old  
13 enough to remember using landfills before there were  
14 many of the environmental safeguards that are  
15 implemented today.

16 On this proposed landfill I've  
17 researched what the environmental safeguards are.  
18 They're state-of-the-art.

19 The Gregory Canyon Landfill was twice  
20 supported by the San Diego voters, and is now  
21 before you as part of a rigorous environmental  
22 review process. The records throughout this public  
23 review demonstrates the urgent need to proceed with  
24 this project, and explains how this new facility,  
25 coupled with increasing recycling, can address our

1 nation's -- our region's solid waste needs for  
2 decades to come.

3 This privately funded project will  
4 enable an option for sensible growth and development  
5 of the area, with a great deal of attention paid to  
6 environmental safety.

7 We at the BIA urge you to approve this  
8 permit. The need for a decision on this project is  
9 urgent. All San Diego landfills, as I said, are at  
10 or near operating capacity.

11 For most, the most recently adopted  
12 revision of the County's Solid Waste Management Plan  
13 produced unanimous agreement among the County of  
14 San Diego, majority of the cities in the County, and  
15 the California Integrated Waste Management Board,  
16 that Gregory Canyon Landfill is absolutely necessary  
17 to meet the requirements of state law.

18 BIA knows what it takes to create a  
19 solid foundation on which to grow communities, and we  
20 urge you to allow this much-needed project to move  
21 forward.

22 Thank you.

23 BILL MILLER: Thank you very much for your  
24 comments. Jim Knott III, followed by Ted Griswold  
25 and Efrem Bycer.

1           JIMMY KNOTT III: Jimmy Knott III,  
2 Vice-Chairman to the Utilities Commission, City of  
3 Oceanside, speaking for myself. I've not been  
4 authorized by the Chair to speak, but I want to make  
5 sure that it was on the record.

6           Yes, when Prop C passed years ago, the  
7 primary vision for it was as a recycling center, and  
8 that was what was emphasized to the public. A  
9 recycling center, not a landfill.

10           Then after it was passed, the landfill  
11 became the concentration. Now, that was sort of  
12 like, you know, playing a little bit of the odds  
13 against the middle and lying to the public. That's  
14 not right. The first one was (inaudible), the second  
15 one not, because it's going to old technology. And  
16 when it went to the old technology, it started to  
17 endanger the public.

18           In the City of Oceanside, it endangered  
19 our water source. And what's going to happen is  
20 (inaudible) endangered our water source, it would  
21 take and, as everyone else has said, it will  
22 eventually leak and it will take and spoil our water,  
23 not just in 50 years, but in thousands of years as  
24 well. That dump will not go away.

25           Now, we have evidence to that with our

1 Native American brothers and sisters who have lived  
2 here for thousands of years. Now we will be here as  
3 well, because we are part of that big family. Well,  
4 this dump is also going to affect the people in the  
5 City of Oceanside, and there's going to be a cost.

6 Now, the people who operate this dump  
7 have not really guaranteed that they will cover those  
8 costs for the repairs in our city or the costs of the  
9 millions of dollars in infrastructure and  
10 replacement, or end user cleanup costs. They have  
11 not covered any questions of liability that's  
12 involved here.

13 There has been a lot of questions and  
14 they have always been left unanswered. We need to  
15 take and address this very clearly and look at other  
16 alternatives. Recycling can be done in 100 percent  
17 and modern technologies have approved it. We don't  
18 need it now.

19 Thank you.

20 BILL MILLER: Thank you. Ted Griswold, Efrem  
21 Bycer and Walter Resnick following you.

22 TED GRISWOLD: Thank you. Ted Griswold with  
23 Procopio, environmental counsel to Pala Band of  
24 Mission Indians. Appreciate your time.

25 We have a myriad of environmental issues

1 to deal with with Gregory Canyon Landfill. We will  
2 be providing extensive written comments, but I want  
3 to really focus you on the lens through which you are  
4 looking through the environmental document, as well  
5 as the public, and that is the purpose and need. So  
6 I want to focus you on that because that really  
7 tailors your entire environmental analysis and your  
8 permitting decisions.

9 Looking at your own regulations,  
10 33 CFR, 325 Appendix B where your NEPA guidelines and  
11 procedures are, I point out to you in Section 94  
12 that -- excuse me, Section 9B4, an example that's  
13 given in how you should look at your purpose and  
14 need.

15 And that is, they give an example in the  
16 procedures, if someone is going for a 404 permit for  
17 a pipeline, for a cooling pipe for an electrical  
18 plant, then what you need to do is -- that may be the  
19 permit, the pipeline may be the permit.

20 However, when you're considering the  
21 entirety of the project, in your NEPA document, your  
22 purpose and need statement should be looking at the  
23 need for electricity. Not an electrical plant, not  
24 the need for the pipe, but the need for electricity.

25 That's a direct analogy on what you're

1 looking at here. Your purpose and need from a scope  
2 standpoint should be looking at the need for and how  
3 you're dealing with our waste, rather than looking at  
4 a landfill or a specific location.

5 Secondly, geographic scope. Your  
6 purpose and need analysis that R3 put together did a  
7 great job of putting together a whole bunch of  
8 information from six different counties on the waste  
9 shed that's associated with the waste that comes from  
10 here.

11 And then they go and do an alternatives  
12 analysis in your EIS that focuses only on San Diego  
13 County. It's very confusing, it's very  
14 contradictory, because in your alternatives analysis,  
15 you're saying that all of your alternatives are only  
16 in San Diego County, yet also in your document you're  
17 saying that you cannot say that this waste will only  
18 come from San Diego County.

19 That's really problematic, because  
20 unless you can condition your permit to say that the  
21 waste will only come from San Diego County, then your  
22 alternatives should be included among all of the six  
23 counties. And if you do that, if you look at your  
24 own analysis -- I'm almost done, I'm just going to  
25 wind up with this point.

1                   If you do that and you look at your  
2 analysis, your own analysis on purpose and need, the  
3 Gregory Canyon Landfill will only add 1, to a maximum  
4 of 2.1 years of capacity within the waste shed, and  
5 you should be comparing that against the  
6 environmental damage that would be caused by this  
7 landfill.

8                   Thank you.

9                   BILL MILLER: Efrem Bycer, Walter Resnick,  
10 Brad Barnum.

11                  EFREM BYCER: Good evening, Colonel Toy. My  
12 name is Efrem Bycer. I'm economic development  
13 manager with the San Diego Regional Economic  
14 Development Corporation.

15                  Our CEO, Mark Cafferty, is unable to  
16 attend tonight, but wants to enter his support for  
17 this location into the record.

18                  The goals of the EDC during the past  
19 four decades have been to support regional economic  
20 prosperity and global competitiveness.

21                  A healthy and growing regional economy  
22 requires continued investments in infrastructure,  
23 including sites for solid waste disposal. The EDC  
24 fully supports the Gregory Canyon location as the  
25 best location out of all locations being considered

1 by the Corps for a new landfill in San Diego County.

2 The Gregory Canyon Landfill project will  
3 be state-of-the-art. This project has gone through  
4 extensive CEQA review, as well as deliberation by  
5 Local, State, and Federal agencies over the years to  
6 establish its safety.

7 The EIR has also withstood multiple  
8 legal challenges.

9 Furthermore, this is a prudent  
10 investment for our region. Shipping trash outside of  
11 our region will only exacerbate air quality and  
12 increase costs to consumers. This landfill facility  
13 will create jobs, generate tax revenue, and ensure  
14 that our solid waste disposal needs are met in an  
15 environmentally responsible manner.

16 Voters have twice agreed in County-wide  
17 elections that we must build this critical  
18 infrastructure project in order to meet the waste  
19 disposal needs of the San Diego region over the next  
20 30 years.

21 None of the proposed alternative  
22 locations can better meet the waste disposal needs of  
23 our region.

24 In conclusion, this site is in the best  
25 interest of the public, and San Diego County voters



1 have clearly voiced their approval at the ballot box.

2 The EDC asks that you approve the  
3 Gregory Canyon location and allow this project to  
4 move forward.

5 Thank you.

6 BILL MILLER: Thank you very much.

7 Walter Resnick, Brad Barnum, and Laura  
8 Hunter. Mr. Resnick.

9 WALTER RESNICK: Good evening. Walter Resnick  
10 with Procopio Cory. We represent the Pala Band of  
11 Mission Indians.

12 I want to take a little different  
13 approach here. I think you've heard a lot about the  
14 public interest, etc., and we will be submitting  
15 comments, specific comments.

16 But overall, one concern I have with the  
17 EIS, and it's troubling to me, is that the party  
18 preparing the EIS is the same party that prepared the  
19 EIR, and they have already responded to a number of  
20 comments and it was deja vu reading the document  
21 again.

22 I would urge the Corps to give strict  
23 reading of all the comments that are provided so that  
24 they don't get subterfuged like we feel the comments  
25 on the EIR were.

1                   And in that manner I would say, we've  
2 got this big tube of dirt back here which, quite  
3 honestly, is somewhat misrepresentative. It doesn't  
4 show how thin the liners are going to be, the plastic  
5 liners.

6                   The other thing it doesn't say, and it's  
7 hard to find in the Draft EIS, is that that liner is  
8 only going to be over maybe 20 percent of the  
9 landfill, so the rest of the landfill is not going to  
10 have that much of a liner. And I think you would  
11 have to search far and wide to find that information  
12 in that EIS. That's because it's stuck somewhere in  
13 the Joint Technical Document. So that most of that  
14 landfill will not be covered. It will be covered by  
15 a liner that does not even have a leachate control  
16 system. It does not have a recovery system.

17                   So you can look at the document to see  
18 that, but I would urge you to look at that closely.

19                   And one thing on the need issue: We  
20 will be submitting comments on that, but on my review  
21 of the numbers that R3 created, I think they  
22 underestimate the capacity in the region by more than  
23 200 million tons a year. And we'll point out exactly  
24 where that occurs.

25                   And I think that their analysis of

1 disposal rates in the future is also very jaundiced  
2 and is both hard to fathom and hard to follow, and  
3 also does not get to the point of what recycling is  
4 going to do to those disposal rates.

5 Thank you.

6 BILL MILLER: Thank you, sir.

7 Brad Barnum, Laura Hunter, and Eric  
8 Bowlby.

9 BRAD BARNUM: Hello, Colonel Toy. I'm Brad  
10 Barnum with the Associated General Contractors. We  
11 represent over 1,100 firms who build the region's  
12 infrastructure.

13 We are here to support the Gregory  
14 Canyon Landfill. The project has met local planning  
15 and permitting requirements, and the construction of  
16 this much-needed infrastructure project needs to move  
17 forward.

18 We understand that monitoring compliance  
19 has been in the forefront of this project, and it  
20 will be closely watched and regulated by State,  
21 Regional, and County environmental agencies, and by  
22 the San Luis Rey Water District, Municipal Water  
23 District, to ensure that environmental resources are  
24 being protected.

25 Landfills are a vital component of waste

1 management services operations, and Gregory Canyon  
2 must be built. Thank you.

3 BILL MILLER: Thank you. Laura Hunter, Eric  
4 Bowlby, and then Patricia -- Borchmann? I'm sorry if  
5 I mispronounced your name.

6 LAURA HUNTER: Good evening. My name is Laura  
7 Hunter, representing the Environmental Health  
8 Coalition.

9 I've spoken many times on this issue  
10 before, and it has taken so long because the idea is  
11 so bad, and it doesn't get any better with hearing  
12 after hearing after hearing. In fact, the idea  
13 continues to get worse.

14 You cannot meet the standards that you  
15 have to meet, by your own regulations, to approve  
16 this project. It is not the least damaging  
17 alternative. Joy Williams on our staff will speak,  
18 give more technical input in a minute. But you need  
19 to develop an alternative that is a no landfill  
20 alternative, that uses recycling, composting, waste  
21 diversion, all those kinds of things. You have not  
22 exhausted the alternatives that you need to.

23 This is not in the public interest.  
24 We know there's no such thing as a zero discharge  
25 landfill. I -- probably today this is

1 state-of-the-art for today. The problem is, the  
2 liner is not just going to last for today. It has to  
3 last for 50 years, 100 years, 1,000 years.

4 It is fractured bedrock. You cannot  
5 predict where the leachate is going to go. We have  
6 climate change coming. We're going to have storms  
7 that are unlike the things that we've seen before,  
8 we're going to have earthquakes, many ways this thing  
9 can fail. And when it does, our drinking water is  
10 lost, our natural resources are lost, and we can't  
11 ever get that back again.

12 I think the points made about the  
13 cultural comments are very curious. So I guess that,  
14 in the Sistine Chapel, it is okay to fill up the  
15 steps with trash, fill the pews with trash, fill the  
16 entire chapel with trash, but as long as you don't  
17 put it on the altar, I guess that that's fine. I  
18 really think we have to protect (inaudible due to  
19 applause).

20 I hope that you will also look at  
21 Federal Resolution J-14. The Federal government  
22 apologized officially to the Native peoples on behalf  
23 of the United States, and we said, To build on the  
24 positive relationships of the past and present and  
25 move forward to a brighter future where all the

1 people of this land have reconciled as brothers and  
2 sisters and harmoniously steward and protect this  
3 land together.

4 We do not think that Gregory Canyon dump  
5 on a sacred land is what we had in mind, or what the  
6 Native peoples of our country had in mind for  
7 reconciliation or stewardship. This is not about  
8 public benefit, it is about private profit and  
9 (inaudible due to applause). Thank you.

10 BILL MILLER: Thank you for your comments.

11 ERIC BOWLBY: Good evening. I'm Eric Bowlby.  
12 I'm the executive director of a nonprofit  
13 organization called San Diego Canyonlands.

14 We certainly are stakeholders in this  
15 process, and I'm here to urge you to deny this permit  
16 for this really ill-conceived project. I can't  
17 conceive of the idea of putting a trash dump right  
18 over a river. It's akin to an anvil over our heads,  
19 on a really very very well engineered shoelace.

20 You've got fires, you've got flooding,  
21 you've got rain. The canyons were cut by torrential  
22 waters. That's what makes canyons. The water flows  
23 through the canyons and, in this case, on the way to  
24 San Luis Rey River. That's how they were cut.

25 If you've got drainage systems, I'm sure

1 you do, right? What drainage system has not been  
2 overwhelmed? What drainage system has been so well  
3 engineered that it did not get overwhelmed by nature?  
4 Nature always trumps our engineering. New Orleans,  
5 BP, bad planning, (inaudible due to applause), you  
6 name it.

7 Human error, greed, toxicity going into  
8 that dump, getting down into the liner. So many  
9 things could threaten our future.

10 And Supervisor David Roberts, it's about  
11 the future, you're right. It's our kids. We need to  
12 protect our water supplies, our resources. This  
13 cannot possibly be the least environmentally damaging  
14 practicable alternative. Please use common sense.

15 Thank you.

16 BILL MILLER: Thank you for your comments.

17 Patricia Borchmann, Wallace Tucker,  
18 followed by then Olive Rice.

19 PATRICIA BORCHMANN: Good evening. I thank  
20 you for the opportunity to present comments and for  
21 extending the public review period.

22 My name is Patricia Borchmann. I'm a  
23 resident in Escondido, I'm a member of Escondido  
24 Chamber of Commerce, I mean, Chamber of Citizens;  
25 however, my comments are my own personal concerns.

1 I've already submitted a three-page  
2 letter, you know, reflecting my comments, and it's  
3 too long so I won't bore you with that.

4 Instead, my primary focus today would be  
5 aimed to emphasize how dramatically conditions have  
6 changed since the Gregory Canyon Landfill project was  
7 approved 20 years ago.

8 It doesn't matter how much money has  
9 been spent. It doesn't matter how much time has been  
10 invested. What matters is the impacts that, and the  
11 conditions that are true and relevant and are  
12 applicable today. Not what happened 20 years ago.

13 The manifestation of changes and how  
14 much those changes affect the important criteria that  
15 you'll be evaluating now cannot be overstated and it  
16 can't be ignored, overlooked.

17 And public stakeholders in San Diego  
18 County refuse to allow public agencies to pretend  
19 that these, all these new technologies and changes  
20 and regulatory processes don't matter. They do  
21 matter.

22 With projected water shortages in  
23 Southern California, it's impossible to deny that  
24 water supply only becomes an ever-increasingly  
25 expensive, valuable, and essential, and irreplaceable



1 asset.

2 Now, almost 20 years after the Gregory  
3 Canyon Landfill project's approval, there is  
4 important new evidence that shows that landfill  
5 liners in San Diego County are not durable. They're  
6 not, it's not feasible that you can rely on the  
7 assurances that have been historically provided.

8 Additionally, it's crucial to understand  
9 and to, you know, consider the public interest here,  
10 because there is no technical need for this landfill.  
11 With the conservation plans, programs that have been  
12 applied, and recycling, there is no need for this  
13 landfill in Gregory Canyon.

14 BILL MILLER: Thank you for your comments.

15 Wallace Tucker, Olive Rice, and Lizette  
16 Romney.

17 WALLACE TUCKER: Thank you.

18 My name is Wallace Tucker, and I'm  
19 representing the Fallbrook Land Conservancy, and the  
20 Fallbrook Land Conservancy opposes and has opposed  
21 this landfill for 25 years, for reasons that have  
22 been well outlined here, namely, the threat to  
23 precious natural resources.

24 My day job is as a space scientist, and  
25 in that capacity we deal occasionally, fairly often,

1 with the risk versus reward equation.

2 And looking at this in the same light,  
3 the rewards on the private side are considerable, on  
4 the public side they're marginal, given the evidence  
5 that the need for the landfill is declining with each  
6 passing year.

7 The risks, well, the fact is we don't  
8 really know the risks. We know what the risks are,  
9 but we don't know what the probability that the risks  
10 will be realized.

11 And that is a standard problem that I  
12 think, as engineers, you're well aware of.

13 Low probability events you simply cannot  
14 calculate, you just have to do the best you can to  
15 avoid them. And if you don't avoid them, you run the  
16 risk of catastrophic failures.

17 We know examples from our daily life or  
18 from recent history, space shuttle failures, hedge  
19 fund collapses, bridge failures, levy failures, all  
20 these things can happen. And they happen enough that  
21 in this business there's a name. There's two names.

22 One is outliers, things that didn't  
23 happen that -- that happened that weren't supposed to  
24 happen.

25 The other thing is the black swan, they

1 call it. It's an event that occurs, you didn't  
2 expect it to occur, it shouldn't have occurred, it  
3 did occur. Game over.

4 And that's what you really have to worry  
5 about in this capacity. Don't let the black swan  
6 out. Deny this project.

7 Thank you.

8 BILL MILLER: Thank you very much for your  
9 comments.

10 At this time I'd like to ask -- Olive  
11 Rice, we'll come to you in a moment. We'd like to  
12 give everybody a five-minute break. We will begin  
13 five minutes after the hour.

14 We still have 13 speakers representing  
15 groups before we begin the individual comments. So  
16 we'll begin in five minutes.

17 Thank you.

18 (Recess.)

19 BILL MILLER: Thank you very much. Would  
20 everybody please take their seats.

21 As you're sitting down, a couple of very  
22 quick announcements.

23 First of all, for those speaking, we  
24 would like to ask again that you slow down. The  
25 court reporter is having a hard time keeping up with

1 some of you. We appreciate that. If you can, please  
2 slow down a bit.

3 Also, there were some questions about  
4 contacting us, Websites, that sort of thing. That  
5 information is available on these yellow sheets,  
6 which are available up front and actually just  
7 inside. So there we go.

8 UNIDENTIFIED SPEAKER: I have a question.

9 BILL MILLER: Yes, ma'am.

10 UNIDENTIFIED SPEAKER: My question is, are we  
11 able to get a written copy of all the comments?

12 BILL MILLER: Yes, ma'am. As a matter of  
13 fact, once they're all transcribed they will be  
14 posted on the Corps' regulatory website, which is  
15 indicated on this yellow sheet.

16 UNIDENTIFIED SPEAKER: Thank you.

17 BILL MILLER: So I appreciate that.

18 In addition to the 13 or so speakers  
19 representing groups, we also have an additional,  
20 close to 70 individuals that have signed up to speak.  
21 So it's going to be necessary for us to be very firm  
22 on times as we continue. I don't mean to be rude  
23 with you, but I apologize, when the, when the tone  
24 goes off, we will have to ask you to stop speaking at  
25 that point.

1 I appreciate your patience with us, and  
2 thank you very much.

3 The next speaker is Olive Rice.

4 OLIVE RICE: I'm Olive Rice, and I live  
5 probably three-quarters of a mile west of Sacred  
6 Mountain, and I've lived there 40 years.

7 And I have witnessed, during that time,  
8 two deluges, at least, during the last 20 years that  
9 overflowed 76, that wiped out concrete bridges, and  
10 which obviously, had a landfill been in their path,  
11 have carried it along, I'm sure, and whatever was on  
12 top of it or down below.

13 And speaking of what might be in it, we  
14 can all trust ourselves, of course, to not put  
15 anything toxic in a landfill, but maybe there are  
16 some people who don't quite observe that. And we  
17 find many times quantities of lead-filled things that  
18 are put into landfills.

19 That's about all I have to say, except  
20 that I'm with Riverwatch, and we've been fighting  
21 this for a long time.

22 BILL MILLER: Thank you very much.

23 Brigette Browning, followed by Sarah  
24 Battelle. I'm sorry if I mispronounced your name.

25 BRIGETTE BROWNING: Good evening. My name

1 is Brigette Browning. I'm the president of  
2 Unite HERE Local 30. We are the food and service  
3 workers here in San Diego.

4 I actually invited one of our members  
5 from Pala to come and speak, and I hope you will let  
6 me translate for her. We are against the Gregory  
7 Canyon Landfill.

8 (Translated.) My name is Rosalina  
9 Kovac. I am a worker from Pala Casino. I work in  
10 housekeeping at the casino. Right now I'm on a leave  
11 of absence for six months with the union.

12 And I'm not in agreement that they want  
13 to put a dump close to sovereign land. And even  
14 though it is sovereign land, it's also a very  
15 beautiful place. Don't you think that it is  
16 destroying the natural beauty?

17 I work for the tribe and we respect  
18 their sovereign rights.

19 Also, speaking for the thousands of  
20 workers that we have that live in North County that  
21 could be affected by this because of the water  
22 issues, we highly recommend that you do not let this  
23 project move forward.

24 Thank you very much.

25 BILL MILLER: Thank you for your comments.

1 Sarah? The next speaker on the deck is  
2 Erin Campbell and Sara Rogers, both representing the  
3 same group, so we'll clarify that as we move closer.

4 SARAH BATTELLE: My name is Sarah Battelle.  
5 I'm a professional geologist and certified  
6 hydrogeologist in California with Geologic Associates  
7 in San Diego.

8 I've been working for 30 years,  
9 currently working on environmental and ground water  
10 monitoring and reporting programs for over 40  
11 landfills in California, and I've been working on the  
12 Gregory Canyon Landfill project for almost 18 years.

13 As part of the geologic and  
14 hydrogeologic characterization for the Gregory Canyon  
15 Landfill, we worked very hard to develop a landfill  
16 design and a water quality monitoring program that is  
17 the most protective for the environment.

18 As presented in the technical documents,  
19 including the Draft EIS, the project components  
20 thoroughly address the site-specific ground water  
21 issues, and the proposed mitigations will protect the  
22 water quality.

23 The composite liner system, as you've  
24 heard, is the most protective liner system in the  
25 country for a municipal solid waste site, with

1 multiple and redundant barrier layers to protect the  
2 ground water quality.

3 This is a scale model of the liner  
4 system.

5 Research has found that single-lined  
6 landfills are 100,000 times more protective of ground  
7 water than an unlined landfill, and the proposed  
8 composite liner system for Gregory Canyon Landfill  
9 will reduce that risk further by another ten orders  
10 of magnitude.

11 The liner system includes a leak  
12 detection layer, as shown here, that will be used to  
13 convey liquids as an early warning system, and it has  
14 the ability to be tested as needed.

15 We've also constructed a detection  
16 monitoring network of wells downgradient of the  
17 well -- of the landfill to intercept ground water as  
18 it flows from beneath the landfill. We'll sample  
19 this water and evaluate the water quality and any  
20 changes on a regular basis.

21 Similarly, the surface water sample  
22 points will be monitored as part of the detection  
23 monitoring program.

24 We'll operate pumping wells to intercept  
25 ground water, capture it from underneath the



1 landfill.

2 And even though it's not expected, we'll  
3 have an RO system to treat ground water as needed.

4 In closing, I'm confident that the  
5 proposed Gregory Canyon Landfill will be protective  
6 of water quality and should be allowed to move  
7 forward.

8 Thank you.

9 BILL MILLER: Thank you for your comments.

10 Erin Campbell, Sara Rogers.

11 May I ask that we remove the, this  
12 illustration? Thank you.

13 SARA ROGERS: Hello. My name is Sara Rogers  
14 and this is Erin Campbell, and we are speaking on  
15 behalf of San Diego Coastkeeper.

16 The Army Corps should not approve the  
17 Clean Water Permit for the Gregory Canyon Landfill,  
18 because the Clean Water Act mandates a non water  
19 dependent project must use the least environmentally  
20 damaging alternative.

21 Since landfills are not water dependent,  
22 they must be located in the least environmentally  
23 adverse location.

24 So because Gregory Canyon is located  
25 adjacent to the San Luis Rey River, a water

1 distribution pipeline, and above it, a porous aquifer  
2 that serves hundreds of thousands of San Diego  
3 residents, this location is not the least adverse.

4 There are alternative locations that do  
5 not threaten drinking water resources. It is  
6 unfathomable to allow construction of a dump that  
7 could hold up to 30 million tons of garbage so close  
8 to valuable water resources.

9 The EPA itself has admitted that  
10 eventually all liners degrade over time. Because of  
11 the certainty that, over time, toxic leachate will  
12 contaminate vital water resources, and other  
13 locations exist without threat to our water supply.

14 This landfill location is not the least  
15 environmentally adverse practical alternative, and  
16 therefore the Army Corps should deny the permit.

17 ERIN CAMPBELL: I just want to speak to  
18 the landfill liner specifically.

19 According to the Environmental  
20 Protection Agency, a direct quote, no liner can keep  
21 all liquids out of the ground for all time.  
22 Eventually liners will either degrade, tear, or  
23 crack, and will allow liquids to migrate out of the  
24 unit.

25 The EPA has concluded that any liner

1 will begin to leak eventually. And when the liner  
2 does leak, harmful toxins will poison the ground  
3 water aquifers underneath the landfill, which feed  
4 into the San Luis Rey River, an important source of  
5 drinking water for North County. And once an aquifer  
6 is contaminated, it can absolutely never be cleaned.  
7 The damage is permanent.

8 In conclusion, Gregory Canyon is the  
9 absolute worst place for a landfill.

10 The only reason the proponents are  
11 fighting so hard is because they spent so much money  
12 and they stand to gain so much money. We strongly  
13 urge you to deny this permit.

14 Thank you.

15 BILL MILLER: Thank you.

16 Ruth Harber is our next speaker,  
17 followed by Troy Williams and Everett Don. Delano,  
18 pardon me.

19 RUTH HARBER: First of all, I would like to  
20 say, my name is Ruth Harber, I'm secretary-treasurer  
21 of Riverwatch of California Appropriation, nonprofit.  
22 I have been at this for 24 years. I don't get paid.

23 My glasses. Oh, here they are.

24 Okay. My message to you is don't take a  
25 chance. The Corps took a chance that the levees in

1 New Orleans would hold. Remember Katrina? Your good  
2 name was sullied from that disaster. You have made  
3 up since and you must continue to safeguard your  
4 reputation.

5 Don't take a chance that this dump will  
6 not leak. It may not be during my lifetime, maybe  
7 not my children's lifetime, but down the line it will  
8 leak and leak into the water supply used by thousands  
9 of people who depend on this water for their life and  
10 health.

11 Don't take a chance that earthquakes  
12 will not shake the foundations of that dump. After  
13 all, the Elsinore Fault is a mere six miles away.  
14 Disasters happen. Can you foresee them? No, nobody  
15 can.

16 Don't take a chance that the river will  
17 not run again wild as it did in the winter of '92/'93  
18 when all the bridges collapsed and I saw cows  
19 floating down the river.

20 Today the San Luis Rey River looks like  
21 a river of sand, but don't take a chance with it.  
22 The cost is way too high.

23 Your sworn duties are to safeguard the  
24 population of the United States and not to permit a  
25 project that will benefit only the out-of-state and

1 out-of-town investors.

2 The promoters have a so-called  
3 state-of-the-art liner. Would they need it if the  
4 site were not so dangerous? Of course not.

5 They've spent a lot of money so far,  
6 some 60 million dollars, they might spend a trillion  
7 dollars, but my answer --

8 BILL MILLER: Pardon me.

9 RUTH HARPER: -- and everyone's answer to you  
10 will still be a resounding no way, no dump.

11 BILL MILLER: Thank you very much, Ms. Harper.  
12 Please submit the rest of your comments. We  
13 appreciate your time.

14 RUTH HARPER: I would like to add something,  
15 and I'm an old lady so give me a little respect.

16 In closing, here is a light bulb that  
17 we're all supposed to use now. It contains mercury.  
18 Instead of taking it to recycling, you know how many  
19 people would just toss it in the trash --

20 UNIDENTIFIED SPEAKER: Turn the mic back on.

21 RUTH HARPER: -- and the mercury and toxic  
22 elements would ooze into the aquifer. Don't let this  
23 happen. Don't take a chance.

24 Also, some of you on this panel, and I  
25 have also been subject to some discrimination, so I

1     urge you, don't discriminate against the Native  
2     Americans.

3                     Thank you.

4             BILL MILLER:   Our next speaker is Joy Williams  
5     and Ken Lounsbery.

6             JOY WILLIAMS:   Good evening.   I'm Joy Williams  
7     representing Environmental Health Coalition.

8             I am here on behalf of our thousands of  
9     members, most of whom live in the South Bay region  
10    and could not be here tonight, but who stand in  
11    solidarity with the San Diego community.   We thank  
12    you for holding the hearing.

13            Environmental Health Coalition has  
14    opposed the landfill project since 1999 when we  
15    reviewed the first EIR.   13 years later it is  
16    shocking and sad that such a bad idea has not yet  
17    gone to the compost heap of history.

18            We deeply hope that the Army Corps has  
19    the integrity and common sense to succeed where so  
20    many local agencies have failed, and pull the plug on  
21    this appalling project.

22            Our first and foremost reason for  
23    opposing the landfill is the environmental justice  
24    nightmare it represents.   For people whose religion  
25    is strongly linked to the places of their ancestral

1 homelands, cultural resource loss is environmental  
2 injustice.

3 The Army Corps Draft EIS has done an  
4 admirably comprehensive job of analyzing the  
5 (inaudible) and cultural resource issues, and  
6 concludes that the applicant's proposal was the worst  
7 alternative for traditional cultural resources, with  
8 significant adverse impacts.

9 Having carefully documented these  
10 impacts, the Army Corps must summon the integrity to  
11 follow through with their own analysis and deny the  
12 404 permit.

13 In respect to the water quality impacts,  
14 the DEIS is not as comprehensive. It assumes that  
15 BMPs are always followed perfectly for all time, that  
16 the liner will never leak, that government budgets  
17 will always be ample to provide oversight and  
18 inspections of the landfill.

19 If all these were true, the Las Pulgas  
20 Landfill at Camp Pendleton would not have leaked.  
21 The USEPA would not have published statements in the  
22 Federal Register that liners always leak. The EIS  
23 must acknowledge these realities.

24 In addition, the EIS should state  
25 explicitly the time frame of the analysis. A

1 snapshot of water quality impacts at one theoretical  
2 moment when everything is working perfectly is not  
3 adequate.

4 We suggest following the example of the  
5 Iriquios and extending the analysis out at least  
6 seven generations, or about 150 years.

7 And finally, we suggest that you include  
8 a no project alternative that includes intensive  
9 recycling and composting plans, such as the one that  
10 Boulder, Colorado has to reap zero waste by 2025.

11 So we call you on to identify the no  
12 landfill alternatives as the best option and deny the  
13 permit.

14 Thank you.

15 BILL MILLER: Thank you for your comments.

16 Everett Delano, Ken Lounsbery, and Fred  
17 Bartz.

18 EVERETT DELANO: Good evening. Everett  
19 Delano, 220 West Grand Avenue here in Escondido, on  
20 behalf of Riverwatch.

21 I need to start off by mentioning  
22 something about some things I've heard from the  
23 applicant and from someone else who came up and said  
24 that the EIR -- I think I heard something about the  
25 applicant saying the EIR withstood a challenge all



1 the way to the Supreme Court and others have said it  
2 withstood multiple legal challenges.

3 Let me put that in perspective for you,  
4 because I'm one of the attorneys representing  
5 Riverwatch, and have, on multiple occasions, been  
6 before judges and justices who have agreed with us  
7 that the environmental analysis was not adequate.

8 And that's precisely why perhaps Gregory  
9 Canyon would argue it's taken so many years, because  
10 they haven't done it right the first time, or the  
11 second, or the third.

12 We have had to go back and back, and  
13 yes, the most recent round I guess they got that one.  
14 But that's after multiple rounds on this.

15 And let's put this in perspective. This  
16 is only for one permit, with the County of San Diego  
17 local enforcement agency for the solid waste permit.

18 Now, what does that actually mean? If  
19 you read the decision of the local enforcement agency  
20 with regard to that permit, you know what they say?  
21 With regard to water quality they say, we're not  
22 considering that because that's some other agency  
23 that's going to look at those issues.

24 With regard to sacred sites they say,  
25 you know, we don't really know how we're going to

1 address that, so we're going to let that go. Which  
2 they were chastised, by the way, by Cal Recycle's  
3 director, saying, you know, you're really ignoring  
4 the environmental justice issues that you should look  
5 at.

6           Fortunately, this agency has the  
7 opportunity and the authority and the obligation to  
8 consider the least environmentally damaging practical  
9 alternative. It isn't the less environmentally  
10 damaging, it's the least environmentally damaging  
11 practical alternative.

12           Now, one of the things that's  
13 interesting, in looking at that, is that, if you look  
14 at your EIS, you can actually find right in there  
15 alone that there is adequate reason to say this is  
16 certainly not the least environmentally damaging  
17 practical alternative.

18           And among the rationale, I think, before  
19 you, is the environmental justice criteria as well.  
20 I think environmental justice is a part of the  
21 environmental impacts that you need to consider.

22           But I would also urge you to consider  
23 that there are other issues; issues that you've heard  
24 tonight and issues that you'll hear in further  
25 comments, that are additional alternatives to be

1 considered in this regard.

2 And among those, and I'll wrap up with  
3 this thought, among those are reduce, reuse, recycle.  
4 Interestingly, the R3 report doesn't really discuss  
5 reduce, reusing, and recycling to the degree.

6 But also look at the fact that, in  
7 reality, what you have is a project that is part of  
8 the larger waste stream within the County, within the  
9 region, and that region includes the Mesquite  
10 Regional Landfill.

11 Thank you.

12 BILL MILLER: Thank you very much for your  
13 comments.

14 Ken Lounsbery.

15 KEN LOUNSBERY: Good evening, Colonel, members  
16 of the staff. Thank you for taking your time and  
17 listening to us.

18 My name is Ken Lounsbery, Lounsbery,  
19 Ferguson, Altona & Peak. We are special counsel to  
20 the County of San Diego and very recently served that  
21 County in the successful defense of the challenge by  
22 the very lawyer who just preceded me on the EIR, and  
23 it's deja vu all over again, all of the issues that  
24 we successfully addressed in the State Board are  
25 being repeated here, which is part of the

1 frustration.

2 So rather than going through all the  
3 legal points, which others can more ably, perhaps,  
4 declare than I, I'd like to tell you, I'm a 43-year  
5 resident of North San Diego County. I've been a city  
6 attorney in two cities, I've been the city manager of  
7 a city, Escondido Chamber of Commerce President, I've  
8 been an elected member of the Palomar Pomerado  
9 Hospital District, in which this landfill is located,  
10 and I don't think I've ever seen such an agonizingly  
11 slow process for the approval of a deserving project.

12 Now, I understand that folks here resist  
13 that, and it's an emotional room, but you're seeing  
14 tonight NIMBYism on steroids. And fortunately,  
15 fortunately -- you heard the reaction.

16 Fortunately, it's by the numbers. You  
17 do the right thing, in accordance with a certain set  
18 of standards, and for that, I'm very, very thankful.

19 All of the Is have been dotted, all of  
20 the Ts have been crossed. I think it's time to  
21 remember, there are one million potential users of  
22 this landfill, my neighbors, the neighbors of the  
23 Pala Band, all of whom need this landfill. They're  
24 not here tonight, but they're represented. I'll be  
25 rash enough to say, I'll represent them and say

1 approve this permit.

2 BILL MILLER: Thank you for your comments.

3 Fred Bartz followed by Greg Saul and  
4 George Courser.

5 FRED BARTZ: Good evening, Colonel. Thank you  
6 for taking your time out of your busy schedule and  
7 coming here tonight. I am co-chair for a group  
8 called Save our Southwest Hills, based out of  
9 Temecula, California.

10 You heard our previous speaker talk  
11 about this room is filled with NIMBYism. I'd like to  
12 bring to your attention that the spill that we were  
13 told earlier was defeated for veto by the governor,  
14 that nearly 85 percent of the State Assembly and  
15 senators approved the bill to stop this landfill.  
16 They are not NIMBY.

17 A month later, when one of our board  
18 members met with the aid to the governor to find out  
19 why he vetoed it, he showed a report of a letter from  
20 the proponents, I won't say which, that said that  
21 this project should be allowed to go forward and  
22 therefore veto the bill. It is filled with  
23 misinformation and inaccuracies.

24 This bill should have been vetoed. In  
25 fact the governor almost -- in fact, he said he

1 wished he would have had. We didn't quite get that  
2 comment out of him, but close.

3 You only have to look to Riverside  
4 County. It has 32 closed landfills in that County  
5 right now, and the environmental problems which are  
6 occurring are significant.

7 It's interesting, I've read some of the  
8 environmental reports for when these projects were  
9 approved, and they have these state-of-the-art  
10 liners. 32 of them are now, many of them are  
11 leaking. The County had an opportunity to sell their  
12 own landfills, the productive ones, but they would  
13 also have to get rid of those, they were a package  
14 deal, and they decided that the cost of going  
15 forward, selling these landfills to a private party,  
16 could bankrupt the County. This is two days ago at  
17 their Board of Supervisors, they voted unanimously to  
18 not sell the landfill and keep them in-house so they  
19 could control the environmental costs of repairing  
20 these leaking landfills.

21 This project clearly is not in the  
22 public interest, but rather it's to the benefit of  
23 one company. I ask that you deny this project.

24 Thank you for your time.

25 BILL MILLER: Thank you for your comments.

1 Greg Saul, George Courser, and Linda  
2 Walshaw.

3 GREG SAUL: Hi. I'm Greg Saul of Tetra Tech  
4 BAS. We're the engineer of record for the project.

5 There's been a lot of talk about the  
6 liner, and I'd like to talk about the liner a little  
7 bit further. And I see a lot of shirts with Water  
8 and Trash Don't Mix. And it is with that that we  
9 have designed the landfill liner, with that in mind.

10 Think of the landfill liner as the  
11 bucket. What our approach is that we've tried to  
12 build is the best bucket out there. The bucket  
13 that's been designed is, exceeds the regulatory  
14 requirements by three times. We have three times the  
15 amount of impermeable layers, including the liner  
16 system -- included in the liner system, than what is  
17 required by regulations.

18 The second point is that liquids are  
19 removed. If the liquids are removed from sitting on  
20 top of the liner, an empty bucket has no chance of  
21 leaking. So that's why you see the leachate system  
22 there on top of the liner. The leachate system is  
23 designed to handle twice the amount of leachate  
24 anticipated.

25 The third point is, you want the make

1 sure that, once you've designed it, that's one thing,  
2 but you want to ensure that it is actually built  
3 according to your design requirements.

4 One, inspection during construction.  
5 We have doubled the amount of inspection that is  
6 required.

7 We are enforcing a leak location system  
8 or technology. That confined defect in a five-acre  
9 -- I've seen this personally. In a five-acre liner,  
10 one of the membranes we found a hole that was a size  
11 of a pin or size of a staple hole in a piece of  
12 paper. And it was repaired. And we can rest assured  
13 that, when it's done, that we have a liner that  
14 doesn't have any defects in it.

15 Finally, the operation layer on top of  
16 it, (inaudible) is going to be talking about that,  
17 that's designed to protect the liner once it's been  
18 done to make sure that none of the compacted trash or  
19 the heavy equipment damage it.

20 Landfill liner was designed because we  
21 don't want water and trash to mix. Thank you.

22 BILL MILLER: Thank you for your comment.

23 George Courser, Linda Walshaw, and  
24 Dennis Turner.

25 GEORGE COURSER: Good evening. George



1 Courser. Colonel Toy, staff, thank you for the  
2 opportunity to speak.

3 In review of the DEIS, several thousand  
4 pages of text, one notable thing comes to mind, is  
5 that are we getting the full benefit of the Army  
6 Corps' experience, vast experience, 150 years of  
7 experience the Army Corps has in this engineering, or  
8 are we seeing reflections of the developer? Or the  
9 preparer of the EIR? An old EIR, 1992, '95 EIR. Are  
10 we getting fresh material? Are we getting the best  
11 benefit from the Army Corps?

12 And this goes to all the resources. And  
13 one particular one is the Corps' Environmental  
14 Advisory Board, something that has been in effect  
15 since the early '70s. Is this board being brought in  
16 on this very, very difficult project?

17 Has this been utilized? Have all the  
18 resources been taken care of?

19 And has the Corps' Chief Engineer,  
20 Lieutenant General Bostick, has he been made aware of  
21 how particularly powerful and segmented this project  
22 is in the San Diego region?

23 This landfill, over the objections of  
24 virtually everybody, has still managed to exist.  
25 Common sense would have denied it probably decades

1 ago. I feel that if your leadership knew about this  
2 project, we wouldn't be here tonight.

3 And finally, has the Corps retained the  
4 scientific specialists in areas such as emerging  
5 contaminants?

6 This is an area that is rocking Southern  
7 California. Virtually in all our waterways we're  
8 finding these kind of problems. With a dump on a  
9 river, we're going to find a lot more.

10 Thank you for your time.

11 BILL MILLER: Thank you very much for your  
12 comments.

13 Linda Walshaw, I think Dennis Turner,  
14 and then Jeff Williams.

15 LINDA WALSHAW: Good evening. My name is  
16 Linda Walshaw. I am vice-president of The Alliance  
17 of Citizens to Improve Oceanside Neighborhoods.  
18 Short version is ACTION. Collectively, ACTION  
19 represents 42 Oceanside communities.

20 Those of us who have attended Oceanside  
21 City Council and community meetings regarding the  
22 Gregory Canyon issue have heard experts, scientists,  
23 engineers, and political leaders give evidence of the  
24 reasons why we should oppose the building of a toxic  
25 waste dump at Gregory Canyon.

1                   We heard testimony that it is not a  
2 question of whether or not the planned liner of the  
3 dump would leak, it is only a question of when.

4                   We heard that no matter what technology  
5 is used to prevent such an occurrence, no technology  
6 can guarantee against future disaster.

7                   One argument alone should be that of  
8 simple common sense. California has earthquakes,  
9 California has fires, California has droughts and  
10 water shortages. Why on earth would anyone want to  
11 place a hazardous waste dump directly on the San Luis  
12 Rey River and aquifer on which Oceanside's population  
13 relies for 20 percent of its current water supply,  
14 with plans to increase that reliance to 50 percent in  
15 the future, a water source that flows directly to our  
16 beaches and harbor?

17                   Recent news articles indicate the  
18 developers have spent in excess of 67 million dollars  
19 in efforts to build this proposed dump at Gregory  
20 Canyon. Common sense must ask why, if developers  
21 have that sum of money to spend, they would not  
22 simply spend it on acquiring and going forward with  
23 the project at another location, one that would pose  
24 no threat to our critical source of water.

25                   Why not work with the communities

1 involved to accomplish the same purpose without  
2 endangering our families and futures?

3 Why not honor and respect our sacred  
4 Native American sites, rather than threatening them  
5 with hazardous waste?

6 The City of Oceanside's vision statement  
7 states, in part, that the City of Oceanside will be a  
8 safe, culturally diverse community that empowers its  
9 citizens, to provide an environment that fosters  
10 cultural arts and preserves its natural resources.

11 The City's mission statement states, the  
12 City of Oceanside's mission is to enhance the quality  
13 of life through outstanding service to its diverse  
14 community.

15 This proposed project is the very  
16 opposite of those goals.

17 BILL MILLER: Thank you very much for your  
18 comments.

19 Dennis Turner and Jeff Williams.

20 DENNIS TURNER: Thank you, Colonel Toy.

21 My name is Dennis Turner. I reside at  
22 180 Paradise Creek Lane, Valley Center, California.  
23 But that's the post office. I actually live on the  
24 San Luis Rey River. I drink that water every day.

25 But I do want to say I am here

1 representing the Southern California Tribal Chairmans  
2 Association, an association of 19 federally  
3 recognized sovereign governments in Southern  
4 California. I'm their chief executive officer.

5 I came here to tell you that our board,  
6 board of directors made up of tribal leaders just  
7 like a governor, is opposed to this project.

8 We argue that it's not really strategic  
9 to our energy needs, to our housing needs, to our  
10 safety needs, our economy, or to our military and our  
11 homeland. This project is not strategic to those  
12 things. It's adverse, certainly to our communities,  
13 as you've heard all night long, our water, our  
14 safety.

15 And then going back to energy, as you  
16 know, the Department of Defense, the Department of  
17 Energy, the County of San Diego, is proposing to  
18 build a generation plant of solid waste at Miramar.  
19 So there is alternatives.

20 When they passed this voting thing back  
21 in the two periods that they did, they didn't know,  
22 the voters of San Diego didn't know that there is  
23 other options and other alternatives. Look at what  
24 LA County is doing. They are sending their trash to  
25 the desert. It costs more, but they are.

1                   What I'm worried about, though, is that  
2 my children drink that water, my grandchildren drink  
3 that water. You guys won't be here.

4                   But I think that the Army Corps of  
5 Engineers understand -- and they don't owe corporate  
6 investors anything. What they do owe is the right of  
7 every citizen to have a, have a decent life and  
8 decent water and community to live in, and this  
9 project doesn't allow that.

10                   Thank you.

11                   BILL MILLER: Thank you for your comments.

12                   Jeff Williams is our last speaker  
13 representing a group.

14                   I'm sorry, sir. It doesn't actually  
15 indicate which group on your card.

16                   JEFF WILLIAMS: I'm with Tetra Tech BAS.

17                   BILL MILLER: Thank you.

18                   JEFF WILLIAMS: I just want to point out that  
19 questions have been raised about the owner's  
20 commitment to the site after the site actually  
21 reaches capacity. And I just want to point out that,  
22 in addition to the hundred million dollar liability  
23 insurance policy that the owners will carry, that the  
24 owner will also provide over 60 million dollars in  
25 financial assurance that's required by the State

1 during post-closure, closure to post-closure period.

2 BILL MILLER: Thank you for your comment.

3 We are now going to be able to move into  
4 the individual portion of our evening. We were  
5 scheduled to go until 9 o'clock. We are going to  
6 extend that now until 9:30 for sure.

7 So the speakers, Mona, I'm sorry, Sespe,  
8 followed by Pam Slater-Price and Jessica Hayes.  
9 You'll be restricted to one minute during these  
10 comments.

11 Thank you.

12 MONA SESPE: Hi, my name is Mona Sespe, and I  
13 reside on the Pala Indian Reservation.

14 Gregory Canyon is registered with the  
15 State of California, the Native American Heritage  
16 Commission on the sacred lands file. Our tribe has  
17 continuously opposed any previous projects in this  
18 area since 1984, and we have opposed all projects  
19 because of the sacredness of our mountain to us for  
20 ceremony, that it has been used in the past as well  
21 today for ceremony.

22 The previous Board of Supervisors, since  
23 '84, realized the sacredness of the mountain to our  
24 people, and they voted against every project. First  
25 it was sand mining, and then after that it was all

1 these dumps. And all the reservations have opposed  
2 it.

3 And I listened to the man who said,  
4 talked about protecting Medicine Rock, but Medicine  
5 Rock is only one place where all these paintings are  
6 and that, and the seagulls would destroy it.

7 If this project is approved, our  
8 religious freedom will be denied, again, by the  
9 U.S. government.

10 And Tom Rockwell is a geologist and he  
11 told me, back then, that this mountain has moved.  
12 And he looked at pictures from before, years before,  
13 and what was happening today, and the mountain has  
14 moved. And that's --

15 So I ask that you please think about our  
16 future, the people that are on down the river, and  
17 please deny this project.

18 Thank you.

19 BILL MILLER: Thank you very much for your  
20 comment.

21 Pam Slater-Price, then Jessica Hayes,  
22 and Austin Miller.

23 PAM SLATER-PRICE: Pam Slater-Price, County  
24 Supervisor for District 3 until January 7th of this  
25 year.



1 I have spent my entire time as a County  
2 Supervisor opposing this project. I will tell you  
3 that there are two needs that are being discussed  
4 here tonight. One is the need for water and one is  
5 the need for trash disposal.

6 Your job, your mission is to exercise  
7 your best judgment for the public interest, for the  
8 public good.

9 We have a tremendous need for potable  
10 water. We have ten years of drought in San Diego  
11 County. San Luis Rey River provides potable water  
12 for City of Oceanside, potentially the City of  
13 Carlsbad, and 47 wells along with the Pala tribe.  
14 Additionally it's going to be used for more potable  
15 reuse.

16 We do not need this level of dump in  
17 San Diego County. It is just not necessary. And  
18 quite frankly, your assessment needs to be redone,  
19 because I have here, and I will submit to you in  
20 letter form, the actual facts about San Diego County.  
21 We have a surplus of space available to us. We have  
22 another dump that was approved down in South Bay by a  
23 voter initiative of 81 percent and no challenges.  
24 And we also have tremendous recycling.

25 I will tell you, through my perspective

1 we should be post dump, because I spent so many years  
2 on the Board of Supervisors paying hundreds of  
3 millions of dollars to manage post-closure and open  
4 landfills and bird pits. Those are a thing of the  
5 past. We should never build another. We need to  
6 find a better way. We are capable of doing so.

7 Thank you.

8 BILL MILLER: Thank you for your comments.

9 Jessica Hayes, followed by Austin  
10 Miller, and then Tom Brown.

11 JESSICA HAYES: Hi. My name is Jessica Hayes.  
12 I live in Chula Vista.

13 And I think it's really easy for people  
14 here to say we're going to shove another landfill  
15 into Otay Mesa. We already have a landfill in Otay  
16 Mesa. We bear a disproportionate burden in the South  
17 Bay for public uses. We have a jail, we have a power  
18 plant, and we have a landfill. This would give us  
19 back-to-back landfills.

20 It's not reasonable to keep shoving  
21 things into South Bay, just because we have more  
22 poverty in our area and we have great population with  
23 English as a second language.

24 This is a wrong plan. The Otay Mesa  
25 alternative cannot go on, and we can absorb it until

1 there is parody and all residents bear the burden of  
2 trash.

3 Thank you.

4 BILL MILLER: Thank you very much for your  
5 comments.

6 Austin Miller, Tom Brown, and then  
7 Andrew MacNeill.

8 If Mr. Miller is not here, Tom Brown.

9 TOM BROWN: Good evening, Colonel Toy, Corps  
10 staff. My name is Tom Brown. I'm a resident of  
11 North County, San Diego, and a native Californian.  
12 I also am a member of the Associated General  
13 Contractors of America, and I'm the current chairman  
14 of the Highway and Transportation Division. And I  
15 know well when a community lacks infrastructure and  
16 how the quality of life is affected.

17 Gregory Canyon Landfill is an important  
18 piece of infrastructure, and for several reasons.  
19 First, San Diego North County is growing and in need  
20 of landfill. A local landfill is much needed to meet  
21 the needs of the community, one that has been  
22 designed, as referred tonight, to be  
23 state-of-the-art, thus allowing for the most vigilant  
24 implementation regarding and relating to our  
25 environment.

1                   Two, in addition to the careful  
2 considerations of our local community, the ability to  
3 control costs will allow San Diego residents to  
4 benefit such savings.

5                   Allowing Gregory Canyon Landfill to be  
6 put into operation will reduce the amount of trucking  
7 on the local highways as well. Thus it would be  
8 consistent with the EPA'S ruling of the carbon  
9 footprint. Yes, reducing truck traffic is important,  
10 allowing, along with cost savings and, of course,  
11 protecting our environment.

12                   I understand the importance of  
13 monitoring compliance, and the landfill will be  
14 closely watched and regulated by State, Regional and  
15 County environmental agencies to ensure complete  
16 compliance and it is adhered to.

17                   The time is now. Please join respected  
18 civic leaders throughout the County, responsible  
19 environmentalists, and professional water quality  
20 experts to support Gregory Canyon. I thank you.

21                   BILL MILLER: Thank you, sir, for your  
22 comments.

23                   Andrew MacNeill is our next speaker,  
24 followed by Lindy Hays and Jon Sherman.

25                   ANDREW MacNEILL: Colonel Toy and staff, thank

1 you for the opportunity to speak. My name is Andrew  
2 MacNeill. I live in Otay Ranch in Chula Vista in  
3 South Bay.

4 Tonight when I go home, I will take my  
5 trash out to the curb. My family recycles and we  
6 compost and my wife is in charge of the recycling at  
7 our daughter's elementary school.

8 My trash will be picked up tomorrow and  
9 taken to a place that's within a mile from my house.  
10 I'm not for the contamination of water, I'm not for  
11 the desecration of sacred land, but I'm not for the  
12 trucking of North County garbage down to the South  
13 County either.

14 You seem to have a lot of ideas here  
15 and possible solutions, including composting and  
16 recycling. Please take all these solutions, or ideas  
17 into consideration and come up with a solution that  
18 works for everybody and keep the trash here in North  
19 County. Thank you.

20 BILL MILLER: Thank you for your comments.

21 Lindy Hays, followed by Jon Sherman, and  
22 Bill Magdych.

23 LINDY HAYS: My name is Lindy Hays. I  
24 resigned at 650 South Rancho Santa Fe Road, Space 91,  
25 San Marcos, California, 92078.

1 I beg your indulgence. I am a cancer  
2 survivor. It's affected my speech and motor skills.

3 To quote one of my favorite authors,  
4 everyone's values are determined by what they will  
5 tolerate when it is done to others.

6 In this room, however, I believe that  
7 we all share the same values. None of us want our  
8 children to be poisoned. None of us want our  
9 children to contract cancer. None of us want --  
10 let's stay there so I can keep with my time limit.

11 The U.S. Marine Corps has determined  
12 that toxic water causes cancer. A study done in  
13 Norman, Oklahoma shows that all liners eventually  
14 leak and cause toxic water to leak, to leach into the  
15 water, which will eventually cause cancer.

16 I'll stop there because I see my time is  
17 up. Thank you.

18 BILL MILLER: Thank you very much.

19 As a reminder to everyone, if your  
20 comments are in writing, or if you would like to put  
21 those in writing, we will receive those and they will  
22 be given equal weight.

23 Jon Sherman is next, followed by Bill  
24 Magdych, and then Bob Leonard.

25 JON SHERMAN: Thank you. My name is Jon

1 Sherman. I reside at the same address as the  
2 previous speaker, my wife.

3 Since I've only lived in North County  
4 for six years, the respectful thing for me to do, as  
5 I see it, is support the indigenous culture and  
6 perspective that's lived here for 10,000 years.

7 Skipping, skipping, skipping.

8 I am encouraged by the inclusion of the  
9 ethic of sustainability in your own Army Corps of  
10 Engineer mission statement, as found on your  
11 headquarters website. Sustainability as defined  
12 there, by Executive Order 13514 reads, quote, to  
13 create and maintain conditions under which humans and  
14 nature can exist in productive harmony, that permit  
15 fulfilling the social, economic, and other  
16 requirements of present and future generations,  
17 unquote.

18 So along with you, I also support and  
19 respect productive harmony, because a healthy place  
20 to live, with healthy rivers running through it, will  
21 always be a requirement of every generation. To fill  
22 up the sacred pristine canyon with refuse and sludge  
23 on the banks of a river so essential to our local  
24 water supply can only be described as destructive  
25 disharmony.

1 Thank you.

2 BILL MILLER: Thank you for your comments.

3 Bill Magdych, followed by Bob Leonard  
4 and Rick Gittings.

5 BILL MAGDYCH: My name is Bill Magdych, and I  
6 have consulted on the Gregory Canyon Landfill project  
7 since the 1990s. I have a doctorate in aquatic  
8 ecology and over 30 years of experience working on  
9 wetland and water quality projects for the DOD,  
10 tribal governments, and others.

11 The Gregory Canyon Landfill project has  
12 permanent impacts of over five-one thousandths of an  
13 acre of wetland, and about a half acre of other  
14 waters of the U.S., and it provides the greatest  
15 benefits I have ever seen on a project.

16 This project will conserve over 1,300  
17 acres of native habitat on-site, including hundreds  
18 of acres of new habitat created, significant areas of  
19 new wetlands, and enhancement for all threatened,  
20 endangered, and sensitive species on the site.

21 Unlike the Gregory Canyon project, one  
22 only needs to look a short distance upstream and down  
23 to see floodplain encroachment by commercial,  
24 government, and residential development. That  
25 pattern is in stark contrast to the Gregory Canyon



1 project.

2 The floodplain and watershed protections  
3 provided at the Gregory Canyon Landfill project are  
4 unparalleled deference to the public's strong  
5 interest.

6 Thank you.

7 BILL MILLER: Thank you for your comments.

8 Bob Leonard, Rick Gittings, followed by  
9 Sue Stivers. Stivers, pardon me.

10 BOB LEONARD: Good evening, Colonel Toy, and  
11 thank you all for being here and your patience with  
12 each other.

13 I do agree with the majority of the  
14 speakers that have opposed the project.

15 I would like to add that Highway 76,  
16 which would be the truck traffic and the location to  
17 get to this project, is known in the State of  
18 California as the most fatal state highway. We have  
19 too many deaths on it already. Please consider what  
20 the extra truck traffic might do.

21 I personally experienced flooding. I  
22 worked from 1972 to '81 at a place called Pala Mesa  
23 Resort, which is a little west of this canyon. I  
24 witnessed in one eight-hour period by a crate that  
25 was normally one foot wide and six inches deep, its

1 ability to dig a 20-foot wide, 40-foot deep, 300-yard  
2 trench.

3 I am more worried about something like  
4 that occurring over the top of this liner, carrying  
5 materials into the river.

6 This is an area that has a lot of normal  
7 things and weather that is unusual.

8 Thank you very much.

9 And again, other agencies other than  
10 Oceanside, but south of the current site location,  
11 are also considering the use of the river to supply  
12 water to other things.

13 When I was with Pala Mesa we supplied  
14 ourselves with one million gallons a day to take care  
15 of 190 acres worth of green space.

16 BILL MILLER: Thank you, sir.

17 Rick Gittings, Sue Stivers, and Bryan  
18 Stirratt.

19 RICK GITTINGS: Colonel Toy, Corps staff, and  
20 public. My name is Rick Gittings. I'm a 35-year  
21 resident of North San Diego County.

22 As a retired military officer and a  
23 long-serving City Manager for the City of San Marcos,  
24 I think I know a little bit about making hard  
25 decisions. And Colonel Toy, you have a very hard

1 decision here as a part of this process. I do not  
2 envy you.

3 It's tough to be in the decider seat,  
4 it's tough to look at the facts and make sure you're  
5 looking at the facts and eliminating the emotion, and  
6 there's certainly a lot of emotion here this evening,  
7 and making a sound choice.

8 Tonight I'm hear to weigh in with my  
9 choice, in the name of the people that I have served,  
10 and in the interest of the public, I support the  
11 Gregory Canyon Landfill.

12 Over 15 years of extensive environmental  
13 review have gone on, finally an EIR for the project  
14 was certified by the County Department of  
15 Environmental Health in February of 2003, 2007, '08,  
16 '09, and '10 it was updated, all legal challenges to  
17 the EIR filed by the landfill opponents to date have  
18 been fully and finally resolved in favor of the  
19 project.

20 I believe that the time is now. Let's  
21 get it done. Please issue the permit.

22 Thank you.

23 BILL MILLER: Thank you for your comments.

24 Sue Stivers, Bryan Stirratt will be  
25 next, followed by JP Embers.

1           SUE STIVERS: Hi. My name is Sue Stivers. I  
2 am a resident of North San Diego County, San Marcos  
3 specifically.

4           And as a resident of North San Diego  
5 County I'd like to touch on the location of the  
6 Gregory Canyon Landfill.

7           I fully support the Gregory Canyon  
8 Landfill location and applaud those, without spending  
9 a dime of taxpayer money, are bringing it to  
10 fruition. That type of investment needs to be  
11 encouraged.

12           We can't allow special interest groups  
13 to control those who are willing to invest in our  
14 County. Investors will soon take their support  
15 elsewhere, and we know how bad that is on California.

16           I think this is a prudent investment for  
17 those financing the project, but more importantly for  
18 us as consumers and for our environment. Shipping  
19 trash outside of our region will only exacerbate  
20 their quality concerns and increase costs to  
21 consumers.

22           In addition, this landfill facility  
23 will create jobs, generate tax revenues, and assure  
24 that our solid waste disposal needs are met in an  
25 environmentally responsible manner.

1 Gregory Canyon is a simple  
2 infrastructure solution for a growing region that  
3 needs more landfill space. Voters recognized that  
4 when they passed the Proposition C in 1994, and B in  
5 2004. I was one of those voters. I supported  
6 Gregory Canyon then and I support it today.

7 Thank you.

8 BILL MILLER: Thank you for your comments.

9 Bryan Stirratt, followed by JP Embry and  
10 Laurie Keaton.

11 BRYAN STIRRATT: Colonel Toy, members of your  
12 staff, my name is Brian Stirratt. I'm the chief  
13 design engineer for the Gregory Canyon Landfill, and  
14 I'm in charge of the design team.

15 Several issues we wanted to talk about,  
16 but one is the, as you know from the project, or as  
17 you will see from the project, we are going to be  
18 making major improvements to Highway 76 as it  
19 proceeds from 15 to the landfill, which will  
20 definitely improve the safety along that corridor.

21 There was some discussion about the  
22 liner design not covering the entire part of the  
23 landfill. We will be presenting some material for  
24 you to review on that relative to site slope design  
25 and bottom design of landfill.

1                   My firm has designed and worked on over  
2 200 landfills. I am registered in ten states and I'm  
3 the head of solid waste worldwide for Tetra Tech, so  
4 we will be addressing those issues.

5                   In addition, there are three sites,  
6 alternative sites in North County that we'll be  
7 looking at. The slopes that are shown on the bottom  
8 of those designs, Muriel Canyon is eight percent,  
9 Aspen Grove is seven percent, and Gopher Canyon is  
10 five percent. Those are not design elements that we  
11 would approve for the bottom design of the landfill.  
12 It impacts the stability and the ultimate capacity.

13                   So we will present that information to  
14 you to determine whether or not the capacity in those  
15 alternative sites can actually be achieved.

16                   BILL MILLER: Thank you for your comments.

17                   JP Embry, followed by Laurie Keaton, and  
18 then Matt Moore.

19                   PAT EMBRY: Good evening. My name is Pat  
20 Embry. I, along with my wife, live at 32503 Couser  
21 Canyon Road in Valley Center.

22                   And I've been speaking out against this  
23 project for 25 years, and to try to get that all  
24 together in one minute, I'll try.

25                   The history of dumps in the United

1 States have proven that contamination is inevitable.  
2 Every dump that has used this technology has failed.  
3 Well, it looks impressive on paper, but so did the  
4 Titanic and the space shuttles Columbia and  
5 Challenger. Technically they should have been  
6 indestructible, but as a result of various  
7 circumstances, 1,509 people lost their lives. More  
8 lives than that are at risk here.

9 Do the prudent thing, do your duty, deny  
10 this permit.

11 The proponents of this project keep  
12 referring to the exigency that exists which should  
13 override all other considerations. They used to call  
14 it an emergency. Any exigency that has lasted 25  
15 years cannot be an exigency.

16 The only lining that these people are  
17 really worried about is lining their own pockets.

18 BILL MILLER: Thank you for your comments.

19 Laurie Keaton, Matt Moore, and then  
20 Eileen Costa.

21 LAURIE KEATON: Hi. My name is Laurie Keaton.  
22 I live in North County and I'm a California native.

23 When I thought about coming here tonight  
24 I wanted to think about some facts. Five million  
25 gallons of gasoline are used every day to truck North

1 County trash to different landfills. The fact that,  
2 I don't know, so many things, that the Highway 76 is  
3 so dangerous, yet the Pala don't maintain it.  
4 Gregory Canyon has offered to repair and maintain for  
5 the safety of the road.

6 The fact that Gregory Canyon is said to  
7 be a historically significant and sacred site, but at  
8 Pala (inaudible) for the casino, it says there are no  
9 sacred sites within a mile of the casino.

10 And I see a lot tonight, facts from  
11 biologists, from reports, from statistics, and I also  
12 see a lot of fears from people who say "maybe," "in  
13 the past," but this is the future, and North County  
14 needs this landfill.

15 BILL MILLER: Thank you for your comment.

16 Matt Moore, Eileen Costa, and then  
17 followed by Barry Pulver.

18 MATT MOORE: Good evening. My name is Matt  
19 Moore. I'm a professional civil engineer in  
20 California. I am consultant on the Gregory Canyon  
21 Landfill project. I've been working on the project  
22 for over eight years.

23 I would like to state my opinion that  
24 the proposed project and the alternative is sound  
25 from a floodplain, scour and erosion, drainage and



1 water quality perspective.

2 The project will include best management  
3 practices identified in the Storm Water Pollution  
4 Prevention Plan and Storm Water Management Plan in  
5 compliance with State and County regulations.

6 The proposed project will not adversely  
7 affect flooding and scouring the river, as indicated  
8 in the Draft EIS.

9 Water quality will be safely protected  
10 and it will not result in adverse hydromodification  
11 or surface water quality impacts to the river.

12 The project's water quality design  
13 features -- it contains features that protect the  
14 public interest.

15 Thank you.

16 UNIDENTIFIED SPEAKER: You've only been there  
17 eight years.

18 BILL MILLER: Thank you for your comments.

19 Eileen Costa, followed by Barry Pulver,  
20 and then Andrea Seavey.

21 EILEEN COSTA: Good evening. Thank you for  
22 having us.

23 I originally lived in Smithtown, Ohio.  
24 Two of my friends lived in the area of the Smithtown  
25 landfill, and they had young families.

1                   A scientific investigation discovered  
2 toxins in the water plumes that flowed around the  
3 landfill area. Excuse me.

4                   One of the women, Geri, got cancer. We  
5 did what we could to help -- to do to help Geri's  
6 family during her very long and painful illness.  
7 Geri died, leaving huge medical bills, three young  
8 children, who could not understand their mother's  
9 death, a distraught husband, close family members and  
10 a community who missed this wonderful woman.

11                   It didn't have to happen. The landfill  
12 killed my friend.

13                   Every week at church meetings, when her  
14 twin would come, we would see the surviving twin  
15 sister and be reminded of what happened. No words  
16 can describe what the family experienced before and  
17 after Geri's death.

18                   If you Google Long Island landfills,  
19 excuse me, you'll see Superfund sites that are  
20 considered dangerous to the surrounding community,  
21 and they were considered modern technology.

22                   If I may add one thing. So many people  
23 are talking about floods. What I came across, and I  
24 think it was in your material, maybe not, that the  
25 floods that were in 1980, 1993, and 1995, changed the

1 course and the direction of the San Luis Rey River.

2 Now, if the landfill is built on the  
3 side of the river and we get one -- and that was only  
4 a 50-year flood, not a 100-year flood, so if we get a  
5 100-year flood and this landfill is on the side of  
6 the river, what is going to happen if it decides to  
7 go through the landfill?

8 I mean, you can't change nature.

9 BILL MILLER: Thank you for your comments.

10 Barry Pulver, Andrea Seavey, and then  
11 follow by Dr. Matt Rahn.

12 BARRY PULVER: Good evening. My name is Barry  
13 Pulver. I live in Rancho Penasquitos.

14 I'm registered in the State of  
15 California as a geologist, engineering geologist, and  
16 hydrogeologist, so I know a little bit about ground  
17 water. I've also had about 30 years of experience  
18 cleaning up ground water sites from facilities that  
19 fully complied with regulations, they were  
20 state-of-the-art, they were the best we could do.

21 So when I was reading the Draft EIS,  
22 that there are no significant adverse affects to  
23 ground water, it gives me pause that some additional  
24 analysis must be taken.

25 That's a heck of a design. It's a heck

1 of a design because it's needed because the site  
2 materials are not really that conducive to put trash  
3 over and protect ground water quality. And that  
4 design will work on paper, but will it work when it's  
5 in the ground? That is the analysis I'd like you to  
6 take. Look at some evaluation of the probability of  
7 a leak. If it does go through that liner, if that  
8 liner does fail, what is the impact on water quality?  
9 Then is it still in the best interest of the public?

10 Thank you.

11 BILL MILLER: Thank you very much for your  
12 comments.

13 Andrea Seavey, Dr. Matt Rahn, I'm sorry  
14 if I'm mispronouncing names, and Jason Greminger.

15 ANDREA SEAVEY: Hello, Gentlemen. My name is  
16 Andrea Seavey. I've lived here in Escondido 42 years  
17 and I've lived in California 72 years. I was born up  
18 there in beautiful LA Basin. It was gorgeous. For  
19 18 years I lived there. And then I went away to  
20 college.

21 And I just wanted you know this about me  
22 before I tell you my opinion, because I do have a  
23 degree in physiology from UC Berkeley, I've worked in  
24 medical research for a number of years, I have a  
25 teaching credential and taught high school and then

1 at Palomar College, and then I became a nurse and  
2 worked for the last 20 years as a visiting nurse, and  
3 feel like North County is mine, because I visited,  
4 even all the Indian reservations.

5 So I really, really have strong feelings  
6 about this being a bad, bad choice for a place for a  
7 landfill, and it's -- it's, because it's on the  
8 aquifer, part of it, but the disrespect to the Pala  
9 Indians and the problems of -- of -- the whole idea  
10 of having a dump there is very bad.

11 Thank you.

12 BILL MILLER: Thank you for your comments.

13 Dr. Matt Rahn, followed by Jason  
14 Grimger, sorry, Greminger, and Ash Hayes.

15 MATT RAHN: Hi. Just bear with me, I'll  
16 explain why -- maybe start the timer, I'll take this  
17 up.

18 My name is Dr. Matt Rahn, and I come to  
19 you with 20 years of experience and four higher  
20 education degrees, masters degree, Ph.D. and law  
21 degree, all focused on conservation biology, wildlife  
22 management, monitoring, environmental policy and law.

23 In reviewing the EIS, what I can tell  
24 you is that there is an inappropriate reliance on  
25 documents that were never intended to support

1 decision-making of large scale projects at this  
2 scale. Wildlife movement and monitoring studies and  
3 the assumptions of no impacts to linkages and  
4 corridors is completely misplaced. There is a  
5 misrepresentation of these Corps documents.

6 And what's surprising to me is that,  
7 after decades of study and 67 million dollars  
8 invested, no actual data or science was conducted for  
9 this project to assess this one particular issue. It  
10 is well below what is considered acceptable industry  
11 standards. No assessment of direct and indirect  
12 impacts and, in general, just an inappropriate  
13 analysis.

14 Despite this, what we can say is there  
15 will be significant and irreversible impacts to  
16 wildlife movement, which cannot be mitigated below  
17 the level of significance, and overall the document  
18 itself represents something that is scientifically,  
19 statistically, and legally indefensible. We'll be  
20 providing extensive written comments to help address  
21 some of these concerns.

22 Thank you.

23 BILL MILLER: Thank you for your comments.

24 Jason Greminger, followed by Ash Hayes,  
25 and then John, Johnny Pappas. I hope I got that

1 right.

2 JASON GREMINGER: Good evening, Colonel,  
3 staff. My name is Jason Greminger, I'm an Oceanside  
4 resident.

5 And I'm here tonight because I've heard  
6 a lot of people speaking tonight about the capacity  
7 of San Diego County's landfills.

8 What I haven't heard a lot about is the  
9 population growth of San Diego for the next 50 years.  
10 This concerns me, because our population is going to  
11 grow exponentially and we need a place to put this  
12 trash.

13 This project is necessary for all  
14 residents of San Diego County, not just residents of  
15 North County. We need to stop transporting our trash  
16 as far away as Arizona and keep our trash here. Our  
17 trash is uniquely our problem and, as such, we should  
18 all solve that problem.

19 Gregory Canyon is that solution.  
20 Gregory Canyon project proposes the most stringent  
21 environmental protection measures seen in any  
22 landfill in this nation up to this point.

23 This project offers astounding  
24 restoration of profoundly damaged habitat surrounding  
25 the site.

1                   This project will reduce millions of  
2 tons of air pollution by decreasing truck traffic.

3                   The Gregory Canyon Landfill is in the  
4 best interests of all residents of San Diego County.  
5 We must look beyond individual group interests and  
6 strike a path with a sustainable future, and that  
7 future unequivocally involves the Gregory Canyon  
8 Landfill.

9                   Thank you.

10                  BILL MILLER: Thank you for your comments.

11                  Ash Hayes, followed by Johnny Pappas,  
12 and then Matt Simmons.

13                  ASH HAYES: Good evening, Colonel Toy, Corps  
14 staff, and fellow citizens. I am Dr. Ash Hayes. I  
15 have been actively involved with community service in  
16 San Diego County for 50 years, and have been  
17 following this project from its inception.

18                  As you have heard tonight, the public  
19 has twice voted to approve this project. Politicians  
20 have tried to kill it and two governors have vetoed  
21 their attempts. The project has been extremely well  
22 vetted, and the message from the voters is clear:  
23 Build this facility at Gregory Canyon.

24                  Thank you for your time.

25                  BILL MILLER: Thank you for your comments.



1 Johnny Pappas, Matt Simmons, and then  
2 Paul Malar. I'm sorry, Malone.

3 JOHNNY PAPPAS: Johnny Pappas, resident of  
4 Escondido, I'm on the Advisory Committee of Surfrider  
5 Foundation, but I'm here in my individual capacity  
6 tonight as a resident of North County.

7 20 years ago, when the misleading Prop C  
8 was passed, most people didn't recycle. If you told  
9 me that I would be growing broccoli, spinach,  
10 brussels sprouts on my front lawn in Escondido, I  
11 would probably tell you you're crazy. If you told me  
12 that I would be (inaudible) worms and diverting  
13 scraps and composting, I would probably say the same  
14 thing.

15 Diversion rates, I'm not alone.  
16 Diversion rates are up in San Diego County, and  
17 San Diego region needs to move toward zero waste.

18 I keep hearing about these trucks that  
19 are coming in and out of North County with trash.  
20 What I'm not hearing about is the trucks that are  
21 going to be brought into this landfill across the  
22 County to provide water for the landfill and to bring  
23 trash in from our counties.

24 This -- our climate change is real and  
25 this project is going to exacerbate the problem.

1 Vital water resources and cultural resources will be  
2 placed in grave peril due to this project.

3 I'm not a rocket scientist, I'm not a  
4 rock scientist, I'm not a professional engineer, but  
5 I know that technology fails, and this project is not  
6 in the public interest.

7 I do have something here that  
8 illustrates what interest that it is in.

9 Thank you.

10 BILL MILLER: Thank you for your comments.

11 Matt Simmons, Paul Malone.

12 UNIDENTIFIED SPEAKER: That man knows what  
13 he's talking about.

14 MATT SIMMONS: Good evening, Colonel Toy,  
15 staff members of the Corps, ladies and gentlemen.

16 My name is Matt Simmons. I was born and  
17 raised in San Marcos, California, North County  
18 resident my entire life. I'm now currently raising  
19 my three kids there, and I'm a firm supporter of this  
20 project.

21 North County seemingly has everything  
22 going for it, and with the rapid-pace growth rate,  
23 apparently many agree. What it doesn't have is a  
24 place to dispose of its own trash, which is its  
25 responsibility. North County trash is trucked to

1 just about everywhere, Orange County, Riverside,  
2 Sycamore in San Diego, Otay Mesa in South County.

3 Our area of San Diego County hasn't had  
4 a local solid waste disposal facility since the  
5 closing of the San Marcos Landfill in 1997. My  
6 oldest daughter was born that year. She's now a  
7 junior at San Marcos High School. This process has  
8 taken way too long.

9 I understand that diversion is a  
10 possibility. However, hauling trash out of town is  
11 costly. And most importantly to me, is that even if  
12 we can find another county to take our garbage, their  
13 older landfills are lacking in the latest environment  
14 protection. The safety standards for this new  
15 facility are ten-fold.

16 I also appreciate the fact that nearly  
17 two-thirds of the 1,770 acres owned by the landfill's  
18 developer must be reserved as protecting (inaudible)  
19 and that they are required to restore that area and  
20 repair the damage occurred by decades of use as a  
21 dairy farm and unlawful living space.

22 Since eliminating all trash at this time  
23 is not a viable option, the developers of Gregory  
24 Canyon Landfill have worked to help us solve our  
25 garbage problems, and in the process have weighed,

1 addressed, and overcome environmental, engineering,  
2 economic, and social concerns, to provide a solution  
3 that has, from the beginning, engaged all interested  
4 parties.

5 It is time to move forward.

6 Thank you very much for your time.

7 BILL MILLER: Paul Malone. We also have a  
8 card for a Kay Endomarki. It may have just been  
9 asking a question and we want to clarify that, if  
10 they do want to speak. Are they here?

11 All right. Then the next speaker after  
12 Mr. Malone will be Helen Stark.

13 PAUL MALONE: Colonel, staff, thank you for  
14 your time this evening. I appreciate it.

15 My name is Paul Malone. I'm a lifelong  
16 resident of North San Diego County. And the region's  
17 landfill capacity issues have been well known since  
18 at least, or as far back as the 1980s. In fact, I  
19 sat on both of the County's landfill site search  
20 committees in the 1980s. And while those efforts  
21 identified several viable landfill sites for North  
22 County, none of those came about for a variety of  
23 reasons, some environmental and some political,  
24 unfortunately.

25 That was more than a quarter century

1 ago, and with the exception of the Gregory Canyon,  
2 the project before you this evening, no in-County  
3 solutions to the region's waste disposal needs have  
4 been put forth since.

5 While I'm a big supporter of waste  
6 reduction, recycling, and reuse, none of those efforts  
7 alone will solve our problem. Neither will  
8 continuing to ship our waste to neighboring counties,  
9 all of whom will, at some point, have to preserve  
10 their remaining landfill capacity for their own use.

11 Expanding the region's existing  
12 landfills, none of which are the environmental equal  
13 of the project you're considering tonight, isn't the  
14 answer either.

15 We're faced with a difficult problem  
16 that we've ignored for decades, far too long. And we  
17 probably all share somewhat in the blame for that.  
18 The solutions are obviously complex, involving  
19 incredibly long lead times. The proponents of  
20 Gregory Canyon can attest to that.

21 I'll wrap up by asking you to favorably  
22 consider this project and join with the residents of  
23 San Diego County who have twice approved it.

24 Thank you.

25 BILL MILLER: Thank you for your comments.

1                   Helen Stark. If Helen Stark is not  
2 here, Miguel Hernandez and Steve Kielgo.

3                   UNIDENTIFIED SPEAKER: He's left.

4                   BILL MILLER: All right. Robert Markley.  
5 Thank you, sir. And then followed by Rosalina  
6 Kobach.

7                   ROBERT MARKLEY: Robert Markley, 200 North  
8 El Camino Real, Oceanside. I'm a degreed chemical  
9 engineer, I graduated, graduated with honors in  
10 chemical engineering second in my class.

11                   I spent over 20 years in the plastics  
12 industry, both with materials suppliers and with  
13 plastics processing companies.

14                   I'm well aware of the limitations of  
15 plastic materials. Nothing lasts forever, including  
16 plastics and rubber liners.

17                   Moreover, leak detection wells easily  
18 could miss a leak, because a spot leak would have a  
19 narrow plume, and if a detection well is not nearby  
20 the leak would not even be detected.

21                   In 1982 the Environmental Protection  
22 Agency published an opinion that air pollution from  
23 landfills is a significant problem. If anybody has  
24 ever been downwind from a landfill, I can tell you, I  
25 have, and it's not pleasant.

1 Thank you.

2 BILL MILLER: Thank you for your comments.

3 Rosalina Kobach.

4 Jason Simmons.

5 JASON SIMMONS: Thank you. Thank you for your  
6 time.

7 I just wanted to quickly point out that  
8 obviously not one comment tonight is going to sway  
9 you either way, it's the preponderance of the  
10 evidence that you're going to look at and evaluate.

11 But I would like to point out some of  
12 the misinformation, specifically on the EPA comments.  
13 Those are from the '70s and those aren't  
14 representative of what the new liners are  
15 establishing.

16 So similarly, the information on  
17 Riverside landfills, that's right now where Oceanside  
18 is shipping a lot of their trash.

19 I would also like to point out that the  
20 reduction of waste that was purported at 30 percent  
21 since '05, a lot of that is due to the recession and  
22 the lack of construction that's gone on, because  
23 construction waste is a major component in the  
24 landfills. People don't consider that.

25 The 2,000 cows that used to be on the

1 land right on the river, pushing manure into the  
2 river, caused a lot more environmental damage than  
3 (inaudible).

4 And to wrap up, the opposition  
5 conveniently, conveniently leaves out that they ran  
6 the second campaign, so did they mislead the public?  
7 And they lost that campaign. So let's listen to the  
8 people that voted twice and listen to the science.

9 Thank you very much.

10 BILL MILLER: Thank you for your comments.

11 Ladies and gentlemen, we are running  
12 short on time and we have a number of speakers that  
13 wish to go. We're only going to be able to take  
14 three more speakers this evening. However, what we  
15 would like to offer, not only will we accept written  
16 comments this evening, but if you need to make an  
17 oral statement to us, that can be arranged by coming  
18 to our Carlsbad office.

19 The three speakers left in order are Ken  
20 Olson, Victor Roy, and Jeff Lepore. Are all three of  
21 those people here? Thank you, Gentlemen.

22 KEN OLSON: Ladies and gentlemen, thank you  
23 for the opportunity to speak to you tonight.

24 I ask that this project not go forward  
25 for a lot of good reasons, many of which you've heard



1 tonight, but in particular, I have not seen good  
2 evidence that there has been adequate consideration  
3 of the current and future rapid improvements in  
4 recycling technologies, therefore lessening the need  
5 for landfills.

6 First of all, emerging substitution for  
7 new materials, biodegradable, smaller, lighter,  
8 reusable, and second, improved recycling processes,  
9 more effective, less expensive, more local  
10 (inaudible).

11 Also, we can and we will benefit from  
12 near universal public support in a good recycling  
13 program. We talk about public support similar to  
14 that which the County Water Authority was able to  
15 muster in its campaign for water conservation, a  
16 marvelous success story.

17 So all of these things will extend the  
18 life of every other landfill in the County and will  
19 allow us to let recycling be a major part of our  
20 future success.

21 Thank you.

22 BILL MILLER: Thank you very much for your  
23 comment.

24 Victor Roy?

25 VICTOR ROY: Hi. I'm Victor Roy, I'm

1 domiciled in Oceanside, California, at Rancho San  
2 Luis Rey River.

3 I wouldn't be here tonight except for  
4 the fact that building a dump on part of a major  
5 watershed that hundreds of thousands of people rely  
6 on for their drinking water, their potable water,  
7 their agricultural water, is irresponsible and  
8 unconscionable.

9 Are you kidding me? 67 million dollars  
10 piling up. These people have got their claws dug in  
11 so deep that they don't want to let go. All they  
12 have to do is pick up the project, move it, maybe to  
13 the other side of the mountain so it's in the desert  
14 where it doesn't affect hundreds of thousands of  
15 people. Take it off of our Oceanside, our San Luis  
16 Rey River watershed.

17 I just want to leave you with the idea  
18 of that.

19 January 17th, 1994, 4:30 a.m., that was  
20 the Northridge Earthquake. I was there, I was in the  
21 Hollywood Hills, the houses shook, cracks formed,  
22 chimneys fell. I got up, looked out over the city of  
23 Los Angeles, it was a total blackout, a  
24 once-in-a-lifetime experience you will never ever  
25 see.

1                   April 4th, 2010, that was the Easter  
2 Earthquake from El Centro. I'm here, I'm feeling  
3 that in Oceanside, all of you people that live around  
4 here, you felt it. I saw cracks form in the pavement  
5 in the streets around me and cracks in the houses,  
6 and all the repairs --

7                   Think about that. Major earthquakes can  
8 happen at a moment's notice, land deformation occurs,  
9 cracks in a landfill will occur.

10                  BILL MILLER: Thank you, sir. We appreciate  
11 your comments. Thank you.

12                  Jeff Lepore, I'm sorry if I'm  
13 mispronouncing your name.

14                  JEFF LEPORE: Hi. Jeff Lepore, supporter of  
15 the landfill project.

16                  And I want to bring up from Poway a  
17 couple of facts that haven't been brought up today.

18                  In 2004, when the second bill invoking,  
19 it was extremely detailed on this would be a  
20 landfill, and almost 70 percent of our County voted  
21 in favor of it.

22                  So the key word here is ineptness.  
23 Everybody in this room and the locals, and the locals  
24 are saying the County of San Diego is inept. There  
25 have been 19 lawsuits filed every time Gregory Canyon

1 has received an approval. Every single lawsuit has  
2 been lost by the, by the opponents.

3 Again, they're saying ineptness,  
4 ineptness, ineptness of our local agencies. They are  
5 calling all our local agencies inept in approvals and  
6 the science. If that was the case, nothing in this  
7 country or state could be built.

8 This landfill is needed. The science is  
9 there to support it.

10 Thank you.

11 UNIDENTIFIED SPEAKER: It is not needed.

12 COLONEL MARK TOY: Okay, ladies and gentlemen.  
13 On behalf of all of us in the Corps, we'd like to  
14 thank you for your participation in the public  
15 hearing. The Corps will carefully and fully consider  
16 all comments that we receive for the proposed project  
17 as part of our final permit decision.

18 I'd like to emphasize that the written  
19 comments are an opportunity for you to make a more  
20 complete statement than you can provide in the one  
21 minute.

22 As another reminder, the close of the  
23 public comments is April 15th. Comments must be  
24 received by April 15th to be considered in the Corps'  
25 evaluation of the proposed project.

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We appreciate your patience and thank  
you for attending today's public meeting.

(Proceedings adjourned at 9:33 p.m.)

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REPORTER'S CERTIFICATION

I, Lynne Woodward, a Certified Shorthand Reporter in and for the State of California, do hereby certify:

That the foregoing proceedings were reported by me stenographically and later transcribed into typewriting under my direction; that the foregoing is a true record of the proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name this 14th day of February, 2013.

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Lynne E. Woodward, CSR No. 10440