



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 199300056

Date: September 11, 2004

Comments Due: October 11, 2004

In reply, please refer to the Public Notice Number

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**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Altamont Landfill and Resource Recovery Facility Phase 2 (ALRRF) project, which would result in impacts to approximately 0.52 acres of waters of the United States, including wetlands, in or adjacent to an unnamed tributary to Mountain House Creek. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

**AUTHORITY:** This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

**APPLICANT:** Waste Management of Alameda County, ATTN: Ken Lewis, 10840 Altamont Pass Road, Livermore, California 94550-9745

**LOCATION:** The approximately 2170-acre project site is located in the Altamont Pass region, in Sections 15, 16, 17 and the northern portion of Section 21, MDB&M, Township 2 South, Range 3 East, in eastern Alameda County, California, and can be seen on the Byron Hot Springs and Altamont USGS Topographic Quadrangles and the attached drawings.

**PROJECT DESCRIPTION:** The overall project purpose is to provide additional waste disposal capacity to Alameda County for future landfill needs. The applicant believes there is a need to provide additional landfill capacity because the existing landfill facility is due to reach its design capacity by 2007. The applicant is proposing to expand its operation from the existing 235-acre landfill Fill Area 1, by developing the 324-acre adjacent site Fill Area 2. The project waste capacity of Fill Area 2 is estimated to be 40 million tons, providing an additional 30 years of waste disposal use. The landfill expansion will consist of development of landfill cells and access roads. Construction activities will consist of excavating, transporting, creating stockpiles of excavated soils, processing clay for liners prior to placing the, and placing synthetic liners, environmental control systems, such as drainage system and treatment ponds and fencing. Equipment used will include scrapers, excavators, dump trucks, graders, compactors, and water trucks. Operation of the landfill will involve the elements of construction mentioned above and transportation and deposition of non-hazardous waste material including recovery and recycling activities. The landfill operation will continue 24 hours a day on a continuous basis. The active landfill operation will be enclosed behind security fencing. The landfill area will be operated and eventually closed in compliance with applicable federal and state regulations. Once Fill Area 2 reaches its design capacity the entire area will be capped and vegetated with native plants in order to protect it from erosion by wind, water and runoff. The project area will be developed over the life of the landfill but the impacts to waters will occur during initial project construction designated Phase 1. Approximately 21.3 acres of existing waters of the United States, including wetlands have been verified on the site. Portions of two unnamed ephemeral and intermittent channels totalling 0.52 acres or approximately 6400 linear feet will be impacted by the project. All compensation will occur prior to or concurrent with construction of Phase 1 in order to minimize

temporal loss of habitat functions. The conservation area will be preserved in perpetuity and protected by an arrangement in coordination with appropriate resource agencies to be determined.

The attached drawings provide additional project details.

#### **ADDITIONAL INFORMATION:**

**Environmental Setting.** The Altamont Landfill and Resource Recovery Facility is located in the Altamont Pass area of the Altamont Hills, which is part of the northern Diablo Range, in eastern Alameda County. Land uses in addition to the existing 235-acre landfill operation consist primarily of livestock grazing and wind turbine facilities. These are also the primary land uses in the area surrounding the project site. Topography consists of steep sloping hills and narrow valleys which range in elevation from 440 feet to 1260 feet above mean sea level. Non-native annual grassland occurs on most of the project area. Typical species include soft chess, slender oats, foxtail chess, and Italian ryegrass. Both introduced and native herbaceous species are common throughout the area. Five alkali wetland/meadow complexes occur within the project area comprising approximately 17.2 acres. The complexes are located in relatively broad valleys underlain by Pescadero clay. Common species include Baltic rush, annual beard grass, saltgrass, bird's foot trefoil, Mediterranean barley, alkali heath and spikeweed. There are approximately 2.4 acres of ephemeral streams, 1.4 acres of stock ponds and 0.1 acre of natural ponds. At least 972 acres within the 2170-acre project area will be set aside as a future conservation plan area to serve as San Joaquin kit fox habitat and also provide a valuable movement corridor connecting the foxes' northern most range with the major core areas to the south. The property drains to both the east and the west, due to its location at the top of the pass. A majority of the property is drained by several unnamed streams in a generally easterly direction into Bethany Reservoir and beyond through drainage canals eventually flowing into Old River. An unnamed stream drains the western portion of the property into Altamont Creek to the south and west, eventually flowing into San Francisco Bay. The Altamont Pass is also a major transportation corridor with Interstate Highway 580 and the Southern Pacific and Western Pacific railroads connecting the central valley to the east and the bay area to the west. All three are located together roughly one to two miles south of the project area. Altamont Pass Road is a two-lane asphalt paved road which passes through the extreme southern portion of the project area. Dyer Road is a north-south road and acts as the western boundary for the property except for the northwestern corner where it passes through the property for a short distance. The California Department of Water Resources South Bay Aqueduct passes from north to south paralleling the western boundary of the project area and is not a part of the project nor will it be a part of the proposed conservation area. The City of Livermore is the nearest urban area and is located about five miles to the southwest.

**Alternatives.** The applicant has provided information concerning project alternatives. The applicant developed specific site evaluation criteria to determine practicability of alternatives. The applicant's research indicates there may be other alternative locations, but none is more feasible and practicable while being less environmentally damaging than the proposed Fill Area 2 alternative. The applicant states that no on-site alternative configurations would cause fewer impacts to waters while still achieving project purpose. Additional information concerning project alternatives is available from the applicant or their agent, Padre Associates' Richard Meredith, 916-857-1601.

**Mitigation.** The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to restore an approximately 0.5-acre existing degraded channel segment and create an approximately 0.5-acre pond/wetland complex. Mitigation is proposed prior to or concurrently with construction of Fill Area 2.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification as required under Section 401 of the Clean Water Act from the California Regional Water Quality control Board was obtained on July 27, 2004. The applicant has applied for a 1602 Streambed Alteration Agreement from the California Department of Fish and Game, Region 2.

**HISTORIC PROPERTIES:** Based on the available information (including applicant's report entitled Section 106 Assessment for Cultural Resources - Altamont Landfill Expansion Area), cultural resources not are within the project's area of potential effect.

**ENDANGERED SPECIES:** The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate.

The above determinations are based on information provided by the applicant and our preliminary review.

**EVALUATION FACTORS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**SUBMITTING COMMENTS:** Written comments, referencing Public Notice 199300056, must be submitted to the office listed below on or before October 11, 2004:

Marc Fugler, Project Manager  
US Army Corps of Engineers, Sacramento District  
Delta Office  
1325 J Street, Room 1480  
Sacramento, California 95814-2922  
Email: [Marc.A.Fugler@usace.army.mil](mailto:Marc.A.Fugler@usace.army.mil)

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Marc Fugler, 916-557-5255, [Marc.A.Fugler@usace.army.mil](mailto:Marc.A.Fugler@usace.army.mil).

Attachments: 3 drawings