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COUNTY OF SAN DIEGO
SOLID WASTE
LOCAL ENFORCEMENT AGENCY

PROPOSED SOLID WASTE FACILITY PERMIT
GREGORY CANYON LANDFILL

PUBLIC INFORMATION MEETING
JUNE 27, 2011

FALLBROOK, CALIFORNIA
6:30 P.M.

REPORTED BY:
CARRIE LAMONTAGNE
CSR No. 13393

1 APPEARANCES :

2

3 SUSAN MARKIE - MANAGER OF PERMITTING & ASSISTANCE,
4 SOUTH SECTION
5 CALRECYCLE

6 MARK DE BIE - CHIEF, PERMITTING & ASSISTANCE
7 BRANCH
8 CALRECYCLE

9 MICHAEL BLEDSOE - SENIOR COUNSEL
10 CALRECYCLE

11 MARK LEARY - ACTING DIRECTOR
12 CALRECYCLE

13 ELLIOT BLOCK - CHIEF COUNSEL
14 CALRECYCLE

15

16 PUBLIC SPEAKERS:

17

18 CHAIRMAN ROBERT SMITH

19 SUPERVISOR PAM SLATER-PRICE

20 GARY FELIEN, OCEANSIDE CITY COUNCIL

21 ESTHER SANCHEZ, OCEANSIDE CITY COUNCIL

22 DON RODEE

23 DON CHADWICK, SAN DIEGO COUNTY WATER AUTHORITY

24 HERSHELL PRICE

25 BILL HUTTON

1 PUBLIC SPEAKERS (Continued.):

2

3 GREGORY SAUL, BRYAN A. STIRRAT & ASSOCIATION

4 KRIS LEEFERS, NATURAL RESOURCES DEFENSE COUNCIL

5 HELENE BRAZIER

6 MARK HAMMOND, CITY OF OCEANSIDE

7 COLLEEN FOSTER, CITY OF OCEANSIDE

8 GERALD WALSON

9 JOSH CLEAVER, SIERRA CLUB

10 PAMELA EPSTEIN, SIERRA CLUB

11 DAVE SHIBLEY

12 SHEILA MANNING

13 RUTH HARBER

14 CHERYL PEACE

15 JOY WILLIAMS

16 LAURA HUNTER

17 STEVE PEACE

18 M.A. MARECK

19 PETER SIDORUK

20 BILL MORROW

21 JOAN BRUBAKER

22 JON VICK

23 TED GRISWOLD

24

25

1 FALLBROOK, CALIFORNIA - MONDAY, JUNE 27, 2011

2 6:30 P.M. - 9:02 P.M.

3
4
5 SUSAN MARKIE: Good evening, everyone, and welcome.
6 We're going to get started in a few minutes.

7 Good evening and welcome. My name is
8 Susan Markie, and I work for the California Department
9 of Resources Recycling and Recovery within and the
10 permit south section within the permitting and
11 assistance branch.

12 During this meeting, I'll refer to our
13 department as CalRecycle. If you have not done so,
14 please sign in on the sheet in the back of the room as
15 you enter in. For those of you who wish to provide
16 comments this evening, please fill out a speaker slip on
17 this side of the room. There's a woman, a staff member
18 who will help you out with those slips.

19 The comment period will follow after a short
20 presentation; and depending on the number of speakers,
21 there may be a need to limit the time for each person
22 intending to speak; and we'll tally those up before the
23 comment period, and we'll let everyone know.

24 Additional CalRecycle staff here tonight, to
25 my left Elliot Block, our chief counsel, Mark Leary, our

1 acting director, Michael Bledsoe, our senior counsel and
2 Mark de Bie, who is the chief of the permitting and
3 assistance branch.

4 To receive CalRecycle updates on this permit
5 action, please pick up a handout located in the back
6 with details on how to access our website as well as
7 through the LEA's GovDelivery LISTSERV.

8 Tonight's presentation is to provide
9 information on a new solid waste facility permit for the
10 Gregory Canyon Landfill. The purpose of this meeting is
11 to provide interested parties the opportunity to provide
12 comments that will be considered before a decision is
13 made by CalRecycle on the proposed permit. We will be
14 providing an overview of the solid waste facility
15 permitting process and CalRecycle's role.

16 The project has been the subject of a number
17 of meetings, and there is a lot of information
18 available, much of which can be accessed through the
19 County. In order to provide the maximum amount of time
20 for comment, we will presenting a summary of the
21 project.

22 No decision regarding the proposed permit will
23 be made at this meeting. CalRecycle will consider all
24 comments; and once the transcript is developed, it will
25 be posted.

1 Solid waste facilities permits are required by
2 state law for the operation of a solid waste facility.
3 It is one of several permits that is required. A permit
4 is issued to a facility operator. The design and
5 operation is only as authorized in the permit. The
6 permit cannot contain conditions pertaining solely to
7 air or water quality. Significant changes are
8 authorized only through permit revisions. The local
9 enforcement agency determined the permit application was
10 complete and correct on February 1st, 2011.

11 CalRecycle received the proposed permit on May
12 16th, 2011, and must take action no later than July
13 15th, 2011.

14 The proposed permit would allow for a
15 municipal solid waste sanitary landfill with maximum
16 traffic of 675 vehicles per day, total area of 308
17 acres, a disposal area of 183 acres, a design capacity
18 of 59,500,000 cubic yards, a maximum elevation of 1,100
19 feet above mean sea level, a maximum depth of 523 feet
20 above mean sea level, and an estimated closure date of
21 2040.

22 Days and hours of waste receipt would be
23 Monday through Friday, 7 a.m. to 6 p.m., Saturday 8 a.m.
24 to 5 p.m., 5,000 tons per day, with a maximum of one
25 million tons per year.

1 CEQA Mitigation and Monitoring Program and
2 project design features will be included and enforced
3 through the permit.

4 CalRecycle staff is in the process of leading
5 an independent review of the application of the LEA's
6 proposed permits and other project documents. The
7 review includes that the project must be consistent with
8 and supported by the California Environmental Quality
9 Act, CEQA's analysis.

10 CEQA applies to CalRecycle's decision on the
11 proposed landfill. Under CEQA, CalRecycle is a
12 responsible agency. The LEA is a lead agency. The lead
13 agency provides an environmental impact report for the
14 project, which is also the EIR.

15 A responsible agency must use the lead
16 agency's EIR except in unusual circumstances, such as
17 project changes before the reasonable agency acts or new
18 information is learned.

19 A responsible agency can impose mitigation
20 measures only on matters within its jurisdiction.

21 The proposed permit must also be consistent
22 with state law and regulations, conform with the
23 countywide integrated waste management plan, preliminary
24 closure/post-closure maintenance plans are consistent
25 with state requirements, current documentation of

1 acceptable funding level for financial assurances and,
2 current documentation of compliance with operating
3 liability requirements.

4 CalRecycle staff is preparing a final staff
5 report to provide findings to management. Again, we
6 must concur or object to the permit no later than
7 July 15th, 2011. If concurred, the LEA will be required
8 to issue the permit.

9 CalRecycle must concur unless the permit fails
10 to meet statutory requirements, such as the permit is
11 not consistent with state minimum standards, including
12 the design and operation, financial assurances for
13 operating liability are inadequate, financial ability to
14 provide for closure/post-closure is inadequate.

15 Before we get to the public-comment period
16 where project proponents ask to say a few words -- and
17 after that we will start the comment period.

18 RICHARD T. FELAGO: Good evening. My name is
19 Richard Felago. I am the project co-manager of the
20 Gregory Canyon Landfill implementation, and I would like
21 to thank you very much for giving us this opportunity.
22 I'll make a couple of brief comments, and I'd like to
23 thank you for your efforts in reviewing the application
24 and understanding the project as you do.

25 Just a couple of comments. A lot of history

1 has gone by and many people know the history, but it's
2 important to point out that the beginning of this
3 project goes back to 1989 when the County
4 [unintelligible] did a review of a number of sites. I
5 think there were in excess of 60 sites that narrowed
6 down several times and down to three, one which was the
7 Gregory Canyon Landfill site.

8 It's been a necessary project, really, in my
9 view, since 1997 when the San Marcos Landfill closed and
10 that left north county and San Diego without a disposal
11 site locally in the northern part of the county. It's
12 been through two elections that would decide
13 significantly in favor of the project. It will feature
14 the most advanced design -- landfill design ever used in
15 a landfill in the United States.

16 In summary, it will protect the environment
17 and will recover and enhance habitat for endangered
18 species on the over 1,300 acres that will be available
19 for that purpose around the site.

20 Those are my summary comments as project
21 manager. I have a co-project manager who couldn't be
22 here. He's in Sacramento dealing with other aspects of
23 this project.

24 I do have a letter that was given to me,
25 signed by a number of elected officials and community

1 leaders, that I would like to paraphrase for you -- it's
2 in the record -- and make this very brief. It's
3 important to note who the signatories to this letter
4 are: Jim Desmond, Mayor of the City of San Marcos;
5 Don Higginson, Mayor of the City of Poway; Lucy Paleo,
6 former California state senator; Don McKinney,
7 Republican Club of North County; David Shibley, real
8 estate consultant; Bill Morrow, former California state
9 senator, San Diego Regional Chamber of Commerce; and,
10 Gary Knight of the San Diego North County Economic
11 Council.

12 First paragraph says, "California's landmark
13 Integrated Waste Management Act was the beginning of an
14 ambitious journey for our cities and counties as both
15 public and private sectors actively work to reduce
16 landfill waste; however, even with market stimulation
17 for recyclable materials for the development, new waste
18 prevention technologies, and consumer incentives, we
19 still find ourselves in need of more landfill space.

20 "There's an illustration in here that 2000
21 census had the population 2.8 million; the 2010 census
22 at about 3.2 million. The results indicated a high rate
23 of growth, but much of that in San Diego's northern
24 communities.

25 "In addition to residential growth, the

1 hospitality industry alone is expected to double in the
2 next decade; however, there's more to the issue of need,
3 these folks feel. Without Gregory Canyon, all of the
4 privately-owned landfills will be in the hands of one
5 entity creating a real threat of significant increases
6 in disposal fees.

7 "The Gregory Canyon Landfill will cause prices
8 to be held down because of its local siting in northern
9 county. We're also concerned that the county will
10 suffer significant economic losses, as stated in the
11 San Diego Union Tribune [unintelligible] -- will
12 contribute millions to county coffers.

13 "Finally, we argue the need to demonstrate
14 responsibility. As local-elected officials and
15 community leaders, it is time to take responsibility for
16 the waste generated in our communities. While it's
17 always easier to say, 'Take it somewhere else,' we don't
18 believe this is the responsible approach.

19 "For 17 years Gregory Canyon Landfill has been
20 working towards the goal of providing a
21 state-of-the-art, environmentally safe, and convenient
22 disposal facility to serve the residents and businesses
23 of north county. It's time to see this project to
24 completion."

25 And I would say as project co-manager, those

1 are our sentiments exactly.

2 Thank you very much for your time.

3 SUSAN MARKIE: Thank you. We're here to listen to
4 your comments regarding the proposed new permit. As
5 noted, CalRecycle's authority is limited relative to its
6 action on the proposed permit, so please keep this in
7 mind when providing your comments.

8 Has everyone who is speaking filled out a
9 speaker slip? If not, they're still available off to
10 the side there.

11 In the interest of time, please state if you
12 agree with the comment that was previously stated.

13 It looks like we have enough time so that each
14 person can have five minutes, and we'll start with
15 Robert Smith.

16 ROBERT SMITH: Good evening. My name's
17 Robert Smith. I'm chairman of the Pala Band of Mission
18 Indians. I'm here to strongly oppose the proposed
19 Gregory Canyon Landfill which is a terrible and
20 unnecessary project. If built, this dump would
21 desecrate Gregory Mountain and other areas considered
22 sacred by the [unintelligible] people, forever threaten
23 the water source that's supplied tens of thousands of
24 San Diego County residents, degrade air quality, and
25 industrialize a rural area that provides a habitat for a

1 number of endangered and other special species.

2 In February of this year, I testified before
3 the county LEA that the solid waste permit for Gregory
4 Canyon Landfill should be denied. Instead, the LEA
5 issued a statement of overriding considerations
6 acknowledging the dump would have significant and
7 unmidible [sic] impacts on the environment and our
8 sacred sites, yet they still recommend the approval of
9 this project.

10 Today, I'm here to tell you that there are no
11 overriding considerations that trump our water and
12 sacred lands and our culture. The dump is no longer
13 necessary. Circumstances have changed, and the claimed
14 landfill crisis has not materialized as stricter laws
15 and building public awareness has increased the
16 percentage of waste that is disposed, and the amount of
17 waste that will be recycled we use and turned into
18 energy in the future will only increase.

19 Simply, there's no significant landfill
20 capacity and no need for this landfill. CalRecycle has
21 a chance to fix the LEA's mistake and deny the permit.
22 I urge you to do so and finally put an end to this
23 project. Thank you.

24 SUSAN MARKIE: Thank you, Robert. Next is
25 Supervisor Slater-Price.

1 SUPERVISOR SLATER-PRICE: Thank you very much, and
2 thank you all for coming to listen to the comments of
3 the community. We really appreciate it.

4 The only reason we are here tonight is because
5 speculators of the Gregory Canyon Landfill project, the
6 majority of whom live outside of the County of
7 San Diego, decided to sidestep the rigorous approval
8 process of the County of San Diego and place the measure
9 on the ballot to site this landfill. They knew they
10 could control the information given to the public via a
11 positive campaign.

12 These back east speculators did this because
13 the site for the landfill was rejected by the San Diego
14 Board of Supervisors more than seven times over an
15 eight-year period. Now, 17 years later, this landfill
16 has sill not been built.

17 The reasons for the delay are many. Briefly,
18 today, I will address water, waste, and recycling. This
19 183-acre landfill site straddles an aquifer, hugs the
20 banks of the San Luis Rey River, and sits directly on
21 top of porous, cracked, bedrock.

22 In laymen's terms, the ground will not hold
23 water nor liquid waste. It will not contain anything
24 that leaks. Yes -- yet even though this clear and
25 imminent danger, a threat to the public safety, the

1 landfill proponents still persist.

2 Oceanside residents [unintelligible] the
3 largest city in north county -- Oceanside -- depend on
4 this water source for 18 percent of their water. So do
5 the Pala Band of Mission Indians and orchards in the
6 Pauma Valley use this water as we will.

7 Farmers there tap the aquifer with 17 domestic
8 wells and 31 irrigation wells. Almost all of them are
9 within one mile of the landfill site. In the
10 microscopic world of micro-syntheses, this is less than
11 a day trip.

12 Once construction begins, the liner is
13 supposed to prevent contaminants from leaching into
14 Oceanside's drinking water. A liner was supposed to do
15 the same thing at the Las Pulgas Landfill. We all know
16 how that turned out. Therefore, the threat to water is
17 very real. Capping all of this off is the weak and
18 unsubstantiated argument that we need this landfill for
19 our waste. This is simply not true.

20 Over the past 17 years, stricter recycling
21 policies and the hard work of CalRecycle have resulted
22 in diverting more trash away from landfills. At the
23 same time, a new dump is proposed for South Bay, which
24 passed the public vote with 81 percent approval, and the
25 City of San Diego and Sycamore and Miramar landfills are

1 currently under expansion.

2 In fact, even amid a growing population, less
3 waste is going into the landfills every year. Statewide
4 policy directives, changing public behavior, and more
5 energy generation is dramatically lessening our trash
6 burden, yet even with these simple and obvious facts,
7 the proponents of Gregory Canyon are still repeating the
8 myth that we do not have the available capacity.

9 The truth is there will likely not be enough
10 trash to go around in San Diego County. Gregory Canyon
11 will need to import thousand of tons from outside
12 San Diego County. Why not? Most of the investors are
13 from outside the county. Why not bring trash in from
14 outside the county, too?

15 Gregory Canyon refuses to agree to limit the
16 waste stream to local waste even though the stated
17 purpose of the landfill is to provide a capacity for
18 north San Diego County.

19 CalRecycle is the leading authority on
20 recycling, waste reduction, and product reuse. As
21 industry experts with foresight, you know the European
22 model of recycling and reclaiming energy prior to
23 landfilling is fast becoming adopted in the
24 United States.

25 Californians have demonstrated how successful

1 we can be at recycling. In most communities, more than
2 50 percent of waste is now diverted away from landfills.
3 Many communities are moving toward a zero-waste policy.
4 The city and county of San Francisco is one such
5 example.

6 Statewide legislators, regulators,
7 environmental groups, and the public are pairing down
8 the other 50 percent going to landfills. This is all in
9 an effort to move the state toward zero waste.
10 Permitting this landfill is a repudiation of that effort
11 and it ignores the reality that waste is being recycled
12 and need not be dumped in landfills.

13 Permitting this landfill repudiates
14 CalRecycle's Adopted Strategic Directive No. 6, which
15 states that organics in the waste stream need to be
16 reduced by 50 percent by the year 2020, which is just a
17 little bit over than eight years away.

18 Saying yes to this landfill says that
19 California is not really serious about cutting the waste
20 stream by 50 percent and it further delays CalRecycle's
21 stated goal of developing 50 to 100 new recycling
22 facilities to produce compost, biofuel, or bioenergy.

23 Permitting this landfill would say no to the
24 advancement in recycle technologies that are available
25 today. These technologies can create green-energy parks

1 where recyclables are turned into a useable energy
2 source.

3 Such a decision would not support your very
4 own stated goals to encourage the siting of
5 smaller-scale urban recycling projects that are more
6 acceptable to the public. Permitting this landfill
7 further delays the ability of existing and start-up
8 companies to jump to the recycling business. This is a
9 delay that will be felt up and down our state.

10 In fact, your strategic initiative states that
11 carrying out your policy necessitates increased
12 development of product standards and increased
13 procurement by private and public entities.

14 As a state, we can't be, on one hand, adopting
15 a directive to cut the waste stream by 50 percent and
16 then adopt and approve a landfill that would operate
17 with just the opposite goal.

18 Gregory Canyon Landfill comes at a time when
19 the question of whether or not to permit a new landfill
20 represents a major environmental turning point for our
21 region. Saying yes to this landfill means our state is
22 not serious about true technology-based recycling
23 efforts. In short, we can have standards, but we cannot
24 have double-standards.

25 We can choose to move forward into the future

1 of energy independence and sustainability. We can
2 choose to support our initiatives to recycle, or we can
3 ignore them. We can and must say no to policies of
4 landfilling that have gotten us to this point in the
5 first place.

6 I beg of you, please, say no to this landfill.
7 Thank you.

8 SUSAN MARKIE: Thank you. Next is the Oceanside
9 City Council, Gary Felien.

10 GARY FELIEN: I'm Gary Felien, Oceanside City
11 Council, and I came down here to support this project.
12 I believe California has a responsibility to do
13 responsible infrastructure, you know, when we can't
14 place -- find any way to figure out where we're going to
15 put a dump, anyplace where we're going to put a power
16 plant, anyplace where you're going to have a freeway --
17 the state is becoming less and less competitive, and we
18 see that with the 12 percent unemployment that we have
19 compared with 8 percent in Texas and the horrible impact
20 that this unemployment has and it's devastating our
21 state.

22 Everyone generates trash, and we need a place
23 where it needs to go. And having trash go long
24 distances on freeways to other locations, a long way
25 away, harms the environment more than having a local

1 landfill nearby. And I believe the high-tech nature of
2 the liner will protect the environment far better than
3 sending it to older landfills. I think every single
4 environmental agency has reviewed the plans for the
5 liner and found them adequate.

6 Oceanside voted for this landfill by a
7 two-thirds margin in one election and a 10 percent
8 margin in another election. People of Oceanside
9 recognize the need for this landfill. So I would
10 certainly appreciate it if you would move forward with
11 this project and help the community find a place, a
12 responsible way to locate our trash. Thank you.

13 AUDIENCE MEMBER: Excuse me, I object. The
14 gentleman does not speak for the City of Oceanside.
15 [unintelligible]. Oceanside passed a resolution some
16 years ago that it would not endorse the Gregory
17 Landfill. He speaks for himself. I wanted to make this
18 clear.

19 SUSAN MARKIE: Next speaker, Esther Sanchez.

20 ESTHER SANCHEZ: Good evening honorable members of
21 the board. My name is Esther Sanchez. I'm the Deputy
22 Mayor for the City of Oceanside, and I'm here to give
23 you the official position of the City of Oceanside. We
24 oppose [unintelligible] and we have been opposing it for
25 several years. This project came about through the

1 political process and not through a public process, a
2 public EIR process.

3 Now, in a race, be it an initiative or a
4 candidate, money is spent to convince people regarding
5 this position, that position. That is not how this
6 should have come to us. For the City of Oceanside, we
7 are absolutely -- the San Luis Rey River is absolutely
8 critical to our water resources. We are, in fact,
9 planning a de-sal plant that has to do with the river.
10 It's upstream from the river.

11 We have been very -- spent million of dollars
12 for preserving the San Luis Rey River. No insurance
13 could ever address the public-safety concerns when --
14 and I say when -- there occurs a leak because there has
15 never been a lining that has not leaked.

16 Now, we have been in litigation for quite some
17 time. We have wanted to have this go through a public
18 process in terms of the EIR. We're asking you to
19 consider that a lot of things have changed since this
20 was thought about, for example, we now have triple --
21 triple the ability to have -- to be -- excuse me.

22 The landfills now, that we have now, have been
23 able to increase their lives. Why? Because the
24 economy, but secondly because every community is
25 adopting zero-waste goals.

1 And let me tell you that about four months
2 ago, the City of Oceanside also adopted a zero-waste
3 goal. By 2020 we -- our goal is a 75 percent diversion
4 rate, and we believe that all cities in San Diego County
5 are going to be doing the same thing. We just entered
6 into a long-term contract with Waste Management. Waste
7 Management also is very supportive of zero-waste goals.
8 So we're working together with the private sector to
9 achieve this very critical goal.

10 Landfills are a major contributor to our
11 greenhouse gas problems in California. We, as a state,
12 are looking to adopt a 75 percent diversion rate by 2020
13 or 2025. So we know that those are our goals. To go
14 forward on this project now is going backwards. Not
15 only is this a public-safe issues, in terms of our water
16 supply in Oceanside, but it is a tremendous issue
17 statewide for the greenhouse gas emissions.

18 Please, do not the approve this project.
19 Unfortunately, it was a political idea from the
20 beginning; and now what we need and what we're asking is
21 for you to look at this project in terms of what is
22 actually needed now, in terms of the standards that we
23 have now. Let's not live -- or do something that is
24 perhaps 20 years old, in terms of its standards and what
25 it hopes to achieve.

1 We do not need this landfill. We have plenty
2 here in San Diego County. And as I said, we just
3 entered into a contract with Waste Management, and
4 they're actually going to Riverside County, which is
5 just as close, and the capacity -- and that was what I
6 was thinking of, capacity. I apologize. I just drove
7 here.

8 Capacity is there, and it is for us
9 responsible citizens of San Diego County and of the
10 state to provide the smallest footprint as possible and
11 to make our resources last throughout the future for
12 generations. Thank you.

13 SUSAN MARKIE: Thank you. I'm going to call out
14 the next two speakers so we will be able to streamline
15 it more. Just keep in mind, it's five minutes, and we
16 do have timer right here. If you're speaking and you
17 want to glance down.

18 Next up Don Rodee and Don Chadwick.

19 DON RODEE: Good evening, and thank you very much
20 for allowing us to speak on behalf of this issue. My
21 name is Don Rodee. I'm here, I would say, initially,
22 before some of the earlier speakers, as just a
23 representative of my company, known as Agripost.

24 Agripost is a company that has been in the
25 composting business for over 60 years. With composting

1 municipal solid waste, this is what our company makes
2 out of trash. We recycle 100 percent of the MSW from
3 cities like McKeesport, Pennsylvania; Kingston, Jamaica;
4 and Dade County Florida.

5 There is no reason for a landfill if you have
6 an alternative like this. One thing I wanted to bring
7 out more than anything is the processes that are now
8 available where were 17 years down the track from when
9 all of this was envisioned, includes very sophisticated
10 sorting processes and separation and recovery.

11 One of the things that does happen in the
12 landfilling process is everything that goes in there
13 that is not pulled out ends up in the leachate in the
14 bottom of the landfill, which was pointed out earlier,
15 will leak someday.

16 One of the things that I think most of the
17 people in this audience are aware of is very soon, we're
18 not going to be able to have plain incandescent light
19 bulbs in our homes. We are going to have to have the
20 mercury-vapor-type light bulbs, and those things are so
21 toxic, if they get into a landfill, you have a gigantic
22 problem right from the start.

23 One thing that was touched on earlier, but a
24 specific figure from San Diego, at the Miramar Landfill
25 in the last ten years, the tonnage and volume has been

1 reduced by 35 percent. That's well after all of this
2 was envisioned. We have an opportunity to divert all of
3 this landfill, MSW-type material to something that is
4 safe, which is a composted material that eventually ends
5 back in the agricultural process.

6 Now, I wanted to be able to show that process
7 to you, but I have left a copy of this videotape -- and
8 other people in the audience who would like to have it
9 would be able to see what we've done in Dade County
10 Florida, and CalRecycle will have a chance to review
11 that. And also we're going to give them a sample of our
12 material that has a Class A agricultural rating in
13 Florida.

14 One of the other things I wanted to speak
15 about is I'm also a resident of the city of Oceanside,
16 and I'm a former deputy mayor of Oceanside, and I was on
17 the Agricultural and Water Committee that moved the
18 process forward, initially, for the water project that
19 we have for desalinization in the San Luis Rey River.

20 The impetus for that was about 1987, the
21 entire aqueduct system was shut down by flash floods in
22 the desert, and we had no water imported to Oceanside
23 for three weeks. We discovered that really we had no
24 more than a three-day water supply in the City of
25 Oceanside, and that was the reason for our recycling of

1 the basin water, which is actually what they call
2 brackish water, far less saline than ocean water.

3 That project has now progressed to the point
4 where 15 percent of the water use in Oceanside is from
5 that aquifer; and with the new wells that we would be
6 drilling in Oceanside, it will be up to 50 percent.

7 The reason why this is significant, the U.S.
8 Geological Survey has predicted that some day very soon
9 is imminent an earthquake along the San Andreas fault
10 line, and they have predictions of the vertical movement
11 along that fault line. And they have only known these
12 things since the days of the Northridge earthquake.

13 The vertical motion along the San Andreas
14 fault line is going to be 27 feet. That will break up
15 all the imported water through San Diego County. We
16 have to have every bit of water we can have from our
17 aquifers that are local -- or in the case of Carlsbad,
18 they are able to do some desalinization of that
19 project -- gets off the ground. It's called Poseidon.

20 I'm here to say that this Gregory Canyon
21 project is in the wrong place, wrong time, with the
22 wrong technology. Thank you.

23 SPEAKER: Hello. My name is Don Chadwick. I'm a
24 senior water resource specialist with San Diego Water
25 Authority. The Water Authority submitted a letter,

1 dated June 6 to CalRecycle, with our comments and
2 clarifications. I won't go through that since that's
3 part of the administrative record.

4 Generally, the water authority commends the
5 LEA proposed permit conditions that are intended to
6 protect the San Diego aqueduct pipelines that bisect the
7 project area. Specifically, we concur with the
8 preconstruction condition that the permittee is to have
9 an executed agreement with the San Diego County Water
10 Authority to insure that the pipelines that pass through
11 the property are adequately protected or placed so that
12 they will convey a safe and reliable water supply to the
13 San Diego County region.

14 The Water Authority and Gregory Canyon Limited
15 are in communication. They have recently provided one
16 technical report and another one is on the way. We had
17 provided them with a cost estimate of what it will take
18 for us to review those documents and start working
19 towards an agreement, and those are standard policies
20 dealing with developments. And that concludes my
21 comment.

22 SUSAN MARKIE: Thank you, Don and Don.

23 Next two up will be Hershell Price and
24 Bill Hutton.

25 HERSHELL PRICE: Good evening. My name is

1 Hershell Price. I am a member of the board of directors
2 of the Water Authority. And actually I came up to this
3 podium tonight because I wanted to bring this picture
4 that describes what's happening here with regard to this
5 proposed landfill as it affects the San Luis Rey Aquifer
6 and the river there. So I will open it up to you. You
7 can take a look at it. If you like, I can leave it as
8 evidence of it so the directors can see it as you go
9 back.

10 First of all, I've been on the Water Authority
11 board of directors for seven years, and all seven years
12 of -- this has been one of our concerns, especially for
13 the member agencies that are up here from north county.
14 Is this working okay? Can you hear okay?

15 At the Water Authority, as you know, we don't
16 think about projects for 30 years or even 50 years. We
17 have water contracts for 75 years. We have water
18 contracts for 110 years. Every drop of water in this
19 county and in this region is important to us because we
20 have to provide a safe and reliable supply of water to
21 the region.

22 And I look at these pictures of this canyon
23 that was turned down by the County so many times -- it
24 was just last on the list, and that's why it went to
25 vote. It's the wrong place, along the base of a river,

1 to have a landfill. When you look at the landfill
2 proposed --

3 So you look at the landfill proposed and you
4 have this canyon flowing right into the river, into the
5 aquifer that's been there for millennia delivering water
6 down to the ocean, and now that water is used by the
7 city of Oceanside. The problem is that we're looking to
8 the future. We're looking at generations here in terms
9 of water, and they're talking about 30 years. And then,
10 along the way, when this finally gives way, how are you
11 going to ever get it out of that water supply flowing
12 into the river there that's going to poison the water
13 stream?

14 You're talking about poisonous soup, that
15 leachate they were talking about is nothing but poisons.
16 It's got mercury and all sorts of chemicals in it, as
17 you know -- along the base of a river -- and so we're
18 thinking future generations. What happens once that
19 breaks? And when it starts to leak, how do you reverse
20 it?

21 If this was somewhere else, I wouldn't be up
22 here now right, but this is water. How are you going to
23 reverse it? You can't tell me, they can't tell me
24 that's not going to happen. That's cracked bedrock
25 there. It's shattered. It's going to go right through.

1 Look, maybe -- I agree with what they have
2 said that we don't need anymore landfills. We have
3 close to 50 years right here in San Diego when you look
4 at it. Please take into consideration this source of
5 water. Every drop is important to us. Think of the
6 future. Think of a hundred years out, 200 years out.
7 This thing is going to break. You have 30 million tons.
8 That's a million tons a year. Thank you.

9 BILL HUTTON: Good evening. I'm Bill Hutton. I'm
10 legal counsel for Gregory Canyon Limited, and I very
11 much appreciate the time to provide a few comments
12 tonight.

13 CalRecycle is undergoing its
14 concurrence-review process, and the legal criteria to
15 describe that process was described very clearly, which,
16 in short term, is whether the project can comply with
17 state minimum standards.

18 So far, among the speakers tonight, I don't
19 believe I've heard any speaker say that it would comply
20 with state minimum standards, that we're talking about
21 issues that may be beyond the purview of CalRecycle.
22 And certainly, you were given the presentation by
23 Ms. Markie that -- I know that CalRecycle is well aware
24 of the limits of its review.

25 Let's go through this review process. Gregory

1 Canyon prepared an application and joint technical
2 documentation of about 3,000 pages. It was
3 peer-reviewed for the LEA by URS Corporation, which
4 provided detailed comments on whether the site complied
5 with state minimum standards. It also compared the
6 application with all of the CEQA documentation to assure
7 consistency.

8 URS provided tables and Gregory took all of
9 those tables, made changes to the documents as
10 appropriate, documented those changes. At that point,
11 then, URS made 35 findings regarding the key technical
12 criteria for the site and found in each case that it met
13 or exceeded applicable requirements.

14 Based on that record, LEA found the
15 application complete and correct; and then later,
16 through submitting a proposed permit to you, concluded
17 that the project did meet state minimum standards.

18 CalRecycle has been involved recently
19 upholding the determination that the application was
20 complete and correct. I'll put it all together. I
21 think there's a very strong record that this project
22 does comply with state minimum standards and that
23 concurrence would be the correct decision by CalRecycle.

24 Again, I'm not even sure in listening to the
25 speakers tonight that there would be a lot of

1 controversy on that issue.

2 I would like to take a couple minutes to
3 address some of the issues that the speakers have
4 raised, and I don't want to take a lot of time because,
5 again, this is little bit extraneous to your regulatory
6 task.

7 First of all, the issue of containment. This
8 mantra, "All liners leak" -- let's go back. Where did
9 that come from? Those are statements by the EPA that
10 were made -- excuse me -- in 1981 and 1982. They
11 predated Subtitle D, modern liners systems. They
12 predated U.S. EPA's own study from 2002, the Bonaparte
13 Study, that demonstrated that these work in application.
14 And then there are more recent studies.

15 I know there's a row study from 2006 and a
16 very recently a study that was issued by SWANA just a
17 few months ago, all of which demonstrate that this is a
18 mature technology that adequately protects the
19 environment. And with the liner system at Gregory and
20 the models right there, you can see that Gregory's
21 vastly exceeded the EPA standard.

22 To talk about need a little bit and the
23 statement that there's not enough trash to go around,
24 the draft update of the countywide siting element that
25 the Department of Public Works is involved with right

1 now does conclude that there's more than a million tons
2 of trash that is generated in north county within the
3 next few years and then moving out to about 1.3 million
4 tons by 2017. And that really comes around to the point
5 of this project.

6 It's to replace the San Marcos Landfill. It's
7 to provide local capacity for San Diego County and to
8 allow the cities that do want to take responsibility for
9 the waste they generate.

10 And then let's talk about greenhouse gas real
11 quickly. Trash has to go somewhere. It's better to go
12 to a new landfill that first can have the very best
13 control systems. We predict we can capture 90 to
14 95 percent of landfill gas. Retrofitted systems are
15 more like 75 percent, and we're closer. We're saving
16 traffic trips, fuel, air emissions.

17 Thank you very much.

18 SUSAN MARKIE: Thank you. Next two up,
19 Gregory Saul and Kris Leefers.

20 GREGORY SAUL: Hi. I'm the representative of
21 Bryan A. Stirrat & Associates. We're the engineering
22 firm for the site, and I think it would be appropriate
23 to speak to the liner design. I realize there's a lot
24 of concerns in the room about the fact that the liner
25 will not adequately protect groundwater, and I would

1 just like to say for the record that this is the most
2 robust liner design in the state of California and most
3 likely the nation.

4 Your typical liner design is going to consist
5 of two feet of clay and a layer of this. It's this HDPE
6 here. It's not a trash bag. It's actually a very
7 sturdy piece of plastic. You could probably hit it with
8 a hammer and you wouldn't be able to put a hole in it.
9 Okay. And there's going to be a layer of gravel to
10 collect the leachate and then an operations layer on top
11 of that.

12 By the time you're done, you're looking at a
13 liner section that's about my height. This is the
14 model -- and a couple of people have alluded to -- of
15 the liner section. You can see this is at least one and
16 a half times my height, much more robust, many more
17 layers.

18 It has not only a sub-drain to keep the water
19 from coming up into the refuse, but it also has the LCRS
20 to collect the leachate coming down. And in the middle,
21 you can see another gravel layer there. That is to
22 measure -- to make sure there are no leaks in the liner
23 system.

24 In between that, there's another layer of
25 [unintelligible]. If we do have a leak, we're going to

1 know about it. We're going to collect it in that layer
2 and measure it, protect that layer, and we will know
3 about it before it gets into the groundwater. I don't
4 expect that to happen.

5 We have talked about the studies recently.
6 The most recent one was done by SWANA. That's the one
7 I'm most familiar with, and it is hot off the presses.
8 I actually don't have all of the authors on it, but I do
9 know it was peer-reviewed by several people, one was
10 Croner.

11 Dr. Croner is an expert in the industry on
12 geo-tech or geo-membranes and composites. Basically,
13 the conclusions of the study is 99.99 percent of the
14 time, liners don't leak. They have to be constructed
15 properly and have to be inspected, but we're going to do
16 that.

17 We've talked about the resiliency of the liner
18 section and the redundancy of the liner section. We
19 have a redundancy CEQA program, and it's going to be
20 double what is required. Several people have said,
21 "This doesn't meet the current regulations." That's
22 true. It exceeds it. It more than exceeds it
23 [unintelligible] -- in the liner, the way we operate it.

24 I think people have said a few times, "This is
25 an unprecedented liner system," but that doesn't mean

1 untested. This is taking existing technology that's
2 been done. It's been duplicated. It's been found to be
3 acceptable. It's held up over time, and here we are and
4 we're doubling it.

5 It would be like saying, "I have a
6 four-cylinder engine. I'm going make it a 12-cylinder
7 engine. Well, you're making it a 12 cylinder. That's
8 completely untested. It's not going to start." No
9 one's going to make that argument. Of course, it's
10 going to start. This is what's been done. It's been
11 tested. This is not something new out of the box. It
12 is a technology that works.

13 We talked about greenhouse gas. Prior to
14 joining Bryan A. Stirrat, I was with the County of San
15 Bernardino. I sat down and looked at a greenhouse gas
16 study. One of the things you're not supposed to talk
17 about because it's not politically expedient to say it,
18 but the IPCC when, they looked at the landfills, they
19 will not look at the greenhouse gases emitted by your
20 gas-collection system because your gas-collection system
21 collects the methane and turns it into CO2. They don't
22 want to look at that.

23 Why? Because if you measure all the carbon
24 going into the landfill and the carbon coming out of the
25 landfill, landfills are actually a sink, and they

1 actually protect the environment from greenhouse gases.
2 As opposed to shipping it, all your recycling
3 technologies, your composting technologies we talked
4 about -- you want to ship it out of state? All those
5 things generate greenhouse gas, CO2. Just by having an
6 extra person on the line breathing, you're generating
7 CO2. That's man-made greenhouse gases, and that's
8 what's causing global warming. This is, again, proven.
9 This is the way we're going to protect the environment.
10 This is not something we should be afraid of.

11 MEMBER OF THE AUDIENCE: You should
12 [unintelligible].

13 GREGORY SAUL: You know what? I'll give you the
14 reference to it. I can't give it out. It's
15 copyrighted. It's [unintelligible].

16 MEMBER OF THE AUDIENCE: It's available online.

17 KRIS LEEFERS: Good evening. My name is
18 Kris Leefers, and I'm representing the Natural Resources
19 Defense Council and our thousands of members who live
20 and work in San Diego County who care about protecting
21 drinking water and preserving open spaces and wildlife.

22 We are asking CalRecycle to reject the Gregory
23 Canyon Landfill because it severely threatens important
24 drinking water sources, is located near an earthquake
25 fault, threatens endangered species, is within 1,000

1 feet of an archeological site, and is not necessary for
2 county waste disposal.

3 The proposed landfill will threaten an
4 important water source for the region. The proposed
5 site is located directly above the Pala Groundwater
6 Basin, which is the sole source of water from the San
7 Luis Rey Municipality Water District and the Pala Indian
8 Reservation.

9 Additionally, two San Diego County Water
10 Authority pipelines are within 200 feet of the landfill
11 site; and as we heard earlier, the gentleman who helped
12 design the liner stated that 99.9 percent of the time,
13 they don't leak. So that means he agrees with us when
14 we all say that they do leak.

15 And as has been mentioned before, it's not a
16 matter of if these liners will leak, but of when. When
17 this proposed landfill leaks, it will leave toxic
18 pollutants into critical San Diego County groundwater
19 supplies. It could be five years from now poisoning
20 people in this very room, or it could be 20 years from
21 now poisoning our children.

22 Adding to this risk is the fact that the
23 landfill is a mere six miles from the Lake Elsinore
24 fault. Earthquakes are highly unpredictable. In Japan
25 the Fukushima reactor was planned to withstand a 7.9

1 quake, the strongest they assumed could happen there,
2 which is far below the 9.0 quake that actually hit in
3 March.

4 Additionally, there are three endangered
5 species known to be present on the proposed landfill
6 site, which are protected under the Endangered Species
7 Act. The landfill would seriously damage and destroy
8 their legally-protected habitat, effectively decreasing
9 the species' chance of survival.

10 Also, as we've heard this evening, the
11 proposed landfill site is located on the slope of
12 Gregory Mountain and near Medicine Rock, both of which
13 are sacred to the Pala people. Building a landfill
14 there would cause irreparable damage, forever destroying
15 a place of spiritual, historical, and cultural
16 significance.

17 Additionally, as we've heard this evening, the
18 landfill is not needed by the county for waste disposal.
19 Multiple major landfills are still operational. A new
20 landfill has been approved and another has proposed an
21 expansion that would take four times as much waste as
22 the Gregory Canyon site would be able to take.

23 Furthermore, waste has steadily decreased in
24 the last six years, despite the County's contrary
25 predictions. In 2008 there were 3.4 million tons of

1 waste, one million less than the estimate for that year.
2 And in 2009 there were 3.08 million tons of waste, which
3 is 1.32 million less than the estimate. So we are
4 producing less waste and have ample space for that waste
5 in current landfills without creating the Gregory Canyon
6 Landfill.

7 CalRecycle has the opportunity to take all
8 this information into account and make an informed
9 decision to deny the permit to the landfill. CalRecycle
10 has the duty to protect the state's natural resources
11 and to oversee the work of the local enforcement agency.

12 And to respond to the legal opinion that was
13 offered earlier, I'd like to read from Title 14 of the
14 California Code of Regulations, Section 18070, Part B.
15 And I quote: "The local enforcement agency shall
16 enforce the state and local minimum standards for solid
17 waste collection, handling, storage, and disposal for
18 the protection of the air, water, and land from
19 pollution and nuisance and for the protection of the
20 public health and safety and the environment."

21 I repeat, the LEA enforces standards with the
22 purpose of protecting the air, water, and land from
23 pollution and nuisance and for the protection of the
24 public health and safety and the environment.

25 For these reasons, we urge CalRecycle to

1 reject the permit. Thank you.

2 SUSAN MARKIE: Thank you. The next two speakers
3 Helene -- and I'm not sure if I can pronounce the last
4 name -- and Mark Hammond.

5 HELENE BRAZIER: Can you hear me this way? Can you
6 here hear me now?

7 Good evening. My name is Helen Brazier. I
8 live in Bonsal. I am happy this evening to be able to
9 speak to you from the perspective of someone who lives
10 here and will live with the consequence of your decision
11 for the rest of my life.

12 For the last year or so, I've been reading in
13 the local newspapers reports of studies which show that
14 county landfills are not filling up nearly as fast as
15 originally projected. Consumer recycling, changed
16 buying habits, and reuse of materials that would
17 previously be discarded have been stated as some of the
18 major factors.

19 We don't need a dump at Gregory Canyon to meet
20 our local needs. We have plenty of capacity locally.
21 That puts, to my way of thinking, in dispute the comment
22 from Jim Simmons, managing director and spokesman for
23 the dump, as was reported in the Santa Fe's North County
24 Times. He said the landfill, quote, "Would reduce air
25 pollution by eliminating the need to haul trash out of

1 town," unquote.

2 The much more likely scenario is that air
3 pollution would be substantially increased by hauling
4 trash in from other areas, probably Los Angeles, to
5 justify the landfill existence. This is a Trojan horse.

6 It is unconscionable that habitat of
7 endangered species should be destroyed, precious water
8 resources which provide drinking water for people living
9 down stream should be put in danger, and places sacred
10 to local native people should be disrespected to
11 rationalize the building of an unnecessary and
12 poorly-sited facility.

13 Please exercise your responsibility to protect
14 these resources. The County rejected this site as
15 unsuitable many years ago, and I was at that meeting
16 where they discussed this. There are ample reasons you
17 should do the same now, and I thank you.

18 MARK HAMMOND: Good evening, members of the
19 CalRecycle board and citizens. My name is Mark Hammond.
20 I'm the environmental compliance officer with the Water
21 Department for the City of Oceanside, and this is
22 Colleen Foster who is from the Solid Waste Department
23 from the City of Oceanside. So she is actually Speaker
24 No. 9, but we want to combine our talks to get things
25 through a little quicker.

1 On behalf of the City of Oceanside, I'm here
2 to voice my opposition to the Gregory Canyon Landfill.
3 The primary concern for the City of Oceanside is the
4 threat the landfill poses to our municipal water supply.
5 Landfills should never be placed next to an active river
6 or tributary to a potable water aquifer.

7 If the landfill permit is approved and the
8 liner fails, the resulting contamination will
9 contaminate the river and the aquifer for generations.
10 As you all know, Southern California is almost solely
11 dependent on imported water. The majority of our
12 potable water comes from hundreds of miles away, and
13 every year there are more and more restrictions on this
14 imported potable water.

15 So we have a unique opportunity here in north
16 county. We have one of the most precious resources that
17 we could have, a potable water supply, a local potable
18 water supply, and our primary concern should be to
19 protect that local water supply.

20 The city of Oceanside is presently using
21 groundwater from the aquifer to supply Oceanside's
22 citizens with up to six million gallons of water per
23 day. This is approximately -- we've heard three
24 different numbers, and I'll give a different one, about
25 20 percent. I actually work for the water department,

1 so my number is accurate.

2 It's approximately 20 percent of the City's
3 average demand. The City has currently invested
4 \$23 million in our groundwater drinking water
5 facilities, and we are planning an additional
6 \$150 million investment to increase the production of
7 this groundwater.

8 So, again, as the demand for drinking water
9 increases rapidly, it is so imperative to protect this
10 vital resource. Again, a landfill should never be
11 located next to a river or in a drainage area of a
12 valuable drinking water source. The landfill has the
13 potential to negatively impact close to 200,000 people
14 that live and work in Oceanside.

15 Now, I'd like to turn this over to Ms. Colleen
16 Foster.

17 COLLEEN FOSTER: Thank you again for allowing me to
18 be here to speak on behalf the City of Oceanside.

19 In addition to Oceanside's concern for our
20 local water sources, the City is of the opinion the
21 permitting of the Gregory Canyon Landfill is, indeed,
22 contradictory to our state's and local communities'
23 goals of diversion and waste reduction.

24 In light of the State of California's success
25 in meeting its 50 percent diversion mandate, and due to

1 the fact that a majority of the cities in San Diego
2 County are committed to exceeding that mandate further
3 demonstrates that the development of the Gregory Canyon
4 Landfill is completely unnecessary and is step backward
5 in our state's waste reduction and recycling goals.

6 The California Department of Resources
7 Recycling and Recovery, CalRecycle, and the City of
8 Oceanside recognizes the need to move away from a
9 disposal-based society, to encourage the proper
10 stewardship of resources and materials that have been
11 wrongly considered as waste.

12 The City of Oceanside as well as other
13 communities across the state have adopted zero-waste
14 resolutions and support the reduction, reuse, and
15 recycling of materialities. Building a landfill in
16 light of this paradigm shift, does not help our state
17 achieve necessary milestones of resource management that
18 will preserve our precious lands and communities.

19 It is important to note, that the City of
20 Oceanside adopted a resolution stating the City's formal
21 position against the Gregory Canyon Landfill. There is
22 explicit language in our current solid waste franchise
23 agreement with Waste Management stating that Oceanside
24 trash shall not go to the Gregory Canyon Landfill. This
25 agreement is effective until the year 2023.

1 It is the opinion of the City of Oceanside
2 that the proposed solid waste facility permit shouldn't
3 be approved. One more note, in consideration of
4 conforming with CalRecycle's goals and statutes, it is
5 important to note that in the LEA report, in accordance
6 with 14 California Code, Regulation 18755, Implementing
7 Public Resources Code, states as follows: "The siting
8 element shall demonstrate that there is a countywide or
9 regionwide minimum of 15 years of combined permitted
10 disposal capacity through existing or planned solid
11 waste disposal and transformation facilities or through
12 additional strategies."

13 The report further goes on to define that,
14 "Based on the five-year review report of the County
15 Solid Waste Regional Plan, regional solid waste planners
16 expect there to be sufficient permitted daily disposal
17 capacity in San Diego County over a 16- to 18-year
18 planning horizon, which is more than the minimum horizon
19 specified by the state statute without the Gregory
20 Canyon Landfill."

21 We do not need this landfill. Thank you. I
22 have a formal letter from our City as well for you.

23 SUSAN MARKIE: Next up will be Gerald Walson and
24 Josh Cleaver.

25 GERALD WALSON: Good evening. My name is

1 Gerald Walson, and I live in Bonsal. I'm also president
2 of Bark, the Bonsal Area for a Real Community. I'm also
3 a board president of the Rainbow Municipal Water
4 District and board member of the County Water Authority.

5 It is inconceivable that CalRecycle would
6 consider granting -- permit Gregory Canyon Landfill
7 without analyzing the impact and ramifications of a
8 spill contaminating the base of aquifers. While most
9 everyone agrees, except Gregory Canyon, that the dump
10 will fail, the only debatable issue is when and its
11 severity.

12 As you may remember, the government and
13 industry told us that the deep oil wells in the gulf
14 could not fail. I've asked the following questions to
15 every agency involved in the Gregory Canyon permitting
16 practice without getting any response from any agency.

17 When the aquifer is contaminated, how will the
18 extent of the contamination be determined, and how will
19 it be cleaned? Nobody seems to know. How long will it
20 take? This could be measured in centuries, and at what
21 cost? Easily could run in the billions. Who's going to
22 pay for it when Gregory Canyon files for bankruptcy?

23 It appears that no one has a clue as to how to
24 address these issues. CalRecycle should consider three
25 scenarios, mild contamination, a moderate, and a severe

1 contamination. Failure to consider the ramifications of
2 a basin contamination would be a severe dereliction of
3 the agent's responsibility.

4 I don't know when these issues are going to be
5 addressed. Thank you.

6 JOHN CLEAVER: Hello. My name is Josh Cleaver.
7 I'm with the San Diego Sierra Club. My comments are
8 from the perspective that incorporates both the scenic
9 value of Gregory Canyon as well as the importance of
10 preserving the natural water supplies that are
11 underneath Gregory Canyon, if it happens, which it
12 shouldn't.

13 As we all know, landfills will threaten the
14 scenery from centuries to come, but the important thing
15 here is that right now the State Route 76, which runs
16 east from the 15 all way up to the 79 is possibly going
17 to be designated as state scenic highway. SR-76 is
18 already designated by the County as a first and second
19 priority scenic route, and a landfill will have adverse
20 effect on local flora, fauna, and religious artifacts
21 that are important to the local peoples.

22 This impact will fundamentally alter the
23 scenery and character that should be protected and not
24 destroyed. According to several EIRs, County guidelines
25 regarding the significance of esthetic impacts under

1 CEQA have been rescinded. These are the county
2 standards of CEQA, not the state standards for CEQA.

3 The proposed landfill resides in San Diego
4 County, therefore, the project should be assessed under
5 CEQA standards both for state and county guidelines.
6 The County guidelines substantially affect how the
7 County designates scenic highways. SR76 is a designated
8 county scenic highway; and if the citizens of San Diego
9 County will allow to vote on Prop C, the County CEQA
10 standards should apply to the approval of the project;
11 and part of that includes the scenic highway analysis
12 and the County standards, including the state CEQA
13 standards.

14 Including these standards would be the fact
15 that Caltrans has the authority to design, fund,
16 protect, and see after scenic highways and should be
17 involved in the permitting process since they have the
18 experience to determine what effects will affect scenic
19 resources and scenic highways, not just the San Diego
20 Department of Environmental Health or the County of San
21 Diego Solid Waste Local Enforcement Agency.

22 Caltrans should also be involved in assessing
23 proposed mitigation of scenic impacts by -- one of which
24 was planting trees to block views of the landfill.
25 Simply blocking the view of the landfill is not

1 mitigating the harms of the scenic highway. It's
2 putting a blindfold over what people would normally see.

3 The solution to degraded scenery should not be
4 an attempt to blindfold it. It should be assessed and
5 incorporated or mitigated, but ultimately just not
6 happening. It's the best way to preserve the scenery.

7 Thank you, again. I appreciate your time.

8 SUSAN MARKIE: Next up Dave Shibley and
9 Pamela Epstein.

10 PAMELA EPSTEIN: Hello. Good evening. My name is
11 Pamela Epstein, and I'm the staff attorney for the
12 Sierra Club, San Diego. I would like to thank you first
13 for this opportunity to give you public comment.

14 As we start, I'd like to first address the
15 permit's consistency or rather inconsistency with state
16 minimum standards. Recently, it was -- a lawsuit was
17 filed on behalf the Sierra Club Pala Band of Mission
18 Indians, Natural Resources Defense Council, and River
19 Watch challenging the state consistency with CEQA to the
20 solid waste facilities permit. I brought this for your
21 records and to enter into the record here tonight.

22 That challenge to CEQA covers several
23 important areas. Not to belabor all those points, but
24 they specifically include greenhouse gas emissions and
25 the inadequacy of that analysis, the piecemeal review in

1 terms of three isolated and separated addendums, none of
2 which were available for public comment and review, and
3 water supply inadequacies as well as the baseline
4 issues.

5 All of which would go to show that if you take
6 an informed decision through your actions, you would see
7 that moving forward is unacceptable and inconsistent
8 with state minimum standards. As well as I see my
9 favorite visual aid is back again from our last LEA
10 hearing, it is -- the liner, as they say, should be up
11 to and exceed state standards.

12 While that is all well and good, but do you
13 want to take a gamble with your water supply? It has
14 not been tested if it is state-of-the-art and it is
15 brand-new. It comes along with it a very nice monetary
16 insurance policy. I, as well as everybody else in this
17 room, cannot drink money. So if you contaminate my
18 water supply or our water supply, it cannot be replaced.

19 This landfill is sited on top of a sole-source
20 aquifer and next to an aqueduct, and it encounters
21 fractured bedrock, which means by the time those
22 monitoring wells can tell you there's a problem, it will
23 be too late to fix it and it will be nearly impossible
24 to correct it once contaminated.

25 I'd like to, next, discuss the waste diversion

1 and the capacity that we have in this region. It is
2 unnecessary. We are moving toward zero waste. If we
3 look to the north in San Francisco, we can see that
4 that's has already been implemented. It's going
5 statewide. We should be doing everything we can to
6 incentivize waste diversion and not opening up a
7 landfill which potentially cannot be filled, and in
8 order to make profit, will both truck in trash. And in
9 trucking trash, we would exceed greenhouse gas emissions
10 as well.

11 We've also heard that the siting of this
12 landfill will happen over our cultural resources that
13 are irreplaceable; and once lost are lost forever. With
14 that, I would like you -- I'd like to recommend that you
15 reject the solid waste facilities permit. Thank you.

16 DAVE SHIBLEY: Good evening. My name is
17 Dave Shibley. I'm a land use consultant. I have no
18 interest in Gregory Canyon. I have worked on several of
19 the landfills and I have read all the documents. I
20 understand what it takes to construct the landfill, so
21 on and so forth. So I'm here, basically, as a concerned
22 citizen, and I think we do have a need for this.

23 My issue is this: I'm tired of seeing this
24 county having to depend on outside agencies, the
25 Metropolitan Water District paying rates. If this

1 landfill is not approved, you'll probably never see
2 another landfill approved in this county, which means
3 we're going to have to subsidize transportation of this
4 trash as it leaves this county.

5 I'm not in favor of that. We need to stand
6 independently. I get a real kick when I hear the fact
7 that, "Oh, gosh, we're going to recycle all this." It's
8 taken us 40 years to get a 50 percent compliance rate.
9 Now we're getting down to the difficult areas that's
10 going to need to be recycled.

11 I love hearing all this, the fact that in the
12 city of Oceanside, or any city for that matter,
13 proposing these things -- this goes back -- fits in the
14 realm of political process. It's taken the Poseidon
15 Water Plant 12 years, 13 challenges, and seven lawsuits,
16 and they are still finally getting their final
17 approvals.

18 How long do you think it will take the City of
19 Oceanside or any city -- and you're going to propose
20 that they put a plant in your city to burn this trash?
21 Good luck. It goes back to the political process.

22 Why do you think this country and all of
23 Europe is in the problem they have? Mismanagement by
24 politicians for 70 years, on the verge of bankruptcy,
25 and you're going to put this stuff back in the hands of

1 the politicians. Why do you think it went to the ballot
2 in the first place for Gregory Canyon?

3 I'll tell you exactly how it occurred. My
4 wife is probably the least politically-astute person
5 that I know. And she was looking at the ballot -- how
6 am I going to vote? And she says to me, "Wait a minute.
7 This is supposing -- adjacent to a sacred site and
8 there's a casino next to a sacred site. Why it is okay
9 to build a casino in perpetuity next to this site and
10 it's not okay to do a landfill?"

11 She says to me, "Really, isn't this a dispute
12 between two business entities that don't want to share
13 trash trucks on that road? Isn't that what that issue
14 is, there's two competing business entities?" I said,
15 "Yes. What's the problem with that? This is a
16 capitalistic society. Everybody has a right to make a
17 profit."

18 If you put this into the hands of political
19 decisions that will continue to mismanage like they have
20 everything else -- why do you think we're almost
21 bankrupt?

22 It went to a ballot, and I will tell you just
23 what my wife told me who is the least politically
24 astute. You take this back to the ballot ten more
25 times, the average voter looks at that and says, "Here's

1 a tribe making money for casinos. Here's someone who
2 wants to make money doing a landfill. They're going to
3 vote in favor of the landfill." If you went back ten
4 times, that's what would occur.

5 That's, you know, the way I sum it up. That's
6 the way I see the issue, as two competing business
7 entities. It's not about the environment of sacred
8 sites as it is about two competing entities, and we do
9 need this. I want this county to stand independently
10 and not be subject to the whims.

11 You folks are a regulatory board. An advocate
12 come to you, you're not supposedly subject to the
13 political pressure because all you do is you get an
14 applicant. He fills it out, you got a box, check the
15 squares. He meets all the legal requirements. He's
16 done. You have no choice but to approve it or probably
17 seek a new position in another job, whereas a politician
18 is always going to be subject to the whims.

19 I take umbrage when the councilman comes from
20 the City of Oceanside, not speaking on behalf of the
21 City, and he get all this flack. Supervisor Slater
22 comes -- and credit to her, she's not saying she's here
23 on behalf of the other supervisors or official position.
24 If she were, I would assume the other four supervisors
25 would also be here. So I find this difficult when I

1 find somebody who gets picked on and harangued, but the
2 other side does not.

3 I have no problem with politicians coming
4 forward and giving their personal thing and what they
5 want to say as long as it's stated that way and it's not
6 their personal preference and they're not representing
7 an organization they are not entitled -- some of the
8 people -- other people of the City of Oceanside did come
9 here with the mandate that [unintelligible].

10 That's all I have. Thank you.

11 SUSAN MARKIE: Thank you both.

12 (A break was taken.)

13 SUSAN MARKIE: Let's start back up. Thank you
14 everyone. We still have about 12 more speakers; so in
15 the interest of saving some time, we would appreciate
16 everyone's thoughts and comments this evening. We're
17 taking good notes, and we have a court reporter here.
18 So if you can also state that you agree with the
19 previous speakers, you have that option.

20 All right. The next two speakers are
21 Sheila Manning and Ruth Harber.

22 SHEILA MANNING: Good evening, and thank you very
23 much for holding this workshop and allowing us to come
24 and speak to you.

25 I'm Sheila Manning, and I'm the president of

1 River Watch. And the membership of River Watch strongly
2 opposes issuing the solid waste facilities permit for
3 the Gregory Canyon Landfill.

4 This dump will threaten the waters of the San
5 Luis Rey River, and it is impossible to engineer the
6 site to create a safe dump. Then there's the issue of
7 post-closure. Other than the pollution of our water,
8 closure will be your responsibility. What happens to
9 the soil, biological resources, esthetics, and a host of
10 other issues that will be affected by the long-term
11 capacity of the funds that will be required?

12 Thirty years of post-closure is a drop in the
13 proverbial bucket in relation to the length of time that
14 trash will be in the ground posing potential problems.
15 And the LEA analysis of the sacred sites issues were
16 inadequate, and we strongly believe a new analysis
17 should be done by CalRecycle.

18 In 1989 there were concerns regarding the need
19 for additional trash disposal sites for the county. In
20 1989 Gregory Canyon was hatched as the perfect dump
21 location for this potential crises. In 1990 the grand
22 jury issued a report which concluded that Gregory Canyon
23 has significant and not mitigable impacts and should be
24 rejected by the County as a dump site, and it was seven
25 times.

1 For years numerous studies were conducted,
2 many a hearings held, and during this time the County
3 sells all of their solid waste facilities due to heavy
4 financial losses, and the company, Servicon, circulates
5 a petition throughout the County to have the Gregory
6 Canyon site rezoned to accommodate a solid waste
7 facility by ballot and it passed and a new company
8 emerges called Gregory Canyon Limited.

9 Their investors were various private
10 individuals from the East Coast, Chicago, and Beverly
11 Hills, and we all understand the nature of investors.
12 Their primary interest, make money.

13 Here it is 1920, been over two decades since
14 this sinister plan was hatched. Today, it is common
15 knowledge there is no need for a new dump in this
16 county. When this dump plan was being put together,
17 very little recycling was done and composting was
18 something a few odd folks did. You dig a hole and you
19 bury the trash. That was the way to go.

20 Today, the business of waste management is
21 moving away from landfills and embracing recycling,
22 composting, and energy collection systems. San Diego
23 County is not suffering from a lack of available
24 landfill capacity. In fact, there's no burning need or
25 any need for the Gregory Canyon Dump. The simple facts

1 are recycling, other diversion, education, and simply
2 less trash going into our operating landfills whose
3 lifespans have been expanded, screams loud and clear, we
4 do not need the Gregory Canyon dump.

5 Our article in the Sacramento Bee, dated
6 June 9, 2011, states, "The amount of trash hauled to
7 landfills has dropped to its lowest levels since the
8 State began keeping track in 1999, according to
9 preliminary figures compiled by the Department of
10 Resources, Recycling, and Recovery.

11 "California now has enough landfill space to
12 last almost 50 years. Consumers and businesses produced
13 about 30.4 million tons of trash in 2010, 28 percent
14 less than in 2005/6, which were the boom years."

15 So why are trash companies still pushing to
16 expand their landfills or build new ones? Landfill
17 operators competing for increasingly precious waste
18 insist the new space will be needed when the economy
19 rebounds, but industry experts say structural changes,
20 increased recycling, waste-to-energy technology may keep
21 demands in check.

22 According to CalRecycle, there are about 1.5
23 million tons of unused landfill capacity in the state.
24 In recent years, industry and the state, as a whole,
25 have made great strides in recycling in composting. The

1 state currently diverts more than half of its trash from
2 local landfills, a ten-fold increase since 1999 when
3 this project that's being talked about.

4 With new technologies that turn waste into
5 energy, most likely the amount of landfill space needed
6 in the future years even after the economy recovers,
7 will decrease. Today, we're looking for leadership in
8 implementing strategies to protect our national
9 resources and become true stewards of our environment.

10 The time is now to act, and that act is not to
11 issue a permit for this landfill. Thank you very much.

12 RUTH HARBER: Hello, my name is Ruth Harber. I'm
13 secretary treasurer of River Watch. This is one of
14 those innumerable meetings I've attended since 1988,
15 twenty-three years. I've come to a point where I just
16 repeat myself and recycle myself. How appropriate with
17 this board.

18 I have responded to the LEA's latest report on
19 the Gregory Canyon application. I sent about 20 pages
20 of commentary, and I'm sure you will be able to see
21 them.

22 What else can I say? I wonder where this
23 panel is from. Are you from this area, or are you from
24 parts of California where we have a lot of rain and a
25 lot of water? I know that the people in Northern

1 California -- my sister-in-law, for instance, who lives
2 near Napa, says that Southern California has stolen
3 their water, which, of course, creates a lot of
4 arguments.

5 We need water here. We need to protect the
6 water we have, the little we have. Some 20 years ago,
7 there was a single liner to the dump. It was certain
8 that it would leak. So Gregory Canyon Limited proposed
9 a double liner that will take longer to leak; but leak
10 it will, and toxic leachate will get into our water and
11 contaminate our water resources.

12 Now, listen to this: May 7, 2000, the then
13 manager and promoter of Gregory Canyon Limited,
14 Richard Chase, who is now deceased, responding to a
15 question in the San Diego Union Tribune Union Newspaper
16 interview, and the question was, "Will the landfill
17 leak?" And his reply was, "Of course, it can. There's
18 no fail-safe system."

19 This is the guy who was running the landfill
20 or the whole study. Isn't that what we've always said?
21 And we're still saying the same today. This landfill
22 will leak eventually, certainly not in my lifetime, but
23 in your children's lifetime.

24 What is at risk here is potential catastrophic
25 contamination of the sole source of fresh, clean, and

1 safe water that gives life to thousands of residents all
2 the way from the mountains down through Oceanside to our
3 rich San Luis Rey Valley agricultural economy, and to
4 the abundant wildlife in this area.

5 It is a foolhardy risk. It's completely
6 unnecessary and morally reprehensible. The garbage dump
7 proponents say their dump will be state-of-the-art. I
8 remind you that the Titanic and NASA's Challenger were
9 also state-of-art. We all know what happened to them.
10 Only fools risk what they can't afford to lose; and we
11 San Diego County residents cannot afford to risk a
12 single drop of our local water.

13 Now I have something else that I would like to
14 present to you. Back in 1990 I wrote some little
15 pamphlet. They were called, "Dump the Dump Gazette,"
16 and one was called, "Water, more precious than gold."

17 Now, you know gold is about \$1,500 an ounce.
18 When we have no water, even \$1,500, \$2,000, or \$2
19 million won't make any difference; so I urge you,
20 please, please consider the water. Consider the
21 lifeline of this county, and thank you.

22 SUSAN MARKIE: Next up Cheryl Peace and
23 Joy Williams.

24 CHERYL PEACE: Hi. My name is Cheryl Peace. I'm a
25 past member of the California Integrated Waste

1 Management Board. Thank you for being here. It's great
2 to see you again.

3 I did not like, as you all know -- I did not
4 like the Gregory Landfill project in 2004 when I was on
5 the board, and I certainly don't like it now for all the
6 reasons that have already been stated. The Gregory
7 Canyon Landfill permit is only before you because of the
8 Proposition C that was placed on the ballot by a group
9 of wealthy landowners to circumvent the state-required
10 local process and force the hand of the local county LEA
11 because they couldn't have gotten it approved any other
12 way.

13 Considering that there are many
14 misrepresentations in Proposition C, such as this --
15 this is Proposition C. The Gregory Canyon site was
16 selected as one of the three preferred landfill sites by
17 the County of San Diego based upon a 1987 study which
18 evaluated 116 alternative sites. We all know that is
19 not true.

20 We've heard that many times
21 [unintelligible] -- Supervisor Slater said that. It's
22 definitely not true. With that -- this permit shouldn't
23 even have gotten this far, and it should have been
24 rejected a long time ago.

25 With that being said, let's take a look at

1 Proposition C. Here's the front page of Proposition C.
2 The first three things that are outlined here, the
3 intent of this initiative measure to provide for the
4 site of a new recycling collection center and Class III
5 solid waste landfill, to ensure that the recycling
6 collection center and landfill are designed,
7 constructed, and operated in a safe and efficient
8 manner.

9 The third thing to amend the general plan,
10 zoning [unintelligible] and other [unintelligible]
11 policies of County of San Diego to allow the
12 construction and operation of a recycling collection
13 center and Class III solid waste landfill.

14 So that being said, it's on the proposition.
15 Note that the recycling center is the first thing
16 mentioned. Didn't say landfill recycling center. It
17 says recycling center and landfill.

18 The Gregory Canyon Landfill proponents sold a
19 recycling center to the voters, the landfill. Is there
20 anywhere in the permit where the LEA has required the
21 permitting and construction of the recycling center as a
22 condition of the permitting and the construction of the
23 landfill? The permit should prohibit the operation of
24 the landfill without the operation of a recycling
25 center. CalRecycle shouldn't be considering one without

1 the other, per Proposition C.

2 Two, this is the flyer that I received at my
3 home since I live in the county. This is the flier used
4 in 1997 and -- 1997 ballot measure. It says, "Don't let
5 L.A. dump its trash in San Diego." And if you notice,
6 there's a first-class postage on the back, which means
7 it was sent at the last minute, so it couldn't be
8 responded to. Here it is, "Don't let L.A." -- to
9 San Diego people, that means anybody outside of the
10 county -- don't let them dump their trash here.

11 The permit should prohibit the acceptance of
12 any trash outside of San Diego County. That's what the
13 permit says. That's how they got it passed. That's how
14 they [unintelligible]. It's not even a condition of the
15 landfill. So that definitely should be a condition of
16 the landfill.

17 The third thing, statement of overriding
18 considerations, and I realize that I might not have the
19 latest statement of overriding considerations, but the
20 copy that I have says: "The findings required by the
21 California Environmental Quality Act made by San Diego
22 County and Department of Environmental Health and the
23 LEA find that the approval of the Gregory Canyon
24 Landfill project could result in significant
25 environmental impacts that cannot be substantially

1 lessened or avoided with the [unintelligible] of
2 mitigation measures. Despite the significant and
3 unavoidable impacts, the LEA chooses to approve the
4 project."

5 First, I have to say, the LEA did not choose
6 to approve the project. His hand was forced by
7 Proposition C. If it wasn't for Proposition C, the LEA
8 would not have approved this project. Also, in the
9 other statement, the statement of overriding
10 considerations, which I know they have been addressed in
11 other letters I've seen --

12 They are literally laughable, like No. 1,
13 "Gregory Canyon Landfill provides additional disposal
14 capacity." That's a statement of overriding
15 considerations. That's ridiculous. It's not even
16 required to meet the minimum statutory requirement here
17 in the county. We have plenty of landfill space.

18 Five, "The Gregory Canyon Landfill project
19 incorporates an enhanced liner system that may set a new
20 and higher standard for landfill liners." That's
21 ridiculous too. The only reason they did that was
22 because the Water District Board told them that they had
23 to, that this area was so environmentally sensitive
24 because of water, if they didn't put in the liner like
25 that, there's no way it would be approved.

1 Four, "The location and design of the Gregory
2 Canyon Landfill offers opportunities to aid in limiting
3 the emissions of greenhouse gases and producing
4 alternative energy. They can be -- it can provide
5 environmentally-sound disposal capacity in north
6 county -- for north county generators currently
7 utilizing landfills in other portions of the county.

8 "The direction of the waste generated in north
9 county to Gregory Canyon would result in fewer vehicle
10 miles traveled to dispose of waste, less consumption of
11 fossil fuels, and lower emissions of greenhouse gases,
12 and air pollutants" -- this is in one of the statements
13 of overriding considerations.

14 But the largest [unintelligible] north county
15 communities -- and I have letters from 2004 when I was
16 on the board, that there were -- largest north county
17 communities of Carlsbad, Oceanside, Encinitas, they said
18 they weren't going to send their trash to the Gregory
19 Canyon Landfill.

20 And then, especially, if they start hauling in
21 trash from L.A., that's certainly not going to reduce
22 greenhouse gases. That's a ridiculous statement of
23 overriding considerations.

24 "And as a new landfill, Gregory Canyon will be
25 better able than existing older landfills to incorporate

1 new components and designs into the landfill, to
2 maximize collection of landfill gas, and its beneficial
3 reuse. This will allow the landfill to better provide
4 alternative sources of energy."

5 Note that there's nothing in the permit, no
6 conditions put in the LEA that has anything to do with
7 capturing the gas and reusing it. There's nothing that
8 says that they are going to [unintelligible] reuse it at
9 all. And if they intend to flare it, flaring is not a
10 beneficial reuse.

11 So according to the statement of overriding
12 considerations, the LEA has also required Gregory Canyon
13 Landfill to maximize the collection of the gas and use
14 it beneficially as an alternative source of energy.
15 This is not flaring the gas. The permit should prohibit
16 the flaring of the gas and place conditions for the
17 collection and recovery of the landfill gas.

18 So there's many reasons to not want this
19 landfill, but LEA did not -- the LEA did not condition
20 the permit to even comply with Proposition C in the
21 statement of overriding considerations. The permit must
22 be rejected. Thank you.

23 JOY WILLIAMS: I'm Joy Williams, representing
24 Environmental Health Coalition. We're a 32-year-old
25 environmental justice organization working in the San

1 Diego deep water region. EHC opposes this
2 tragically-flawed proposal. The project will create a
3 gross environmental injustice.

4 EHC's analysis of the project shows that it
5 will of place inequitable burdens on people of color and
6 low-income people. In the seven existing or proposed
7 landfills in the county, five are located in areas where
8 poverty levels exceed the county average, six of seven
9 are in the ZIP codes where the percent of people of
10 color is greater than the county average. So we stand
11 in solidarity with the Pala Band in opposing the
12 landfill.

13 Environmental Health Coalition has experience
14 in communities where mixed residential and industrial
15 land use is relevant here as well. Over 30 years of
16 working to fix toxic hazards near homes and schools have
17 taught us that control technologies should never be the
18 first line of defense against environmental hazards.

19 For example, when you have a metal-plating
20 shop located near homes and schools, having the
21 requisite controls against hexavalent chromium emissions
22 is not adequate to make that acceptable. Rather, the
23 first line of defense should be to minimize the toxic
24 activity, which in this case would be waste diversion,
25 which, as you've heard from many other speakers, we're

1 doing a good job here locally.

2 The second line of defense is an appropriate
3 site that is for the activity. And in this case,
4 putting it on the banks of a river is not an appropriate
5 site; and I know permit conditions tend to make that an
6 appropriate site. Control technologies should be the
7 last thing that you depend on to try to minimize the
8 environmental hazard.

9 However wonderful the liner is -- and as
10 people have said, it hasn't been tested over a 500-year
11 period -- it can't substitute for a suitable site for
12 the landfill. So we join with the other landfill
13 opponents in asking you to reject the permit. Thank
14 you.

15 SUSAN MARKIE: Thank you.

16 LAURA HUNTER: Good evening, Laura Hunter, also
17 with the Environmental Health Coalition, and I want to
18 say I strongly support the previous two speakers, and,
19 in fact, all the speakers that have opposed this really
20 ill-thought out unacceptable project.

21 You have a different standard as a state
22 regulator, so you have a different challenge in front of
23 you than most of the other hearings we have gone to,
24 which were basically, I have to say it, charades because
25 we had this ordinance that required them to make the

1 findings. It said it there in black-and-white. There's
2 never been a discretionary process related to this.

3 But you're the State. You have a different
4 standard and a different test, and I really don't see
5 how a state agency -- you can abdicate your
6 responsibility even though we understand that the local
7 ordinance, the local initiative, you know, trumped our
8 local rules -- you're a state agent, and you have state
9 rules that you have to comply with.

10 I think and I would argue that part of -- this
11 does not absolve you, the state agency, for making sure
12 that the process, that there was a discretionary process
13 followed as part of state minimum standards. That is a
14 state of minimum standard. If you were allowed to sign
15 off on this process that wasn't a process, a
16 discretionary process that wasn't a discretionary
17 process, that would open a Pandora's box because anybody
18 with a local initiative could rewrite and undermine all
19 of the state regulation.

20 So we think that that is a huge hurdle. I get
21 that the locals -- that got trumped, but you can't
22 certify that that was an appropriate process because it
23 really wasn't. The LEA was directed to pass this. No
24 discretion has ever been in this process anywhere, and a
25 public discretionary process is part of state minimum

1 standards that you need to meet.

2 If you want to see where the county was and a
3 discretionary process would have looked like -- I'm sure
4 it's in the record -- this August 9, 1994, assessment
5 from the county before the gag order, before they were
6 directed that they had to make the findings, make the
7 necessary findings for any necessary permits. So that
8 was, essentially, a gag order that no matter what facts
9 came to them, they have stamp approval, stamp approval,
10 stamp approval.

11 This is what they really thought about it --
12 and if you haven't read it, you really should because it
13 shows how -- as Mrs. Peace said, it would never be
14 before you in any other way.

15 Just a couple comments. The initiative -- if
16 you're going to go ahead with this -- it promised the
17 recycling facility. There's no meaningful recycling
18 plan as part of the permit, and we're talking about a
19 Dumpster where you take your old phone books. Even the
20 EIR had -- they analyzed ten trips a day for this great
21 recycling center.

22 That's nothing. So that is going to do
23 nothing. It doesn't meet what -- the promise that they
24 were going to do. And that approval undermines this
25 important-green-jobs generator as well as an important

1 strategy that we're all using locally.

2 The claims related to greenhouse gas cannot be
3 made if you don't prohibit L.A. trash, and there's been
4 some statement of that. The big north county cities are
5 not going to use this dump, so where are they going to
6 go? They're going to go to L.A. You need to
7 [unintelligible] that or you can't make these greenhouse
8 gas findings.

9 Last, just so many great comments have been
10 made. You're deciding something here that's going to be
11 a legacy forever; and once we've lost this river, once
12 we've lost this drinking water source, it's gone
13 forever. It's never coming back. Abe Lincoln said,
14 "You can't escape the responsibility tomorrow by evading
15 it today."

16 There's another saying, "Diamonds are
17 forever." Well, poisoning a local drinking water
18 source, that's forever too, and it's a very significant
19 point that people who get their water because it just
20 falls out of the sky, like Northern California -- you
21 live in a different world than we do down here, and our
22 water supplies are being cut. We need every precious
23 drop we have.

24 So what else is forever is poisoning a local
25 potable drinking water supply. And the other thing

1 that's forever is the decision that you're going to make
2 on this permit. So we are asking you to turn it back,
3 to reject it. It does not meet state minimum standards.
4 It undermines our whole state process of regulation, and
5 we urge you to object to it. Thank you.

6 SUSAN MARKIE: Thank you. Next up Steve Peace and
7 Patsy Fritz.

8 STEVE PEACE: Good evening. Thank you for your
9 patience. I've come from El Cajon, a long ways away.
10 It took me longer to drive here than it took you to fly
11 down. So why am I bothering? In 30 years of public
12 office, this is without a doubt the most sustained,
13 deceptive, and egregious effort to abuse the public
14 process that I have observed in that entire period.

15 I suggest to you that counsel for the
16 applicants have directed you squarely on your
17 responsibility and very correctly noted that you have a
18 very narrow field in which you can operate, and you're
19 more constrained as to what you can do as opposed to
20 open as what you can do. He would like to suggest to
21 you that that compels you to act. He roots that
22 compulsion in the Prop C initiative that happened many
23 years ago, which earlier speakers spoke to you.

24 I want to read to you one other provision you
25 haven't -- I hope if you haven't read all of Prop C, you

1 do. Let me read you one sentence, "The County of
2 San Diego shall cooperate with the applicant whenever
3 possible in issuing permits and approvals so that the
4 project can proceed in a timely fashion."

5 In practice, as all of us know at each step of
6 the way, county staff was informed by county counsel
7 that they did not have the authority to do anything but
8 cooperate with legal counsel and the representatives of
9 the applicants.

10 As a consequence, the applicants built a trap;
11 and in that trap, they eliminated the discretionary
12 process for the LEA. So the LEA's ultimate position was
13 a foregone conclusion. I would suggest to you that in
14 their enthusiasm, counsel has actually built a trap for
15 themselves because they now have a catch-22 because
16 state law, AB 939 of, I believe, 1987 -- I'm old. It
17 gets harder and harder to think.

18 Mr. Share initiated this law for one very
19 specific [unintelligible], and you can recall -- some of
20 you were around. There was a lot of tension about local
21 control, state control, and we deferred to local control
22 on the presumption of a discretionary, fact-based
23 process.

24 Mr. Shares' motivation and the literature's
25 motivation was rooted in the fact that, candidly,

1 there's a lot of sleazy people in the trash business and
2 a lot of sleazy things were happening all over the
3 state. And we created the waste board -- you'll forgive
4 me if I use the arcane terminology. We created the
5 waste board to engage and insure that there was a public
6 process, a public process that made sleazy people, at
7 least, participate publicly.

8 Today, you have in front of you an application
9 that's not properly in front of you. You have no choice
10 but to reject it because, first, it has never been
11 subjected to a discretionary local process, and it can't
12 be because these gentleman and ladies concocted a
13 mousetrap designed to deny a discretionary local
14 process. If you were to do anything other than reject
15 the application, you would then create a circumstance in
16 which, by local initiative, the voters can overturn
17 state law. You can't do that.

18 So let me come to a few years later when, as a
19 result of unrelated circumstance, opponents were
20 actually able to finance an effort to talk to the
21 public, and another measure is on the ballot; but this
22 time, a measure has to be put on by opponents and they
23 have to get people to say yes to vote no.

24 Now, I've been around politics a long time,
25 but this was the most incredible exercise in deception I

1 have ever seen. Polling focus groups, everybody said --
2 almost 70 percent of the public across the county
3 opposed this dump, and yet they won by a good margin.
4 How did they do that? You saw earlier just part of how
5 they did that.

6 They took a poll. The poll said 80 percent of
7 San Diegans were against bringing trash from L.A. So
8 what do they do? They took advantage of the confusion
9 that yes is no and no is yes, and they produced
10 literature saying, "Oh, you want to keep trash out of
11 L.A., vote no. Don't get that trash. Vote no on L.A.,"
12 right? Was that your idea? It was brilliant.

13 Then they went another step further. You
14 heard Mrs. Peace a moment ago refer to first-class
15 posting. That's not an insignificant thing. This is so
16 they can mail it on Saturday, and it would arrive on
17 Monday, and so no one had the opportunity to respond.

18 This is precisely -- you are here for one
19 reason only, on behalf of Byron Share, to not let these
20 people get away with these tactics. It is precisely for
21 this purpose that CalRecycle, it's progeny, was created
22 in order to create a public transparent process that did
23 not allow people who are willing to take money and use
24 it to buy political support and to garner political
25 approval over circumstances in which, quite frankly in

1 this water-starved county, you could fly over --

2 We're a county of canyons. You could randomly
3 drop a tennis ball out of an airplane and a hundred
4 percent of the time land in a canyon that's better
5 suited for a landfill.

6 With all due respect, I respect that you
7 follow the law and not approve the permit.

8 PATSY FRITZ: I'm Patsy Fritz, and it's a very
9 tough act for a dirt farmer to follow, but I'll do my
10 darndest, folks.

11 It's pretty amazing that once upon a time in
12 the West, in the little farming town of Fallbrook, we're
13 hearing and debating the future of the Los Angeles
14 solution to its trash problem, not ours, not ours, and
15 the infamous Proposition C that got 67 percent of the
16 vote for this zoning for dollars.

17 It was the same election in 1994 that 67
18 percent of the electorate voted to return
19 Duke Cunningham to office. I want you to send this
20 proposal to the same destination.

21 I'm Patsy Fritz, 33265 Millcreek Road, in
22 Pauma Valley. I'm a former county planning
23 commissioner, director of the farm bureau, former
24 director of the San Diego County Taxpayers Association,
25 and a graduate of LEAD San Diego, class of 2002. This

1 whole deal stinks.

2 You all know the problems that Los Angeles
3 places, the closing of La Puente, the desperate
4 struggles they're having with the Ventura County Board
5 of Supervisors trying to get the Simi Valley Landfill
6 expanded, Simi Valley saying -- the County of Ventura
7 saying, "We think it should be a higher charge to take
8 all this L.A. trash." And the operator is a saying,
9 "Oh, if we have to pay more to put L.A. trash in here,
10 it isn't feasible."

11 What they have their eye on is Gregory Canyon,
12 and they always have. Why did they get the land right
13 off the I-15 freeway? It's a straight shot right down.
14 You think it's not easier to come straight down I-15
15 than try to bundle it all the way up to Simi Valley?

16 Let's look at what's before you, the
17 overriding considerations. No. 4 about reducing
18 greenhouse grasses -- glasses. Six hundred seventy-five
19 trucks a day from L.A. is going to diminish greenhouse
20 gases.

21 The findings required under CEQA -- this is
22 the quote from the LEA statement of overriding
23 considerations, "The findings required under CEQA find
24 that approval of the Gregory Canyon Landfill project
25 could result in significant environmental impacts that

1 cannot be substantially lessened or avoided with the
2 implementation of mitigation measures." So the buck
3 stops with you.

4 CalRecycle can, in fact, remove all threats of
5 these significant unavoidable impacts. Just say no to
6 Gregory Canyon and say save the aquifer.

7 The San Luis Rey Aquifer has evolved over
8 millions of years. It's an aquifer that can't be
9 replaced. The aquifer that provides the purest water in
10 the county filtered through a thousand square miles of
11 fractured bedrock, an aquifer that is a living entity
12 with minute fractures continually forming from the
13 earth's movement above the Elsinore fault.

14 Ask yourself [unintelligible], how many
15 landfills have we approved that drain into fractured
16 bedrock? How many landfills have been approved that
17 drain into a river? How many landfills have we approved
18 that can pollute and destroy an aquifer for the rest of
19 mankind's existence on earth? So don't start doing it
20 now, guys.

21 What remediation is there once toxins leak
22 into fractured bedrock? Excavate 183 acres the garbage,
23 59 cubic yards, then dig out 32 million anchored feet of
24 fractured bedrock, and scrub each tiny flint with a
25 miniature tooth brush, maybe the brushes you put your

1 eyelash coloration on.

2 There is no remediation possible, and all this
3 talk about the state-of-art landfill liner. Look, if
4 geologic action, the minute, subtle movements of the
5 earth's crust can fracture bedrock, over the years,
6 let's say a hundred, two hundred years, that's a blink
7 of the eye. The same action from the Elsinore fault,
8 just a few miles distant, will eventually induce liner
9 fatigue, like the metal fatigue discovered during the
10 '50s in the early passenger jets -- three Boac filled
11 with passengers just disintegrated. So subtle, but over
12 time, so deadly.

13 So check out, quote, "Overriding consideration
14 No. 5," that Gregory Canyon would quote, "incorporate an
15 enhanced liner system that may" -- notice, may - "set a
16 new and higher standard for landfill liners. So the San
17 Luis Rey Aquifer is to be the guinea pig. It's like
18 saying, "I have a great new cure for cancer, never been
19 used before, let me try it on your kid."

20 The place to test that liner is any other
21 place than on the edge of a river. There is no possible
22 justification to risk destruction of this aquifer or any
23 aquifer. Garbage dumps serve for 30 years. Aquifers
24 serve mankind forever. Once we lose the San Luis Rey,
25 we have lost it for all eternity. And eternity, my

1 friends, is a long, long time.

2 Save the aquifer. Thank you.

3 SUSAN MARKIE: Thank you. Please keep in mind, we
4 have a five-minute limit for comments.

5 Next up is M.A. Mareck and Peter Sidoruk.

6 MICHAEL MARECK: My name is Michael Mareck, and --
7 am I being heard? My name is Michael Mareck --
8 M.A. Mareck. I'm from Escondido, greater Escondido. I
9 go along with saying everything that has been said,
10 everything; and it's unbelievable to me that we are at
11 this place, but we are; and I want to thank you
12 Ms. Fritz and Slater-Price. I'd like to thank the man
13 from the [unintelligible] company. So many people have
14 spoken so well and, yes, passionately.

15 I am from Northern California. I've lived
16 here 20 years. If you are from Northern California and
17 then -- it is true, there's a lot of rain and fog up
18 there. We know that. I hope that you can somehow have
19 the courage to go with what is really the basic issue
20 here and truly serve us. We have a [unintelligible].

21 Hopefully, you are one of those few that are
22 truly public servants. Thank you.

23 PETER SIDORUK: Peter Sidoruk, local resident. I
24 live in Fallbrook. First of all, I wanted to strongly
25 agree with all the people who before me spoke opposing

1 this dump because that is what it is. A landfill is
2 some esoteric name for something that doesn't represent
3 what a dump is. It's a dump.

4 Second of all, I wanted to ask this lady to
5 make a strong differentiation between public input,
6 public comment, and prepared statements of public
7 employees; and I really wonder how people who have the
8 ability to affect lives of hundreds of thousands of
9 people can sleep with themselves, can look in their own
10 reflection, the mirror and just shrug it off and forget
11 about it. Their lives are not perfected. They don't
12 live here. They don't. We do.

13 I guess, if we try to put some humane face on
14 the process, when the ill idea was conceived some 23
15 years ago, Fallbrook, or even more, Gregory Canyon
16 seemed like the middle of nowhere to most people in
17 San Diego. A lot has changed in 23 years. Today, the
18 gentleman spoke just -- City of Oceanside has a
19 population of 200,000 people, and that's just one city.

20 How about Fallbrook, Bonsal, Rainbow, and all
21 these smaller communities that don't have a local
22 municipality -- I don't know if that's true, but it
23 seems true. There are thousands and thousands of
24 people. How can you disregard their interests?

25 Actually, someone said from these people that

1 it enhances natural environment. It's against common
2 sense. It's against common sense. Sooner or later all
3 dumps leak. We all know that. They do. We all --
4 particularly in the northern part of San Diego County
5 have a lot of experiences with -- a micro-example of
6 these situation, septic tanks.

7 Who told you selling your septic tank, it's
8 going to leak? Of course not. It's designed to last
9 forever. It will never leak. They all do. Sooner or
10 later, they all do. And there's quote
11 [unintelligible] -- it stinks like hell. That aspect
12 wasn't too much emphasized of this meeting, and we
13 should acknowledge that. It stinks like hell. The wind
14 will carry it for miles and miles, and I actually would
15 challenge the notion that the water pollution might be
16 worse.

17 I wouldn't be surprised if air pollution would
18 be more widespread than water pollution. There are a
19 few developments planned for -- along the 15 corridor
20 around the 76. These people who don't live there yet.
21 They don't have their voices yet. They should because
22 we're deciding about -- you're deciding about their
23 lives.

24 What else of my incohesive thoughts. Of
25 course, the arguments that the voters approved it.

1 That's just a joke. The voters never approved the dump.
2 Voters approved the recycling center. Who can deny a
3 recycling center? It's a wonderful idea. It helps
4 everybody. It doesn't hurt anything. It's not what the
5 voters approved. That's a dump.

6 What else? The notion that recycling,
7 recently, over the last few years increased to the point
8 that we don't need dump space. I personally generate
9 maybe one to two bags of regular waste, but almost a 30
10 gallon container of recyclable material. That
11 dramatically changed over the last few years,
12 dramatically. That's true, that recycling efforts did
13 decrease for fields like that.

14 One more thing. I wouldn't be surprised if
15 that was screened or prepared somehow to the point that
16 the last voice you will hear won't be a citizen, won't
17 be a community, public-input person; it will be one of
18 these people here. Very cold eyes, by the way.

19 Thank you very much.

20 SUSAN MARKIE: Thank you. Next up Bill Morrow and
21 Joan Brubaker.

22 BILL MORROW: Thank you, madam chair, members of
23 the board. I'm former state Senator Bill Morrow and in
24 addition to that, I have been a citizen and resident of
25 the city of Oceanside for well over 30 years. I have

1 also represented north San Diego County in the state
2 legislature from 1992 through 2006, including from the
3 coast all of Oceanside, working inward to all of
4 Escondido and also parts of Valley Center and pretty
5 much all of the San Luis Rey River basin.

6 I am thoroughly familiar with this project and
7 its history, having been a principal player to defeat
8 numerous legislative and political attempts to stop this
9 project. I believe that most of you are probably
10 generally aware that north county roughly represents and
11 produces one quarter of all the solid waste in San Diego
12 County. That's 800,000 tons-plus and that's also taking
13 into consideration implementation of the waste-diversion
14 programs in effect.

15 Since 1977 and the closure of the San Marcos
16 Landfill, north San Diego County has been without a
17 significant landfill at all. According to the County
18 Department of Environmental Health, which, as you know,
19 is the local enforcement agency for solid waste permits,
20 north county's waste will be similar to or exceed the
21 annual maximum amount of trash to be permitted for the
22 Gregory Canyon Landfill.

23 Madam chair and members, the point that I wish
24 to emphasize this evening that hasn't been made already
25 is that if the Gregory Canyon Landfill is not

1 constructed that means that north county's trash will
2 continue to be hauled by trash haulers, trash trucks to
3 landfills in south county and landfills outside the
4 county of San Diego.

5 And it also means, annually speaking, that it
6 would be an additional one and a half million miles
7 driven by waste-haul trucks. That doesn't comport with
8 AB32, which, as you know, requires a reduction in
9 greenhouse gas emissions to 1990 levels by 2020. Nor
10 does it comport with the requirements of Senate Bill
11 375, which requires as the land-use decisions, they must
12 create sustainable communities through densification in
13 housing and reduction in vehicle miles traveled.

14 Frankly, ladies and gentlemen, we in San Diego
15 County will never be able to meet the AB32 requirements
16 so long as north San Diego County is permitted to export
17 its trash out of its community.

18 Finally, I would like to say, with the
19 exception of the point that I just made with respect to
20 AB32, probably, I would venture to say everything that
21 you've heard, all the arguments you've heard this
22 evening up to now -- and I'll venture to say all of the
23 arguments that you'll hear in the rest of the evening --
24 every single one of those issues, those arguments have
25 been thoroughly vetted by the voters in San Diego County

1 through [unintelligible] -- in 2004 thanks to
2 Proposition B and thanks to it being the highest-funded
3 campaign for a countywide initiative in this county's
4 history.

5 And when we're talking about that campaign in
6 2004, we're not talking about a campaign for a high
7 school homecoming queen. This was a very sophisticated
8 campaign. Frankly, it was well financed on both sides
9 with politically-sophisticated members, consultants, and
10 there were no surprises. Everybody knew the issues.

11 It was point, counterpoint, point,
12 counterpoint, and all the arguments you've heard here
13 today, including those eloquently expounded by Senator
14 Peace were made before. And the voters in San Diego
15 County, they had the benefit of those arguments, those
16 give and take, yes, before the election in 2004. And
17 they decided overwhelming to support and vote in favor
18 of the Gregory Canyon Landfill, in which I add my voice
19 here tonight and I ask you to confirm the LEA's
20 recommendation for approval.

21 AUDIENCE MEMBER: Boo. Would you confirm if they
22 are your legal clients?

23 JOAN BRUBAKER: Joan Brubaker, I am a resident of
24 Oceanside, and mine will be very unscientific, not
25 anything like all these talented people who exhibited

1 their intelligence and very erstwhile comments.

2 Anytime you think about putting trash beside a
3 river, it doesn't bode well. I don't care how legal
4 you've been, you can dot every I, you can sign every
5 document, and you can profess that everything lasts
6 forever. Mark my word, we're due for a big earthquake
7 anytime. No one knows when. When that happens, I don't
8 care how many liners they put in there, they're going to
9 rip unless they stretch those things from here to China
10 because it just won't last.

11 This is our source of water for a great part
12 of our existence. Don't let it be contaminated. I
13 don't care how legal the damn thing is. It isn't
14 worthy, and you need to deny it. It is not fair to the
15 people. As far the comparison between Pala and the
16 dump, Pala doesn't dump in the river the last time I
17 knew, and I don't think you'll see that happen either.

18 Deny this proposition and plot. It just won't
19 work. Until I get a guarantee that those people are
20 going to put their fortune on the line in case anything
21 happens down the line, it isn't worthwhile. This is all
22 for investors. It's not for the public. Thank you.

23 SUSAN MARKIE: Thank you. We have three speakers
24 left, so I'll call all three names. Jon Vick,
25 Ted Griswold, and Bill Magdych.

1 BILL MAGDYCH: I withdraw my request for
2 Bill Magdych.

3 SUSAN MARKIE: Thank you, Bill.

4 JON VICK: Good evening. My name is Jon Vick. I'm
5 a member of the planning group in Valley Center. I live
6 up river and downwind from Gregory Canyon, and I just
7 want to address one issue tonight, and that is
8 CalRecycle's duty to protect California's natural
9 resources.

10 The San Luis Rey River is a wonderful natural
11 resource, and we are slowly nickel and diming our
12 resources to death. The San Luis Rey River used to run
13 year round with water. Now, the water runs underground.
14 Even though it runs underground, it's still a very
15 important natural resource, and you have an opportunity
16 to not just mitigate or not to observe minimum
17 standards, which are really the lowest bar that we
18 should be looking at.

19 You have an opportunity to raise the standards
20 and not require mitigation and observe your duty to
21 protect California's natural resource. This is not the
22 right place for a dump. The reason it's taken 23 years
23 is because everybody, except those people who stand to
24 benefit financially, recognize that this is the wrong
25 place for a dump.

1 There are literally hundreds of canyons in
2 northern San Diego County that would be suitable for a
3 dump. Putting a dump on a river makes no sense. It's
4 stupid. We shouldn't do it. We should protect our
5 natural resources.

6 I ask you to please observe your duty to
7 protect California's natural resources. Deny this
8 application. Let's put the dump somewhere else if we
9 really need it. Thank you very much.

10 TED GRISWOLD: Looks like I get to close the show.
11 I hope I can talk to you about things you haven't heard
12 before. I will read this as part of my statement. This
13 was part of the materials that went out for Prop C.

14 Before I get to that, thank you very much for
15 coming down here. I appreciate the effort coming down
16 to San Diego, coming all this way to listen to us.
17 You've heard some impassioned pleas and some information
18 out here, all of which I stand behind 90 percent of it.
19 Some of it, I don't.

20 But my name is Ted Griswold. I'm with the law
21 firm Procopio. We're counsel to the Pala Band, and I'm
22 also a citizen of San Diego that actually opposed this
23 before I was counsel to the Pala Band. So I come to you
24 wearing both hats.

25 I'm going to talk to you about some things

1 that maybe you haven't heard yet tonight, and they go
2 all to state minimum standards. First, I would like to
3 read to you from this flier that we have seen a couple
4 times today, that one of the bullet items that was sent
5 out first-class mail, "No on B guarantees" -- it's a
6 guarantee -- "that California Regional Quality Control
7 Board, Department of Enviromental Health, and Integrated
8 Waste Management Board" -- that's you guys now -- "can
9 review and impose" -- that means you can impose the
10 strictest controls in the nation.

11 We're going to talk about some of those
12 controls and see if those are in place. We are going to
13 be submitting written comments. I won't go through all
14 those here. I know it's been a long night. I really
15 appreciate your patience. You'll be getting those in
16 writing shortly. I would like to get a few highlights.

17 Proposition C -- Cheryl, you've done a great
18 job of bringing up Proposition C and some of the issues
19 that are not quite making it in Proposition C. Recall
20 that one of the things in the application is the
21 land-use approval from the county, making sure you have
22 the proper land-use approvals, and those came in the
23 form of Proposition C. Those were the land-use
24 approvals from the City. What does it mean?

25 First off, the permit itself, Section 5E of

1 the permit, identifies the total permitted site as being
2 about 308 acres. That doesn't include a lot of the
3 project. As a matter of fact, as you go back to
4 Proposition C, you're going to see it's a 1,700-acre
5 property and about a 13,034-acre site minimum of
6 permitted activity that was under Proposition C.

7 What is missing besides the footprint of the
8 landfill? How about wells, construction yards, all of
9 the mitigations areas -- parts of the project -- you
10 need to be permitting that as well. How about the
11 pipeline? How about the County Water Authority
12 Pipeline? Let's take a look at that.

13 Under Section 3, Description of the Project
14 and the Elements of the project, one of the things, in
15 all due respect to San Diego County Water Authority in
16 their deference -- I think the politics might have
17 gotten to them. However, one of those items was, "The
18 project will include work required" -- this is the
19 project. This is your permit. This is what is supposed
20 to be in the permit.

21 "The project will include work required to
22 protect any San Diego aqueduct pipelines to the extent
23 and in the manner required by the San Diego County Water
24 Authority." That's supposed to be in this permit, and
25 it's not. San Diego County Water Authority may think

1 it's right to defer that activity, but you can't.

2 That's part of your duty. So that's on the pipeline.

3 So I ask that you go back and take a look at
4 this application, this permit and revise the permit area
5 and make sure you get everything in the next time
6 around.

7 How about the ambiguity of the project, and
8 we've had a real problem with this because we've gone
9 through a whole bunch of documents on this project,
10 including this latest four-page permit. It's only four
11 pages; but even if that, there's some ambiguities
12 regarding that and some of the background information.

13 For example, how about the 2004 permit that
14 was previously stated -- let me step back. For those of
15 you who haven't been with this project for a really long
16 time, remember this is a canyon. It's like a bowl or a
17 big cantaloupe or two-thirds of the cantaloupe with a
18 bowl. And you hollow it out, guess what? It gets a
19 little juice at the bottom and it's kind of flat and
20 it's really steep on the sides, right?

21 What they had planned to do originally in this
22 plan was excavate below ambient groundwater and create
23 an artificial system to dewater between the groundwater
24 and the liner at the bottom. They have taken away that
25 design. That was the original design of this project.

1 They decided to go away from that design.

2 However, the 2004 permit stated that the
3 maximum depth of excavation for the landfill would be
4 525 feet above mean sea level; however, this permit says
5 now it's going to be 380. It's lower. Is it down in to
6 the groundwater, again? What's the difference? Where
7 is the difference? Have you looked at the documents,
8 and can you provide for why there's a difference there?

9 How about this, the selected alternative in
10 the final EIR had a bottom elevation of 400 feet to
11 above the piezometric groundwater surface level. The
12 original design had 370. Why do we have another
13 discrepancy? More ambiguity. You find this throughout
14 all of the documentation. We'll detail this in our
15 letter.

16 It becomes a real problem when you're trying
17 to figure out what they are trying to do. How are they
18 going to keep this, the required minimum five feet above
19 maximum groundwater level? I'll step past that point.

20 How about Prop C, now, Prop C promised the
21 voters would be -- that the recycling facility would be
22 for north county trash. Let's go back to Prop C again
23 because that's an important thing.

24 It says, in this case, "The voters hereby
25 reaffirm the policy of the County of San Diego that each

1 subregion of the county shall be responsible for
2 providing sufficient solid waste facilities to handle
3 the solid waste generated in each subregion."

4 Mr. Morrow, that's your point, right? If
5 that's the case, then that should be one of the
6 conditions of this permit. There should be only trash
7 in north county to this landfill, no trash from outside
8 of that subregion, which is what they wrote. That's
9 what they wrote, that's part of the land-use approvals,
10 a condition of the land-use approvals. It should be in
11 the permit.

12 More ambiguity -- how about, "The permit
13 requires -- your permit conditions require that GCL
14 commit to the participation in a community facilities
15 district or developer agreement to address fire
16 service." What does that mean? Uncertainty and
17 ambiguity. What does it mean?

18 This is an area that does not have an adequate
19 water source. If you build a landfill there, there is
20 not just a high fire danger, as CalFire calls it right
21 now, there's subterranean fire danger as well. This is
22 not a fire hazard. What does that mean? That's
23 indefinite. That's too ambiguous for a permit. What do
24 you mean by that commitment that you're asking for?

25 What about -- now this does go to,

1 tangentially, to your state permit requirements -- and
2 this is my last point and that's because everybody
3 always comes back to this, the liner.

4 The liner, the liner, the liner. We hear that
5 all the time. The proponents raised it. We have stated
6 our concerns too. We are so concerned about it that we
7 wanted to find out really what is the liner and how is
8 it built. So we looked at it, and we went and talked to
9 experts at the Regional Water Quality Control Board to
10 see if they could better understand the joint technical
11 document.

12 We sat down with them. We looked at the maps.
13 Something didn't seem right with the liner. So we asked
14 them to take a look at it, and we said, "Look at the
15 drawings and tell us where that liner actually goes."
16 And they said, "Well, the drawings" -- and this was
17 their words, not ours -- "are really kind of like
18 cartoons of what's going to be there. It's not really a
19 depiction."

20 So let's look at the numbers. So we sat down
21 with the numbers. This is a number you haven't heard.
22 That liner that they stand behind so strongly will cover
23 less than 23 percent of the side of the landfill.
24 That's just the bottom. The sides -- remember, this is
25 like that hollowed-out cantaloupe with the sides around

1 the side. The liner doesn't go on the sides. A liner
2 like this will not go on the sides.

3 So the liner is not a hundred-percent liner;
4 it's a 23-percent liner. How is that going to affect
5 your job in making sure that they can meet minimum state
6 standards? I don't know the answer to that, but I don't
7 think a four-page permit answers that question either;
8 and I think that's a really important question to answer
9 and to think about on your flight home when you're
10 considering the testimony from tonight.

11 Thank you very much for your time. I
12 appreciate your patience.

13 SUSAN MARKIE: Thank you everyone for your
14 comments. We all very much appreciate your giving up
15 your time tonight to come and speak to us.

16 We will post our information on the website.
17 And, again, we have handouts in the back that list the
18 access points to our website as well as the LEA's
19 LISTSERV. I will post the information through the LEA
20 LISTSERV to let you know that we have new information on
21 our website, so we'll get that out to everyone.

22 And we will post our staff report for a
23 minimum of five days before any decision will be made.
24 You can also still provide comments to us in writing up
25 until the 15th. And, again, we really appreciate your

1 being here, and my contact information is the last line.

2 Thanks, again.

3 (Proceedings concluded at 9:02 p.m.)

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