U.S. ARMY CORPS OF ENGINEERS

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

~~~~~~~~~~~~~~~~~~~~~~~~~~~~

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
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
ESCONDIDO, CALIFORNIA, THURSDAY, JANUARY 31, 6:00 P.M.

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

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

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

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

And we also have Ms. Luci Hise. Actually, she's not at the front table. Where is
Luci? There's Luci with her hand up, and she will be giving a presentation here today. She works for PCR, which is the company that we've been working with to develop the Draft EIS.

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

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

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

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

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

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

For a bit of background as to why we are all here today, Gregory Canyon Limited, or GCL,
proposes to construct a landfill that includes building a bridge across the San Luis Rey River, and filling in a portion of the stream in Gregory Canyon in Northern San Diego County.

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

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

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

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

As many of you know, on December 12, 2012, we issued a public notice announcing the availability of the Gregory Canyon Landfill Draft EIS for public review and comment, which included information on this public hearing meeting, followed
by publishing our notice of availability in the Federal register of the Draft EIS.

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

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

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

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

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

I will now turn the rest of the
presentation portion of the meeting over to Bill Miller, the Corps senior project manager working on the proposed project, and Luci Hise-Fisher of PCR Services Corporation, the team lead of our contractor working on the EIS for this project.

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

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

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

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

Also, if you would like to submit written comments this evening, we have comment forms
available at the information tables at the entrance as well.

Thank you all again for coming tonight.

Bill.

BILL MILLER: Thank you, Colonel.

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

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

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

Consequently, the Corps has a responsibility to evaluate the environmental impacts that would be caused by the proposed project prior to
making a permit decision.

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

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

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

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

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

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

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

At the conclusion of our analysis, the
Corps will do one of three things: Either issue a permit, issue a permit with modification and conditions, or deny the permit.

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

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

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

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

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

Pending the comments on the 404(b)(1) analysis and the conclusion of tribal consultations, the Corps will then be able to arrive at a decision.
At this point we cannot set a date for the final decision, simply because we do not yet know the extent or the complexity of the comments that are being submitted now.

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

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

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

I would now like to invite Luci Hise-Fisher of PCR Services to present an overview of
the Applicant's proposed project and offer highlights of the EIS.

LUCI HISE-FISHER: Thank you, Bill.

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

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

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

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

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

The landfill would have a maximum daily intake of 5,000 tons, and an annual intake of about one million tons. The landfill would accept solid
waste for approximately 30 years.

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

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

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

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

In addition, there would be monitoring wells and pumping wells. The majority of construction would occur south of SR 76, but a new well would be installed to the north of SR 76 and water would be piped to the storage tank.
The SDG&E power lines would be relocated up the slope of the mountain to accommodate the landfill footprint.

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

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

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

The Needs Assessment indicates that, under current conditions, and assuming current rates of diversion and no new landfills or landfill expansions, San Diego County is estimated to be out of landfill disposal capacity in 2024.
Based on San Diego's current remaining disposal capacity and the agreements affecting other counties' ability to accept out-of-county waste, additional landfill capacity is needed for San Diego County to meet its disposal capacity needs.

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

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

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

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

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

The County of San Diego has a history of
trying to identify potential landfill sites in various locations throughout the County. Various studies were conducted in the late 1980s and the early 1990s, prior to the County's privatization of the solid waste disposal system in 1997.

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

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

   The Corps identified 12 screening criteria that were based on Federal regulations, Siting Elements, and the County's siting studies.
As a result of two tiers of screening, five off-site alternatives were identified for evaluation.

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

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

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

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

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

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

As required by NEPA, the Draft EIS
provides a comparison of the alternatives.

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

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

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

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

The cumulative analysis is contained in Chapter 6 of the document and is organized by alternative and then by environmental topic area. A summary table is also provided.
The Draft EIS, as it has been said, was distributed for review and comment, beginning on December 12th, 2012. Although 45-day comment period complies with NEPA requirements, the Corps initially set a 60-day period, and due to requests from the public, the Corps extended the comment period from February 12 to April 15, resulting in an approximately 120-day comment period.

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

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

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

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

I will now turn the meeting back over to William Miller.
BILL MILLER: Thank you very much, Luci.

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

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

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

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

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

The lining and other ground water protection facilities that the condition is a part, the Solid Waste Facilities Permit exceed all Federal
and State laws.

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

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

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

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

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

   Keep in mind that the public and the
County of San Diego have voted twice, and by large
majorities have favored the landfill project.

San Diego -- excuse me.

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

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

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

And finally, you'll receive letters and
hear comments from a wide spectrum of public
officials, union leaders, and business groups that
broadly represent the needs and interests of over
three million residents, employees, and business
owners in San Diego County.
We made every effort to work with the opposition and address their concerns and there has been no willingness to accommodate that effort. We can and will protect the sacred sites. We will be a good neighbor.

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

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

Thank you very much.

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

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

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

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

This is an important issue.

Fortunately, there is some recent clear guidance from
the Ninth Circuit Court of Appeals that provides a pathway to a reasoned and reasonable decision consistent with public interest.

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

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

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

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

The Draft EIS found that none of the essential physical features that enabled Gregory Mountain to convey its historic identity would be affected. Those include the summit, two Taakwic Puki
or Taakwic resting places identified in ethno historical literature and views from Pala.

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

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

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

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

Finally, we want to confirm our commitment to work with the Corps, SHIPO (phonetic), and the tribes on the Section 106 MOA, and again, our openness to consider additional measures to provide
reasonable accommodations to tribal concerns
consistent with the broader public interest in
support of this project.

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

RICHARD FELAGO: Thank you, Bill.

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

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

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

I worked on the design of the first
lined landfill ever contemplated in the United
States, and therefore in the world, in Lycoming
County, Pennsylvania in 1976/77. I worked on solid
waste projects in 35 states, more than a dozen
countries, foreign countries, and in Puerto Rico and
Guam.
And coincidentally, 2013 happens to be my 40th year in the recycling, solid waste, and waste to energy business.

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

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

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

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

In fact, in my opinion it could be equivalent to a Subtitle C above-ground hazardous
waste impoundment facility. It's that good.

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

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

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

When completed -- this is an infrastructure project, as I said, in North County, for North County. My opinion is that the broad
public interest is served by this landfill, which the County has been seeking for 25 years.

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

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

Thank you for the opportunity to address you tonight.

BILL MILLER: Thank you for your remarks.

We will now begin taking oral testimony from the public in two sessions. The first session will be devoted to hearing from tribal leaders, elected officials, and selected representatives from significant interest groups. Because these speakers represent significant numbers, they will be allowed an extended period of time.
Because of the total volume of speakers requesting to speak this evening, I'm afraid we will be limiting these speakers to two minutes.

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

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

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

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

All oral and written testimony will become part of the administrative record for this permit application. Once we have a written transcript of the testimony, it will be published on our Regulatory Division website, which was provided by Luci in her presentation and is posted elsewhere in this room.
Please, when making testimony this evening, speak clearly and slowly so that the court reporter will be able to hear and transcribe everything that we're saying.

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

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

Again, so we can hear as many speakers as possible, we will not be answering questions during the sessions. If you have general questions, there are team members that may be able to help you, but if you have more specific questions, as I stated earlier, there are avenues by which to get ahold of us identified in the Environmental Impact Statement or in the materials that have been provided as you entered.
At this time I would like to ask our first speaker to come forward, Mr. Robert Smith, Chairman of the Pala Band of Indians, followed by -- After Mr. Smith the next speaker will be Mrs. Peck, followed by Mel Vernon.

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

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

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

For the Pala Band and other tribes, this project is simply another example of governments ignoring concerns and cultures of Native American
While it's not surprising, we see it ironic that the location chosen for the landfill, that the developers and the County San Diego claim would serve San Diego County residents, would be located at far reach of the County on the border of the Pala Indian reservation. That the proposed dump would be located on the border is a cultural environmental injustice.

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

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

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

The County actually had the right, when it repeatedly refused to approve the landfill in Gregory Canyon in the 1990s because of its location.
The proponents got a majority of the voters of the County to re-zone the site in a separate populated corner of the County next to an Indian reservation.

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

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

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

There's a simple reason why this project has been studied for so long. Gregory Canyon is the wrong place for a dump. It is next to the San Luis Rey River, a resource of natural importance, next to
two major drinking water pipelines, within critical
habitat of three endangered species, and on the other
side of a sacred mountain.

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

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

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

    In light of these facts, does it make
sense to build a landfill that would threaten
critical ground waters as well as critical
pipeline that carries imported water to the County of
San Diego?
One -- we need only to look at the history of landfills to realize the claims that proposed dump would be state-of-the-art, meaning nothing. 30 million tons of garbage will remain buried along the landfill, owners are gone, looming over the river and threatening precious water supplies forever.

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

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

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

Thank you.

BILLY MILLER: Thank you.

UNIDENTIFIED SPEAKER: If someone has signed
up and they don't wish to speak right now, could you concede that one minute to another speaker?

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

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

COLONEL MARK TOY: Not in this process, sir.

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

Ms. Peck.

UNIDENTIFIED SPEAKER: She's not here tonight.

BILL MILLER: Mr. Vernon, please.

MEL VERNON: All right, thank you.

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

I just want to thank you for having this hearing, I guess what we call it, this coming together one more time. It's been very redundant, not only in approving again, or bringing this issue forward.
I stand with Chairman Smith on all the issues with culture, and being that culture is something that may be sacred to a certain part of the community, but it seems that, if you're in that community that holds something sacred, you have to prove it to the rest of the community that it means something. It's very unique for the Indian people to have to do this every time we come up with a cultural issue in this state.

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

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

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

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

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

So thank you very much.

BILL MILLER: Thank you very much, sir.

Would Anthony Pico please come forward.

Supervisor Bill Horn will be next, followed by County Supervisor David Robertson. Dave Roberts.

ANTHONY PICO: Good evening. I'm Anthony Pico. I'm Chairman of the Viejas Band of Kumeyaay Indians, about 35 miles east of San Diego. I reside
at 57 Viejas Way Road in Alpine, California, which is within the reservation.

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

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

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

If Gregory Canyon's sacred Chokla, the Luiseno people, is defiled by a garbage dump, then this injury is felt by all Indian people. With so
much already lost, we simply cannot stand idly by while private developers assert the public process in order to turn a profit at the expense of our culture and our traditions.

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

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

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

No. In fact, no public interest is
served by the building of a garbage dump in Gregory Canyon.

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

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

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

And thank you very much for giving me this opportunity.

BILL MILLER: (Inaudible due to applause)
asked if you could please limit your remarks to two minutes, and for all future speakers as well. Thank you.
BILLY HORN: All right. I'll try.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This dump isn't even needed. With expanded capacity at Miramar, which is in my
supervisorial district, and Sycamore, which is in Supervisor Dianne Jacobs' district, as well as a new landfill approved for East Otay Mesa in Supervisor Greg Cox's district, we have capacity for decades, long after you and I are gone. This is not in the public interest.

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

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

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

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

So let's not repeat the mistakes of the
past. Let's do what's in the public interest.

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

I hope you will deny this permit.

Thank you very much.

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

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

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

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

My concerns are obvious: We're
downstream. We're downstream. We're one of the few
cities that do desal from the downstream water. We
get about 20 percent of our water from underground water sources from the San Luis Rey River. We're spending millions of dollars and looking at spending even more to get up to 50 percent of our water from desal from downstream. Can you imagine spending that kind of money getting that where you can get the rates down for our citizens?

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

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

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

I won't go into details because we've told you this before. However, with that, I think you understand this too, our governor was concerned about protecting water sources. He came out recently and said that. It's important. Here's a water
I'm not against a landfill or dump, whatever they want to call it, I just didn't like the location they picked, right on a water source for my city and the Pala Indians. All the culture in this area would be impacted by that also.

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

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

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

Thank you.

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

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

My name is Olga Diaz. I'm the Deputy
Mayor of the City of Escondido, and I'm here to speak against the permit for the Gregory Canyon Landfill, and I'll tell you why.

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

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

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

There isn't anything you can say to me that will convince me that the trash won't leak into that water source. Maybe not 10 years from now, but 20, 30, 40, 50, long after the advocates for this project have passed, and quite frankly, long after many of the folks in the room have passed, there is
nothing that can convince me that that liner will not break or leak. And the folks in Oceanside deserve a greater protection, so I would really encourage you not to support this.

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

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

Thank you.

BILL MILLER: Thank you very much for your comments.

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

Thank you.

RITA FERNANDEZ: Thank you very much.

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

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

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

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

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

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

Thank you very much.

BILL MILLER: Thank you. After Esther Sanchez
and Jack Feller will be Cristina Sanchez.

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

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

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

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

Based on the scientific literature, it
is well documented that these types of chemicals are toxic, interfere with hormones in the body, can bioaccumulate in fish such as the steelhead trout and other aquatic organisms, plays a significant role in the decline of amphibians such as the arroyo toad, and harm marine fish and shellfish.

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

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

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

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

BILL MILLER: Thank you very much.

After Jack Feller will be Gary, apologize for mispronouncing your name, Feller. Very sorry, sir. And Cari Dale following that.
JACK FELLER: Good evening, Colonel Toy.

Good seeing you again. I am Jack Feller, City Councilmember for the City of Oceanside, and I'm speaking on my own behalf.

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

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

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

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

The U.S. Army Corps of Engineers does design, build, process, and approve projects that are, that are great. You are serving the needs of America in -- right now it's San Diego that needs your attention.
I appreciate your attention to this and I would ask for your approval on this EIS.

Thank you.

BILL MILLER: Thank you, Jack.

After Cari Dale will be Gabriel Gutierrez.

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

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

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

And I'm not an engineer, I'm not a geologist, I'm not a scientist, so I don't know where this process is going to end up. But as the proponents claim, as they claim that it's the most scientifically protected landfill that's ever been devised, and it will provide the level of protection
that the law requires, then the project should be approved. If it doesn't meet that threshold, then it should be denied.

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

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

Thank you.

BILL MILLER: Thank you very much.

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

DAMON NAGAMI: Nagami.

BILL MILLER: Thank you, sir.

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

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

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

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

The EIS further states that the landfill itself would obstruct rain water infiltration through the soil and ground water. This recharge would be diminished, and therefore the City of Oceanside protests any activity which would reduce the
percolation of rain water, thereby diminishing the quantity of percolating ground water available for downstream appropriatives, such as the City of Oceanside.

Again, water rights need to be addressed.

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

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

And I'll just wrap it up.

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

Thank you for your time.

BILL MILLER: Thank you for your comments.

Gabriel Gutierrez, Damon Nagami, and Josan Feathers.

GABRIEL GUTIERREZ: Good evening. My name is Gabriel Gutierrez. I'm a policy advisor for County Supervisor Ron Roberts.
Ron is sorry he could not be here today. He wanted me to share with you his longstanding support of this project.

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

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

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

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

Supervisor Roberts also wrote recently to the Army Corps, reiterating his support for the
Gregory Canyon Landfill. While I know you have the letter, I'd like to read this part.

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

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

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

Thank you for your time.

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

DAMON NAGAMI: Thank you.

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

I'm here on behalf of our tens of thousands of members and activists in Southern
California.

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

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

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

So you have all of those bad environmental impacts on one side that are clearly
not in the public interest.

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

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

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

Even the CEO of Waste Management agrees that landfilling is a dinosaur that's about to go extinct. In a Wall Street Journal article he
predicted that in 10 to 15 years his company would be out of the landfill business and would be focusing instead on recycling and finding up-value from the waste rather than burying it.

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

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

Thank you.

BILL MILLER: Thank you for your comments.

Shasta Gaughen, Josan Feathers, and Larry Purcell.

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

It is my job to protect the environment for the Pala reservation and to fulfill Federal and State requirements for the protection and
preservation of historic, cultural, and archeological resources of importance to the tribe.

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

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

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

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

References to the sacred significance of Chokla appear in the anthropological literature
beginning in the early 1900s. The County of San Diego knows this and determined that the landfill would cause unmitigable damage to archeological sites and cultural and religious values. It is not in the public interest to ask for tribes to give up yet another piece of their living heritage.

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

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

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

The Army Corps needs to consider alternatives. There is no benefit to the public for this project.
Thank you for your time. And in my last few seconds, if you're against this dump, stand up. Show them that you don't want it.

BILL MILLER: Thank you for your comments.

Larry Purcell, followed by Lenore Lamb and Michael McSweeney.

UNIDENTIFIED SPEAKER: Josan Feathers.

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

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

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

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

Our concerns are based on the League's positions regarding waste management, water quality, and land use. We support measures to ensure environmentally sound and efficient solid waste management and policies to reduce the generation and promote the reuse and recycling of solid wastes. We support the preservation and the integrity of
ecosystems in order to protect public health and air, water, and land resources, whose inner relationships should be recognized in designing environmental safeguards and to prevent ecological degradation.

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

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

The impacts are just excessive, especially in this rural area, especially five sets of piles in the San Luis Rey River. The possibility of vehicular leakage where load spills from vehicles containing solid and/or hazardous wastes as they
cross the long bridge over the river is alarming.

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

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

We urge you to deny this permit. Thank you.

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

Larry Purcell, followed by Lenore Lamb and Michael McSweeney.

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

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

Our concerns with the proposed landfill have always been and remain two-fold: One is
ensuring protection of water resources, number two is ensuring protection of our facilities.

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

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

In addition, the Draft EIS does not
contain enough detail of a possible pipeline
relocation option, including the design,
construction, and schedule, to determine if it is
appropriate for our conveyance system. Without this
information, we are left wondering if the project
described in the Draft EIS is in the public interest
when it potentially puts the regional water system
for millions of San Diegans at risk.

Thank you for the opportunity to speak.

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

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

The BIA is here to be an advocate for
the sovereignty and rights of tribes in dealing with
other governmental entities. We want the Army Corps,
as our sister agency, to understand that all Federal
agencies share in this trust responsibility. We want
to ensure that meaningful consultation is performed
by the Army Corps on this project, and is effective
pursuant to your own government-to-government
consultation policy, as supported by President Obama
in Executive Order 13175.

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

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

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

BILL MILLER: Thank you for your comments.

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

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

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

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

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

The Gregory Canyon Landfill was twice supported by the San Diego voters, and is now before you as part of a rigorous environmental review process. The records throughout this public review demonstrates the urgent need to proceed with this project, and explains how this new facility, coupled with increasing recycling, can address our
nation's -- our region's solid waste needs for
decades to come.

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

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

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

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

Thank you.

BILL MILLER: Thank you very much for your
comments. Jim Knott III, followed by Ted Griswold
and Efrem Bycer.
JIMMY KNOTT III: Jimmy Knott III, Vice-Chairman to the Utilities Commission, City of Oceanside, speaking for myself. I've not been authorized by the Chair to speak, but I want to make sure that it was on the record.

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

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

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

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

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

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

Thank you.

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


We have a myriad of environmental issues
to deal with Gregory Canyon Landfill. We will be providing extensive written comments, but I want to really focus you on the lens through which you are looking through the environmental document, as well as the public, and that is the purpose and need. So I want to focus you on that because that really tailors your entire environmental analysis and your permitting decisions.

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

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

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

That's a direct analogy on what you're
looking at here. Your purpose and need from a scope standpoint should be looking at the need for and how you're dealing with our waste, rather than looking at a landfill or a specific location.

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

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

That's really problematic, because unless you can condition your permit to say that the waste will only come from San Diego County, then your alternatives should be included among all of the six counties. And if you do that, if you look at your own analysis -- I'm almost done, I'm just going to wind up with this point.
If you do that and you look at your analysis, your own analysis on purpose and need, the Gregory Canyon Landfill will only add 1, to a maximum of 2.1 years of capacity within the waste shed, and you should be comparing that against the environmental damage that would be caused by this landfill.

Thank you.

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

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

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

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

A healthy and growing regional economy requires continued investments in infrastructure, including sites for solid waste disposal. The EDC fully supports the Gregory Canyon location as the best location out of all locations being considered
by the Corps for a new landfill in San Diego County.

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

The EIR has also withstood multiple legal challenges.

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

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

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

In conclusion, this site is in the best interest of the public, and San Diego County voters
have clearly voiced their approval at the ballot box.

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

Thank you.

BILL MILLER: Thank you very much.

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

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

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

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

I would urge the Corps to give strict reading of all the comments that are provided so that they don't get subterfuged like we feel the comments on the EIR were.
And in that manner I would say, we've got this big tube of dirt back here which, quite honestly, is somewhat misrepresentative. It doesn't show how thin the liners are going to be, the plastic liners.

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

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

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

And I think that their analysis of
disposal rates in the future is also very jaundiced and is both hard to fathom and hard to follow, and also does not get to the point of what recycling is going to do to those disposal rates.

    Thank you.

    BILL MILLER: Thank you, sir.

    Brad Barnum, Laura Hunter, and Eric Bowlby.

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

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

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

    Landfills are a vital component of waste
management services operations, and Gregory Canyon
must be built. Thank you.

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

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

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

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

This is not in the public interest.
We know there's no such thing as a zero discharge
landfill. I -- probably today this is
state-of-the-art for today. The problem is, the liner is not just going to last for today. It has to last for 50 years, 100 years, 1,000 years.

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

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

I hope that you will also look at Federal Resolution J-14. The Federal government apologized officially to the Native peoples on behalf of the United States, and we said, To build on the positive relationships of the past and present and move forward to a brighter future where all the
people of this land have reconciled as brothers and
sisters and harmoniously steward and protect this
land together.

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

BILL MILLER: Thank you for your comments.

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

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

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

If you've got drainage systems, I'm sure
you do, right? What drainage system has not been
overwhelmed? What drainage system has been so well
engineered that it did not get overwhelmed by nature?
Nature always trumps our engineering. New Orleans,
BP, bad planning, (inaudible due to applause), you
name it.

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

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

Thank you.

BILL MILLER: Thank you for your comments.

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

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

My name is Patricia Borchmann. I'm a
resident in Escondido, I'm a member of Escondido
Chamber of Commerce, I mean, Chamber of Citizens;
however, my comments are my own personal concerns.
I've already submitted a three-page letter, you know, reflecting my comments, and it's too long so I won't bore you with that.

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

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

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

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

With projected water shortages in Southern California, it's impossible to deny that water supply only becomes an ever-increasingly expensive, valuable, and essential, and irreplaceable
Now, almost 20 years after the Gregory Canyon Landfill project's approval, there is important new evidence that shows that landfill liners in San Diego County are not durable. They're not, it's not feasible that you can rely on the assurances that have been historically provided.

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

BILL MILLER: Thank you for your comments.

Wallace Tucker, Olive Rice, and Lizette Romney.

WALLACE TUCKER: Thank you.

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

My day job is as a space scientist, and in that capacity we deal occasionally, fairly often,
with the risk versus reward equation.

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

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

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

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

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

One is outlyers, things that didn't happen that -- that happened that weren't supposed to happen.

The other thing is the black swan, they
call it. It's an event that occurs, you didn't expect it to occur, it shouldn't have occurred, it did occur. Game over.

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

Thank you.

BILL MILLER: Thank you very much for your comments.

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

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

Thank you.

(RECESS.)

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

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

First of all, for those speaking, we would like to ask again that you slow down. The court reporter is having a hard time keeping up with
some of you. We appreciate that. If you can, please slow down a bit.

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

UNIDENTIFIED SPEAKER: I have a question.

BILL MILLER: Yes, ma'am.

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

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

UNIDENTIFIED SPEAKER: Thank you.

BILL MILLER: So I appreciate that.

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

The next speaker is Olive Rice.

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

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

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

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

BILL MILLER: Thank you very much.

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

BRIGETTE BROWNING: Good evening. My name
is Brigette Browning. I'm the president of
Unite HERE Local 30. We are the food and service
workers here in San Diego.

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

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

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

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

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

Thank you very much.

BILL MILLER: Thank you for your comments.
Sarah? The next speaker on the deck is Erin Campbell and Sara Rogers, both representing the same group, so we'll clarify that as we move closer.

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

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

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

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

The composite liner system, as you've heard, is the most protective liner system in the country for a municipal solid waste site, with
multiple and redundant barrier layers to protect the ground water quality.

    This is a scale model of the liner system.

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

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

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

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

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

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

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

Thank you.

BILL MILLER: Thank you for your comments.

Erin Campbell, Sara Rogers.

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

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

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

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

So because Gregory Canyon is located adjacent to the San Luis Rey River, a water
distribution pipeline, and above it, a porous aquifer that serves hundreds of thousands of San Diego residents, this location is not the least adverse.

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

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

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

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

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

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

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

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

Thank you.

BILL MILLER: Thank you.

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

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

My glasses. Oh, here they are.

Okay. My message to you is don't take a
chance. The Corps took a chance that the levees in
New Orleans would hold. Remember Katrina? Your good name was sullied from that disaster. You have made up since and you must continue to safeguard your reputation.

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

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

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

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

Your sworn duties are to safeguard the population of the United States and not to permit a project that will benefit only the out-of-state and
out-of-town investors.

The promotor's got a so-called state-of-the-art liner. Would they need it if the site were not so dangerous? Of course not.

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

BILL MILLER: Pardon me.

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

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

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

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

UNIDENTIFIED SPEAKER: Turn the mic back on.

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

Also, some of you on this panel, and I have also been subject to some discrimination, so I
urge you, don't discriminate against the Native
Americans.

Thank you.

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

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

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

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

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

Our first and foremost reason for
opposing the landfill is the environmental justice
nightmare it represents. For people whose religion
is strongly linked to the places of their ancestral
homelands, cultural resource loss is environmental injustice.

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

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

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

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

In addition, the EIS should state explicitly the time frame of the analysis. A
snapshot of water quality impacts at one theoretical moment when everything is working perfectly is not adequate.

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

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

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

Thank you.

BILL MILLER: Thank you for your comments.

Everett Delano, Ken Lounsbery, and Fred Bartz.

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

I need to start off by mentioning something about some things I've heard from the applicant and from someone else who came up and said that the EIR -- I think I heard something about the applicant saying the EIR withstood a challenge all
the way to the Supreme Court and others have said it withstood multiple legal challenges.

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

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

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

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

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

With regard to sacred sites they say, you know, we don't really know how we're going to
address that, so we're going to let that go. Which
they were chastised, by the way, by Cal Recycle's
director, saying, you know, you're really ignoring
the environmental justice issues that you should look
at.

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

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

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

But I would also urge you to consider
that there are other issues; issues that you've heard
tonight and issues that you'll hear in further
comments, that are additional alternatives to be
considered in this regard.

And among those, and I'll wrap up with this thought, among those are reduce, reuse, recycle. Interestingly, the R3 report doesn't really discuss reduce, reusing, and recycling to the degree. But also look at the fact that, in reality, what you have is a project that is part of the larger waste stream within the County, within the region, and that region includes the Mesquite Regional Landfill.

Thank you.

BILL MILLER: Thank you very much for your comments.

Ken Lounsbery.

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

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

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

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

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

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

BILL MILLER: Thank you for your comments.

Fred Bartz followed by Greg Saul and George Courser.

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

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

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

This bill should have been vetoed. In fact the governor almost -- in fact, he said he
wished he would have had. We didn't quite get that
column out of him, but close.

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

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

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

Thank you for your time.

BILL MILLER: Thank you for your comments.
GREG SAUL: Hi. I'm Greg Saul of Tetra Tech BAS. We're the engineer of record for the project.

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

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

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

The third point is, you want the make
sure that, once you've designed it, that's one thing, but you want to ensure that it is actually built according to your design requirements.

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

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

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

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

BILL MILLER: Thank you for your comment.

George Courser, Linda Walshaw, and Dennis Turner.

GEORGE COURSER: Good evening. George
Courser. Colonel Toy, staff, thank you for the opportunity to speak.

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

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

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

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

This landfill, over the objections of virtually everybody, has still managed to exist. Common sense would have denied it probably decades
ago. I feel that if your leadership knew about this project, we wouldn't be here tonight.

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

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

Thank you for your time.

BILL MILLER: Thank you very much for your comments.

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

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

Those of us who have attended Oceanside City Council and community meetings regarding the Gregory Canyon issue have heard experts, scientists, engineers, and political leaders give evidence of the reasons why we should oppose the building of a toxic waste dump at Gregory Canyon.
We heard testimony that it is not a question of whether or not the planned liner of the dump would leak, it is only a question of when.

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

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

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

Why not work with the communities
involved to accomplish the same purpose without
endangering our families and futures?

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

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

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

This proposed project is the very
opposite of those goals.

BILL MILLER: Thank you very much for your
comments.

Dennis Turner and Jeff Williams.

DENNIS TURNER: Thank you, Colonel Toy.

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

But I do want to say I am here
representing the Southern California Tribal Chairmans
Association, an association of 19 federally
recognized sovereign governments in Southern
California. I'm their chief executive officer.
I came here to tell you that our board,
board of directors made up of tribal leaders just
like a governor, is opposed to this project.
We argue that it's not really strategic
to our energy needs, to our housing needs, to our
safety needs, our economy, or to our military and our
homeland. This project is not strategic to those
things. It's adverse, certainly to our communities,
as you've heard all night long, our water, our
safety.

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

When they passed this voting thing back
in the two periods that they did, they didn't know,
the voters of San Diego didn't know that there is
other options and other alternatives. Look at what
LA County is doing. They are sending their trash to
the desert. It costs more, but they are.
What I'm worried about, though, is that my children drink that water, my grandchildren drink that water. You guys won't be here.

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

Thank you.

BILL MILLER: Thank you for your comments.

Jeff Williams is our last speaker representing a group.

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

JEFF WILLIAMS: I'm with Tetra Tech BAS.

BILL MILLER: Thank you.

JEFF WILLIAMS: I just want to point out that questions have been raised about the owner's commitment to the site after the site actually reaches capacity. And I just want to point out that, in addition to the hundred million dollar liability insurance policy that the owners will carry, that the owner will also provide over 60 million dollars in financial assurance that's required by the State
during post-closure, closure to post-closure period.

BILL MILLER: Thank you for your comment.

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

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

Thank you.

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

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

The previous Board of Supervisors, since
'84, realized the sacredness of the mountain to our
people, and they voted against every project. First
it was sand mining, and then after that it was all
these dumps. And all the reservations have opposed it.

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

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

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

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

Thank you.

BILL MILLER: Thank you very much for your comment.

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

PAM SLATER-PRICE: Pam Slater-Price, County Supervisor for District 3 until January 7th of this year.
I have spent my entire time as a County Supervisor opposing this project. I will tell you that there are two needs that are being discussed here tonight. One is the need for water and one is the need for trash disposal.

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

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

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

I will tell you, through my perspective
we should be post dump, because I spent so many years
on the Board of Supervisors paying hundreds of
millions of dollars to manage post-closure and open
landfills and bird pits. Those are a thing of the
past. We should never build another. We need to
find a better way. We are capable of doing so.

Thank you.

BILL MILLER: Thank you for your comments.

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

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

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

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

This is a wrong plan. The Otay Mesa
alternative cannot go on, and we can absorb it until
there is parody and all residents bear the burden of
trash.

Thank you.

BILL MILLER: Thank you very much for your
comments.

Austin Miller, Tom Brown, and then
Andrew MacNeill.

If Mr. Miller is not here, Tom Brown.

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

Gregory Canyon Landfill is an important
piece of infrastructure, and for several reasons.
First, San Diego North County is growing and in need
of landfill. A local landfill is much needed to meet
the needs of the community, one that has been
designed, as referred tonight, to be
state-of-the-art, thus allowing for the most vigilant
implementation regarding and relating to our
environment.
Two, in addition to the careful considerations of our local community, the ability to control costs will allow San Diego residents to benefit such savings.

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

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

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

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

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

ANDREW MacNEILL: Colonel Toy and staff, thank
you for the opportunity to speak. My name is Andrew MacNeill. I live in Otay Ranch in Chula Vista in South Bay.

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

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

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

BILL MILLER: Thank you for your comments.

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

LINDY HAYS: My name is Lindy Hays. I resigned at 650 South Rancho Santa Fe Road, Space 91, San Marcos, California, 92078.
I beg your indulgence. I am a cancer survivor. It's affected my speech and motor skills. To quote one of my favorite authors, everyone's values are determined by what they will tolerate when it is done to others.

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

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

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

BILL MILLER: Thank you very much.

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

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

JON SHERMAN: Thank you. My name is Jon
Sherman. I reside at the same address as the previous speaker, my wife.

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

Skipping, skipping, skipping.

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

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

BILL MILLER: Thank you for your comments.

Bill Magdych, followed by Bob Leonard and Rick Gittings.

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

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

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

Unlike the Gregory Canyon project, one only needs to look a short distance upstream and down to see floodplain encroachment by commercial, government, and residential development. That pattern is in stark contrast to the Gregory Canyon
The floodplain and watershed protections provided at the Gregory Canyon Landfill project are unparalleled deference to the public's strong interest.

Thank you.

BILL MILLER: Thank you for your comments.

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

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

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

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

I personally experienced flooding. I worked from 1972 to '81 at a place called Pala Mesa Resort, which is a little west of this canyon. I witnessed in one eight-hour period by a crate that was normally one foot wide and six inches deep, its
ability to dig a 20-foot wide, 40-foot deep, 300-yard trench.

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

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

Thank you very much.

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

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

BILL MILLER: Thank you, sir.

Rick Gittings, Sue Stivers, and Bryan Stirratt.

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

As a retired military officer and a long-serving City Manager for the City of San Marcos, I think I know a little bit about making hard decisions. And Colonel Toy, you have a very hard
decision here as a part of this process. I do not envy you.

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

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

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

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

Thank you.

BILL MILLER: Thank you for your comments.

Sue Stivers, Bryan Stirratt will be next, followed by JP Embers.
SUE STIVERS: Hi. My name is Sue Stivers. I am a resident of North San Diego County, San Marcos specifically.

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

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

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

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

In addition, this landfill facility will create jobs, generate tax revenues, and assure that our solid waste disposal needs are met in an environmentally responsible manner.
Gregory Canyon is a simple infrastructure solution for a growing region that needs more landfill space. Voters recognized that when they passed the Proposition C in 1994, and B in 2004. I was one of those voters. I supported Gregory Canyon then and I support it today.

Thank you.

BILL MILLER: Thank you for your comments.

Bryan Stirratt, followed by JP Embry and Laurie Keaton.

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

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

There was some discussion about the liner design not covering the entire part of the landfill. We will be presenting some material for you to review on that relative to site slope design and bottom design of landfill.
My firm has designed and worked on over 200 landfills. I am registered in ten states and I'm the head of solid waste worldwide for Tetra Tech, so we will be addressing those issues.

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

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

BILL MILLER: Thank you for your comments.

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

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

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

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

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

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

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

BILL MILLER: Thank you for your comments.

Laurie Keaton, Matt Moore, and then Eileen Costa.

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

When I thought about coming here tonight I wanted to think about some facts. Five million gallons of gasoline are used every day to truck North
County trash to different landfills. The fact that, I don't know, so many things, that the Highway 76 is so dangerous, yet the Pala don't maintain it. Gregory Canyon has offered to repair and maintain for the safety of the road.

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

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

BILL MILLER: Thank you for your comment.

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

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

I would like to state my opinion that the proposed project and the alternative is sound from a floodplain, scour and erosion, drainage and
water quality perspective.

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

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

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

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

Thank you.

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

BILL MILLER: Thank you for your comments.

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

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

I originally lived in Smithtown, Ohio. Two of my friends lived in the area of the Smithtown landfill, and they had young families.
A scientific investigation discovered toxins in the water plumes that flowed around the landfill area. Excuse me.

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

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

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

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

If I may add one thing. So many people are talking about floods. What I came across, and I think it was in your material, maybe not, that the floods that were in 1980, 1993, and 1995, changed the
course and the direction of the San Luis Rey River.

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

I mean, you can't change nature.

BILL MILLER: Thank you for your comments.

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

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

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

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

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

Thank you.

BILL MILLER: Thank you very much for your comments.

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

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

And I just wanted you know this about me before I tell you my opinion, because I do have a degree in physiology from UC Berkeley, I've worked in medical research for a number of years, I have a teaching credential and taught high school and then
at Palomar College, and then I became a nurse and worked for the last 20 years as a visiting nurse, and feel like North County is mine, because I visited, even all the Indian reservations.

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

Thank you.

BILL MILLER: Thank you for your comments.

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

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

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

In reviewing the EIS, what I can tell you is that there is an inappropriate reliance on documents that were never intended to support
decision-making of large scale projects at this scale. Wildlife movement and monitoring studies and the assumptions of no impacts to linkages and corridors is completely misplaced. There is a misrepresentation of these Corps documents.

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

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

Thank you.

BILL MILLER: Thank you for your comments.

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

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

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

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

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

Gregory Canyon is that solution.

Gregory Canyon project proposes the most stringent environmental protection measures seen in any landfill in this nation up to this point.

This project offers astounding restoration of profoundly damaged habitat surrounding the site.
This project will reduce millions of tons of air pollution by decreasing truck traffic.

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

Thank you.

BILL MILLER: Thank you for your comments.

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

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

As you have heard tonight, the public has twice voted to approve this project. Politicians have tried to kill it and two governors have vetoed their attempts. The project has been extremely well vetted, and the message from the voters is clear: Build this facility at Gregory Canyon.

Thank you for your time.

BILL MILLER: Thank you for your comments.
Johnny Pappas, Matt Simmons, and then Paul Malar. I'm sorry, Malone.

JOHNNY PAPPAS: Johnny Pappas, resident of Escondido, I'm on the Advisory Committee of Surfrider Foundation, but I'm here in my individual capacity tonight as a resident of North County.

20 years ago, when the misleading Prop C was passed, most people didn't recycle. If you told me that I would be growing broccoli, spinach, brussels sprouts on my front lawn in Escondido, I would probably tell you you're crazy. If you told me that I would be (inaudible) worms and diverting scraps and composting, I would probably say the same thing.

Diversion rates, I'm not alone. Diversion rates are up in San Diego County, and San Diego region needs to move toward zero waste.

I keep hearing about these trucks that are coming in and out of North County with trash. What I'm not hearing about is the trucks that are going to be brought into this landfill across the County to provide water for the landfill and to bring trash in from our counties.

This -- our climate change is real and this project is going to exacerbate the problem.
Vital water resources and cultural resources will be placed in grave peril due to this project.

I'm not a rocket scientist, I'm not a rock scientist, I'm not a professional engineer, but I know that technology fails, and this project is not in the public interest.

I do have something here that illustrates what interest that it is in.

Thank you.

BILL MILLER: Thank you for your comments.

Matt Simmons, Paul Malone.

UNIDENTIFIED SPEAKER: That man knows what he's talking about.

MATT SIMMONS: Good evening, Colonel Toy, staff members of the Corps, ladies and gentlemen.

My name is Matt Simmons. I was born and raised in San Marcos, California, North County resident my entire life. I'm now currently raising my three kids there, and I'm a firm supporter of this project.

North County seemingly has everything going for it, and with the rapid-pace growth rate, apparently many agree. What it doesn't have is a place to dispose of its own trash, which is its responsibility. North County trash is trucked to
just about everywhere, Orange County, Riverside, Sycamore in San Diego, Otay Mesa in South County.

Our area of San Diego County hasn't had a local solid waste disposal facility since the closing of the San Marcos Landfill in 1997. My oldest daughter was born that year. She's now a junior at San Marcos High School. This process has taken way too long.

I understand that diversion is a possibility. However, hauling trash out of town is costly. And most importantly to me, is that even if we can find another county to take our garbage, their older landfills are lacking in the latest environment protection. The safety standards for this new facility are ten-fold.

I also appreciate the fact that nearly two-thirds of the 1,770 acres owned by the landfill's developer must be reserved as protecting (inaudible) and that they are required to restore that area and repair the damage occurred by decades of use as a dairy farm and unlawful living space.

Since eliminating all trash at this time is not a viable option, the developers of Gregory Canyon Landfill have worked to help us solve our garbage problems, and in the process have weighed,
addressed, and overcome environmental, engineering, economic, and social concerns, to provide a solution that has, from the beginning, engaged all interested parties.

It is time to move forward.

Thank you very much for your time.

BILL MILLER: Paul Malone. We also have a card for a Kay Endomarki. It may have just been asking a question and we want to clarify that, if they do want to speak. Are they here?

All right. Then the next speaker after Mr. Malone will be Helen Stark.

PAUL MALONE: Colonel, staff, thank you for your time this evening. I appreciate it.

My name is Paul Malone. I'm a lifelong resident of North San Diego County. And the region's landfill capacity issues have been well known since at least, or as far back as the 1980s. In fact, I sat on both of the County's landfill site search committees in the 1980s. And while those efforts identified several viable landfill sites for North County, none of those came about for a variety of reasons, some environmental and some political, unfortunately.

That was more than a quarter century
ago, and with the exception of the Gregory Canyon, the project before you this evening, no in-County solutions to the region's waste disposal needs have been put forth since.

While I'm a big supporter of waste reduction, recycling, and reuse, none of those efforts alone will solve our problem. Neither will continuing to ship our waste to neighboring counties, all of whom will, at some point, have to preserve their remaining landfill capacity for their own use.

Expanding the region's existing landfills, none of which are the environmental equal of the project you're considering tonight, isn't the answer either.

We're faced with a difficult problem that we've ignored for decades, far too long. And we probably all share somewhat in the blame for that. The solutions are obviously complex, involving incredibly long lead times. The proponents of Gregory Canyon can attest to that.

I'll wrap up by asking you to favorably consider this project and join with the residents of San Diego County who have twice approved it.

Thank you.

BILL MILLER: Thank you for your comments.
Helen Stark. If Helen Stark is not here, Miguel Hernandez and Steve Kielgo.

UNIDENTIFIED SPEAKER: He's left.

BILL MILLER: All right. Robert Markley.

Thank you, sir. And then followed by Rosalina Kobach.

ROBERT MARKLEY: Robert Markley, 200 North El Camino Real, Oceanside. I'm a degreed chemical engineer, I graduated, graduated with honors in chemical engineering second in my class.

I spent over 20 years in the plastics industry, both with materials suppliers and with plastics processing companies.

I'm well aware of the limitations of plastic materials. Nothing lasts forever, including plastics and rubber liners.

Moreover, leak detection wells easily could miss a leak, because a spot leak would have a narrow plume, and if a detection well is not nearby the leak would not even be detected.

In 1982 the Environmental Protection Agency published an opinion that air pollution from landfills is a significant problem. If anybody has ever been downwind from a landfill, I can tell you, I have, and it's not pleasant.
Thank you.

BILL MILLER: Thank you for your comments.

Rosalina Kobach.

Jason Simmons.

JASON SIMMONS: Thank you. Thank you for your time.

I just wanted to quickly point out that obviously not one comment tonight is going to sway you either way, it's the preponderance of the evidence that you're going to look at and evaluate.

But I would like to point out some of the misinformation, specifically on the EPA comments. Those are from the '70s and those aren't representative of what the new liners are establishing.

So similarly, the information on Riverside landfills, that's right now where Oceanside is shipping a lot of their trash.

I would also like to point out that the reduction of waste that was purported at 30 percent since '05, a lot of that is due to the recession and the lack of construction that's gone on, because construction waste is a major component in the landfills. People don't consider that.

The 2,000 cows that used to be on the
land right on the river, pushing manure into the river, caused a lot more environmental damage than (inaudible).

And to wrap up, the opposition conveniently, conveniently leaves out that they ran the second campaign, so did they mislead the public? And they lost that campaign. So let's listen to the people that voted twice and listen to the science.

Thank you very much.

BILL MILLER: Thank you for your comments.

Ladies and gentlemen, we are running short on time and we have a number of speakers that wish to go. We're only going to be able to take three more speakers this evening. However, what we would like to offer, not only will we accept written comments this evening, but if you need to make an oral statement to us, that can be arranged by coming to our Carlsbad office.

The three speakers left in order are Ken Olson, Victor Roy, and Jeff Lepore. Are all three of those people here? Thank you, Gentlemen.

KEN OLSON: Ladies and gentlemen, thank you for the opportunity to speak to you tonight.

I ask that this project not go forward for a lot of good reasons, many of which you've heard
tonight, but in particular, I have not seen good
evidence that there has been adequate consideration
of the current and future rapid improvements in
recycling technologies, therefore lessening the need
for landfills.

First of all, emerging substitution for
new materials, biodegradable, smaller, lighter,
reusable, and second, improved recycling processes,
more effective, less expensive, more local
(inaudible).

Also, we can and we will benefit from
near universal public support in a good recycling
program. We talk about public support similar to
that which the County Water Authority was able to
muster in its campaign for water conservation, a
marvelous success story.

So all of these things will extend the
life of every other landfill in the County and will
allow us to let recycling be a major part of our
future success.

Thank you.

BILL MILLER: Thank you very much for your
comment.

Victor Roy?

VICTOR ROY: Hi. I'm Victor Roy, I'm
domiciled in Oceanside, California, at Rancho San Luis Rey River.

I wouldn't be here tonight except for the fact that building a dump on part of a major watershed that hundreds of thousands of people rely on for their drinking water, their potable water, their agricultural water, is irresponsible and unconscionable.

Are you kidding me? 67 million dollars piling up. These people have got their claws dug in so deep that they don't want to let go. All they have to do is pick up the project, move it, maybe to the other side of the mountain so it's in the desert where it doesn't affect hundreds of thousands of people. Take it off of our Oceanside, our San Luis Rey River watershed.

I just want to leave you with the idea of that.

January 17th, 1994, 4:30 a.m., that was the Northridge Earthquake. I was there, I was in the Hollywood Hills, the houses shook, cracks formed, chimneys fell. I got up, looked out over the city of Los Angeles, it was a total blackout, a once-in-a-lifetime experience you will never ever see.
April 4th, 2010, that was the Easter Earthquake from El Centro. I'm here, I'm feeling that in Oceanside, all of you people that live around here, you felt it. I saw cracks form in the pavement in the streets around me and cracks in the houses, and all the repairs --

Think about that. Major earthquakes can happen at a moment's notice, land deformation occurs, cracks in a landfill will occur.

BILL MILLER: Thank you, sir. We appreciate your comments. Thank you.

Jeff Lepore, I'm sorry if I'm mispronouncing your name.

JEFF LEPORE: Hi. Jeff Lepore, supporter of the landfill project.

And I want to bring up from Poway a couple of facts that haven't been brought up today.

In 2004, when the second bill invoking, it was extremely detailed on this would be a landfill, and almost 70 percent of our County voted in favor of it.

So the key word here is ineptness. Everybody in this room and the locals, and the locals are saying the County of San Diego is inept. There have been 19 lawsuits filed every time Gregory Canyon
has received an approval. Every single lawsuit has been lost by the, by the opponents.

    Again, they're saying ineptness, ineptness, ineptness of our local agencies. They are calling all our local agencies inept in approvals and the science. If that was the case, nothing in this country or state could be built.

    This landfill is needed. The science is there to support it.

    Thank you.

    UNIDENTIFIED SPEAKER: It is not needed.

    COLONEL MARK TOY: Okay, ladies and gentlemen. On behalf of all of us in the Corps, we'd like to thank you for your participation in the public hearing. The Corps will carefully and fully consider all comments that we receive for the proposed project as part of our final permit decision.

    I'd like to emphasize that the written comments are an opportunity for you to make a more complete statement than you can provide in the one minute.

    As another reminder, the close of the public comments is April 15th. Comments must be received by April 15th to be considered in the Corps' evaluation of the proposed project.
We appreciate your patience and thank you for attending today's public meeting.

(Proceedings adjourned at 9:33 p.m.)

* * *
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.

___________________________________________
Lynne E. Woodward, CSR No. 10440