

**US Army Corps
of Engineers®**

PUBLIC NOTICE

RECEIPT OF APPLICATION FOR A CORPS PERMIT,
NOTICE OF INTENT TO PREPARE A DRAFT EIS AND
HOLD A PUBLIC SCOPING MEETING

LOS ANGELES DISTRICT

Public Notice/Application No.: SPL-2010-00354-SDM

Comment Period: May 7, 2010 through June 18, 2010

Project Manager: Spencer D. MacNeil, D.Env. (805) 585-2152 Spencer.D.MacNeil@usace.army.mil

Applicant and Contact

Jim Simmons
Gregory Canyon Landfill, Ltd.
160 Industrial Street, Suite 200
San Marcos, California 92078
(760) 471-2365

Location

The proposed project would affect the San Luis Rey River and Gregory Canyon, in northern San Diego County, California (at Latitude/Longitude: 33.347777°, -117.117560°).

Activity

To discharge fill materials into approximately 2 acres of waters of the U.S. (less than 1 acre would be affected by permanent fill discharges) in the San Luis Rey River and in Gregory Canyon associated with constructing a new Class III landfill. Specific Corps-regulated activities include constructing a pile-supported bridge over the San Luis Rey River and discharging fill materials into an un-named water of the U.S. in Gregory Canyon to construct the landfill liner, stability berm, and ancillary facilities (see attached drawings). For more information, see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawings. Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act (33 U.S.C. 1344). Written comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division, Ventura Field Office
ATTN: SPL-2010-00354-SDM
2151 Alessandro Drive, Suite 110
Ventura, California 93001

Alternatively, comments can be sent electronically to: Spencer.D.MacNeil@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, because the proposed action would discharge dredged or fill material into waters of the U.S., the evaluation of the activity will include application of the U.S. Environmental Protection Agency's Section 404(b)(1) Guidelines (40 C.F.R. Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers 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 of Engineers 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 the other public interest factors listed above. In this case, comments will be used in the preparation of an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A determination has been made that an EIS is required for the proposed activities, based on the Corps's independent determination that the proposed action could result potentially in significant impacts. It is expected that a Draft EIS will be prepared and published by mid-2011.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board (RWQCB). Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

Coastal Zone Management- For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is

consistent with the State's Coastal Zone Management Plan. This project is located outside the coastal zone and is not expected to affect coastal zone resources.

Cultural Resources- The proposed project would affect a portion of Gregory Mountain, which is considered culturally sacred by some Native Americans. Consultation with the State Historic Preservation Officer, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, will occur for any anticipated effects of the proposed activities on cultural resources eligible for listing or listed on the National Register of Historic Places.

Endangered/Threatened Species- Preliminary determinations indicate that the proposed activities would affect federally listed endangered or threatened species, or their critical habitat. Federally listed species known or having high potential to occur onsite, based on previous survey results, include southwestern arroyo toad (*Bufo californicus*), southern steelhead (*Oncorhynchus mykiss*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and coastal California gnatcatcher (*Poliioptila californica californica*). Additional on-site surveys for federally listed species are being conducted at this time to provide current information. Thus, formal consultation under Section 7 of the Endangered Species Act appears to be required.

Public Meeting/Hearing- The Corps is holding a public scoping meeting to solicit input from the public about the proposed project in preparing the EIS. This meeting will be held on **June 3, 2010 beginning at 6:00 PM (PST)** at the:

City of San Marcos Senior Center (Horizon Room)
111 Richmar Avenue
San Marcos, CA 92069

During the public scoping meeting, anyone wishing to make a statement will be allocated a certain amount of time to provide information on the proposed project. The amount of time each person is allowed will be directly dependent on the number of people who sign up to speak at the public hearing (the meeting room has been reserved until 8:30 PM PST). At this time, we estimate that individuals will be given 2 or 3 minutes to provide their comments verbally. We would like to encourage interest groups to designate an official spokesperson to present the group's views. We will allocate a larger amount of time to official representatives of such groups upon request.

Groups wishing to designate an official representative must notify the Corps in writing prior to, but no later than, **May 28, 2010**. The determination of this extended speaking time will be based on the number of responses received by the Corps. This rule will be strictly enforced at the discretion of the Corps' hearing officer.

The public scoping meeting will provide one opportunity for the public to provide comments on the proposal that will be entered into the administrative record. In addition, the Corps will be receiving written comments into the record from anyone who wishes to provide them until **June 18, 2010** (i.e., the close of the comment period for this public notice).

The Corps also anticipates holding a public hearing to obtain input on the Draft EIS when it becomes available and is circulated to the public (expected by mid-2011).

Proposed Activity for Which a Permit is Required

Gregory Canyon, Ltd., as project applicant, proposes to construct, operate, and close a Class III landfill on the project site; approximately 308 acres of the 1,770-acre site would be used for the landfill and its associated facilities. The construction activities would discharge fill materials into approximately 2 acres of waters of the U.S. (less than 1 acre would be affected by permanent discharges of fill) associated with constructing a bridge over the San Luis Rey River and with constructing the landfill liner, stability berm, and ancillary facilities in Gregory Canyon.

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent. The basic purpose of the proposed project is disposal of refuse. This project is not water dependent. Because the activity is not water dependent and it would permanently fill a special aquatic site (wetland), the applicant is required to rebut the presumption that there are practicable alternatives available that would not permanently fill a special aquatic site (40 C.F.R. Part 230 – the Section 404(b)(1) Guidelines).

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' Section 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The Corps is in the process of defining the overall project purpose.

Additional Project Information

Background information- The proposed project is located in northern San Diego County on State Route 76 (SR 76), about three miles east of Interstate 15. The project site encompasses approximately 1,770 acres. There are three large, regional easements that cross the property: SR 76, a San Diego Gas & Electric (SDG&E) transmission corridor, and San Diego Pipelines Nos. 1 and 2 (First San Diego Aqueduct). In addition, the San Luis Rey River traverses the site in an east-west direction. A portion of Gregory Mountain is located on the site. The proposed project consists of the construction, operation, and closure of the proposed Gregory Canyon Landfill. The proposed landfill and its associated facilities would be located on the south side of SR 76 and would occupy approximately 308 acres of the site. According to the 2007 Environmental Impact Report (EIR) (Table 4.9-8) for this project, several vegetation or habitat types have been identified in this 308 acres, including coastal sage scrub (170.8 acres), coastal sage scrub/chaparral (51.5 acres), chaparral (27.4 acres), coast live oak woodland (22.6 acres), non-native grassland (15.8 acres), agricultural land (9.9 acres), agricultural/developed (2.5 acres), disturbed habitat (2.3 acres), disturbed coastal sage scrub (1.7 acres), and rock outcrop/chaparral (1.6 acres); with open channel, riparian habitat, native

perennial grassland, olives, and ornamental vegetation comprising the remaining 2.5 acres. The majority of the remaining property (a minimum of 1,313 acres) would be dedicated as permanent open space for long-term preservation of sensitive habitat and species.

The property is located adjacent to residential, agricultural, and Native American properties. A portion of the site was previously occupied by two dairies, which have ceased operation.

An EIR was prepared for the project and was certified in 2003 and 2007 by the Director of the San Diego County Department of Environmental Health (DEH). Subsequently, in response to a court order for additional information regarding the identified water supply, an Addendum to the certified 2007 EIR was prepared. The 2008 Addendum was adopted by the Director of San Diego County DEH. The Court ruled that the Addendum was the appropriate document and that the issue was adequately addressed. A second Addendum was prepared to analyze a change in the provision of water for the project. This Addendum was adopted by the Director of the San Diego County DEH in January 2010.

Project description- The proposed landfill project would have a maximum daily intake of 5,000 tons and an annual intake of one million tons. The landfill would accept solid waste disposal for approximately 30 years. The landfill components would occupy approximately 308 acres of an approximately 1,770-acre site. All of the construction associated with the landfill would be located to the south of SR 76.

The landfill footprint, which would be constructed and filled in phases, would be approximately 197 acres (including relocated SDG&E transmission towers, see below) and would be located within Gregory Canyon. The landfill prism would consist of a double composite liner as well as a leachate collection and removal system with a protective cover. At times, periodic construction to open the next landfill cell would occur simultaneously with acceptance of solid waste.

Two borrow/stockpile areas, which would be used to store or excavate material for daily operation of the landfill, would be provided to the west of the landfill footprint. Borrow/Stockpile Area A, which would be about 22 acres in size, would be located adjacent to the western property boundary. A haul road would connect Borrow/Stockpile Area A with the landfill footprint. The haul road would be 20 feet wide and would run along the base of the adjacent hillside with turn-out locations for heavy equipment. Borrow/Stockpile Area B, which would be about 65 acres in size, would be located immediately to the west of the southern portion of the landfill footprint. The proposed project includes the construction of an access road and bridge that would cross the San Luis Rey River, which runs through the property. The approximately 35.5 foot wide bridge would be approximately 640 feet in length, with five sets of piles. The proposed project includes modifications to SR 76 at the entrance. The modifications would widen the roadway to 52 to 64 feet to provide for an eastbound deceleration lane and a westbound left turn lane and would realign approximately 1,700 linear feet of roadway to the south of the existing alignment. The modifications are expected to improve sight distance and facilitate truck movements at the access road on SR76.

The access road would lead to the ancillary facilities area just north of the landfill footprint. The ancillary facilities area would include booth and fee scale, an administration building, maintenance building, and a recyclable drop-off area. Two 10,000-gallon leachate- holding tanks, a 20,000-gallon water storage tank, a 20,000-gallon recycled water tank, and a 50 gallon per minute reverse osmosis system would be located in the ancillary facilities area.

In addition, the proposed project would include the relocation of SDG&E transmission towers located on the slope of Gregory Mountain and an option to relocate approximately 3,200 linear feet of San Diego County Water Authority Pipelines 1 and 2, which traverse the property. The proposed project would include the dedication of a minimum of 1,313 acres of the site as permanent open space for long-term preservation of sensitive habitat and species.

Through the EIS process, feasible environmental mitigation measures will be developed to reduce potential environmental impacts. Measures to reduce construction impacts would be implemented through construction contract specifications and permit requirements.

Issues- There are several potential environmental issues that will be addressed in the Draft EIS. Additional issues may be identified during the scoping process. Issues initially identified for evaluation in the Draft EIS as potentially significant include:

1. visual impacts from the landform alterations;
2. air quality impacts from construction, operation, increased vehicle emissions;
3. biological impacts to habitat and wildlife;
4. cultural resources (ethnographic resources);
5. hydrogeology, surface hydrology and water quality from disturbance of sediment, operations, and runoff from development;
6. noise from increased traffic associated with operations;
7. traffic and transportation; and
8. cumulative impacts from past, present, and reasonably foreseeable future projects.

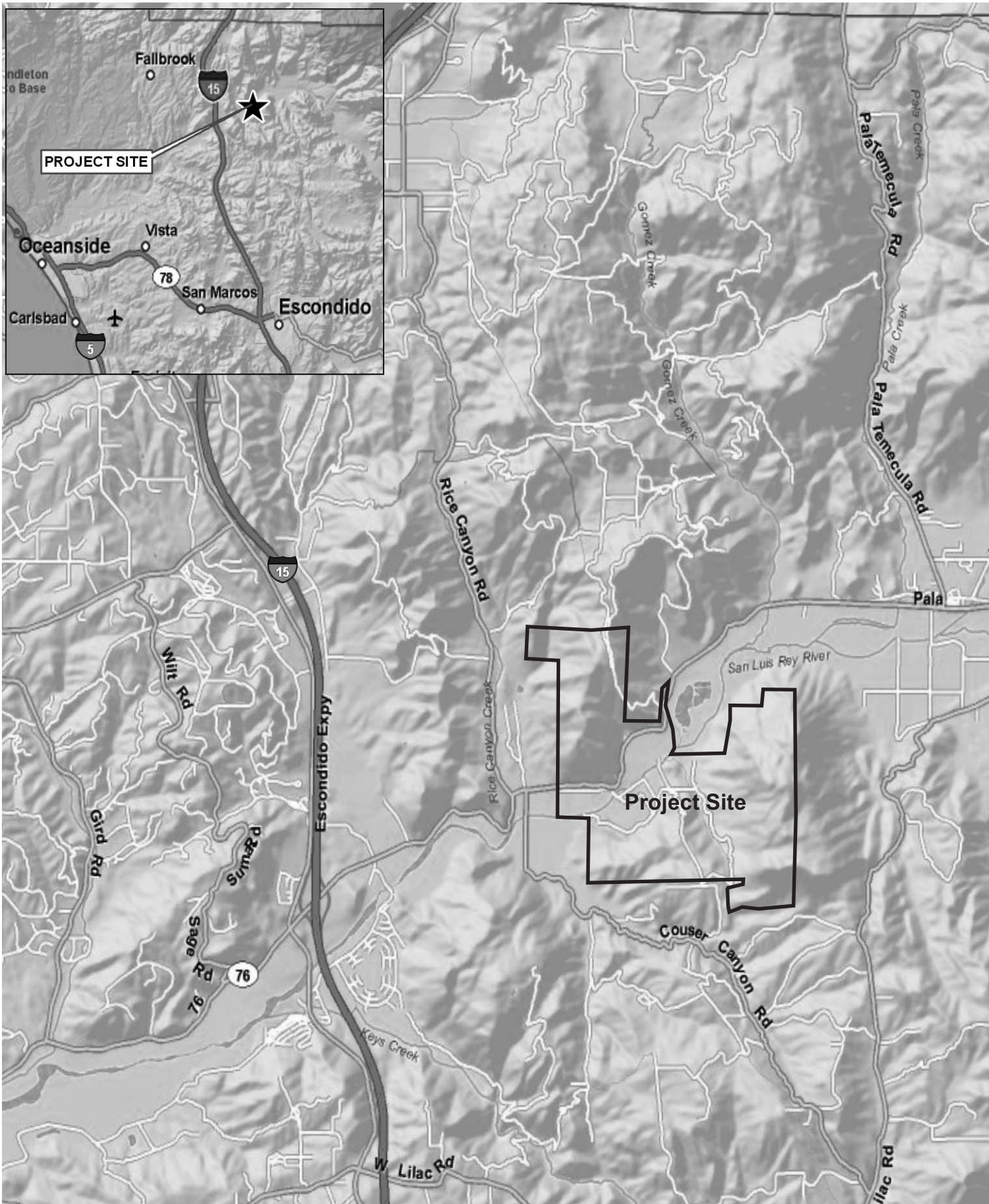
Alternatives- Several alternatives are being considered for the proposed action. The Draft EIS will include a co-equal analysis of the No Action and project alternatives considered. Alternatives were considered through the state environmental review process and an associated EIR that included a no project alternative; two on-site landfill scenarios; an on-site prescriptive design alternative with a single liner; two off-site North San Diego County locations; and alternatives to reduce the need for a landfill. The EIS will likely consider some of these alternatives. The EIS will include and evaluate a No Action Alternative that would not implement any of the proposed project elements and would not involve any discharge of dredged or fill material into waters of the U.S., and therefore, would not require a Corps permit. These alternatives will be further formulated and developed during the scoping process. Additional alternatives that may be developed during scoping will also be considered in the Draft EIS.

Proposed Mitigation – The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the Section 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance/minimization: According to the applicant, the San Luis Rey River bridge has been designed to minimize discharge of fill material within considerations of practicability of construction, and the landfill liner is located in the minimum area required for the landfill, including avoidance of non-wetland riparian vegetation near the base of the landfill.

Compensation: The applicant is proposing to compensate for the impacts to waters of the U.S. by creating approximately 2.3 acres of wetland habitat in existing developed uplands.

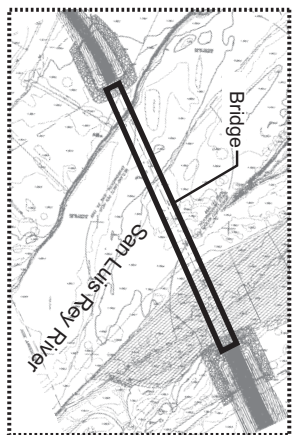
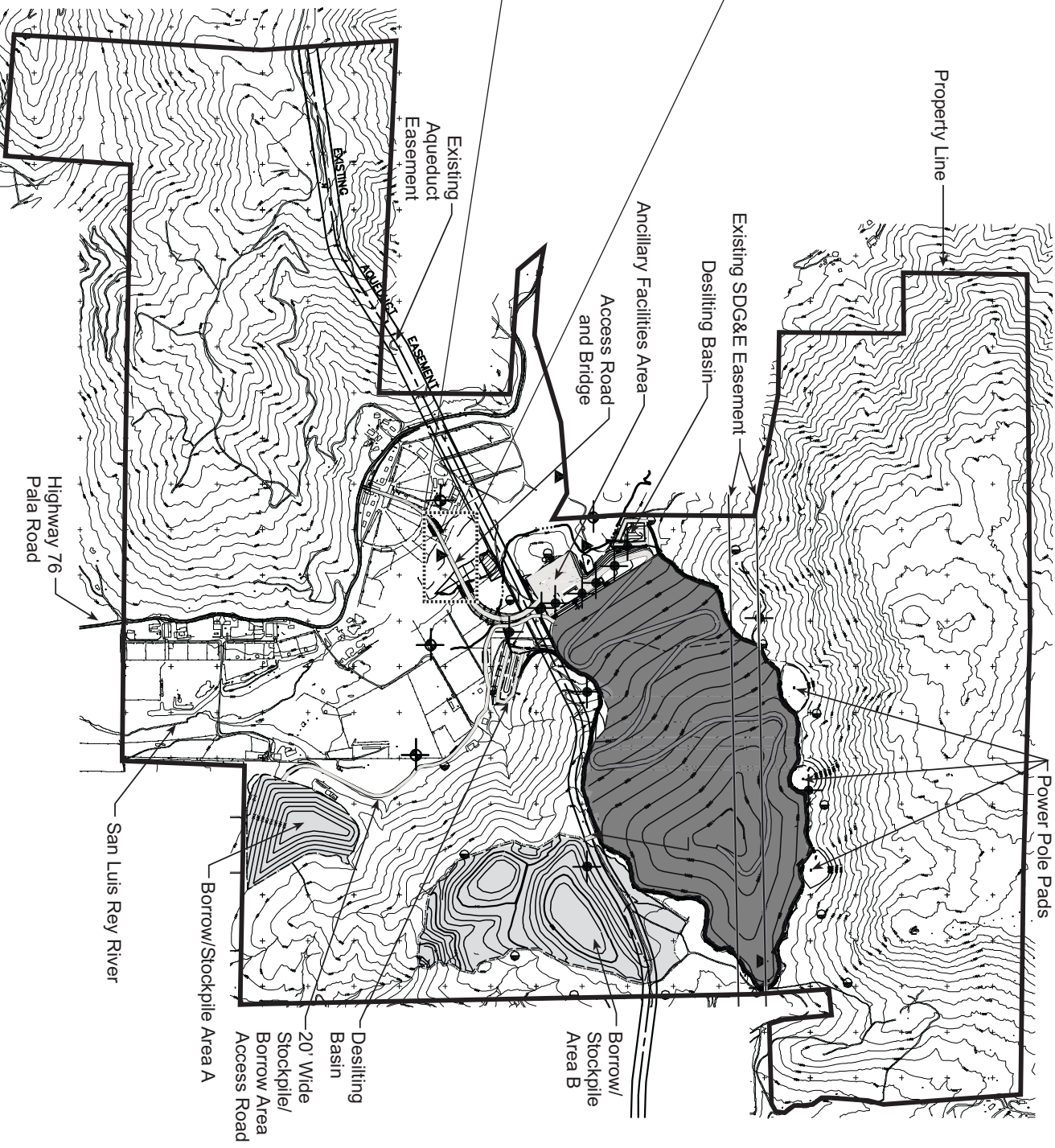
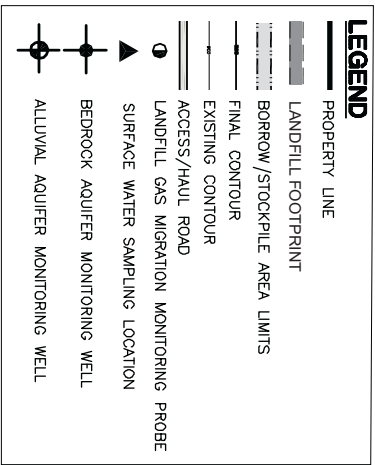
For additional information please call Dr. Spencer MacNeil of my staff at (805) 585-2152 or via e-mail at Spencer.D.MacNeil@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



Gregory Canyon Project Site

Gregory Canyon
Source: PCR Services Corporation, 2010.

FIGURE
1

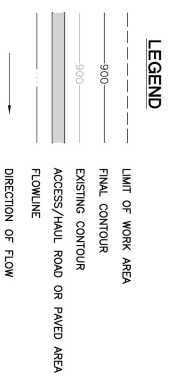
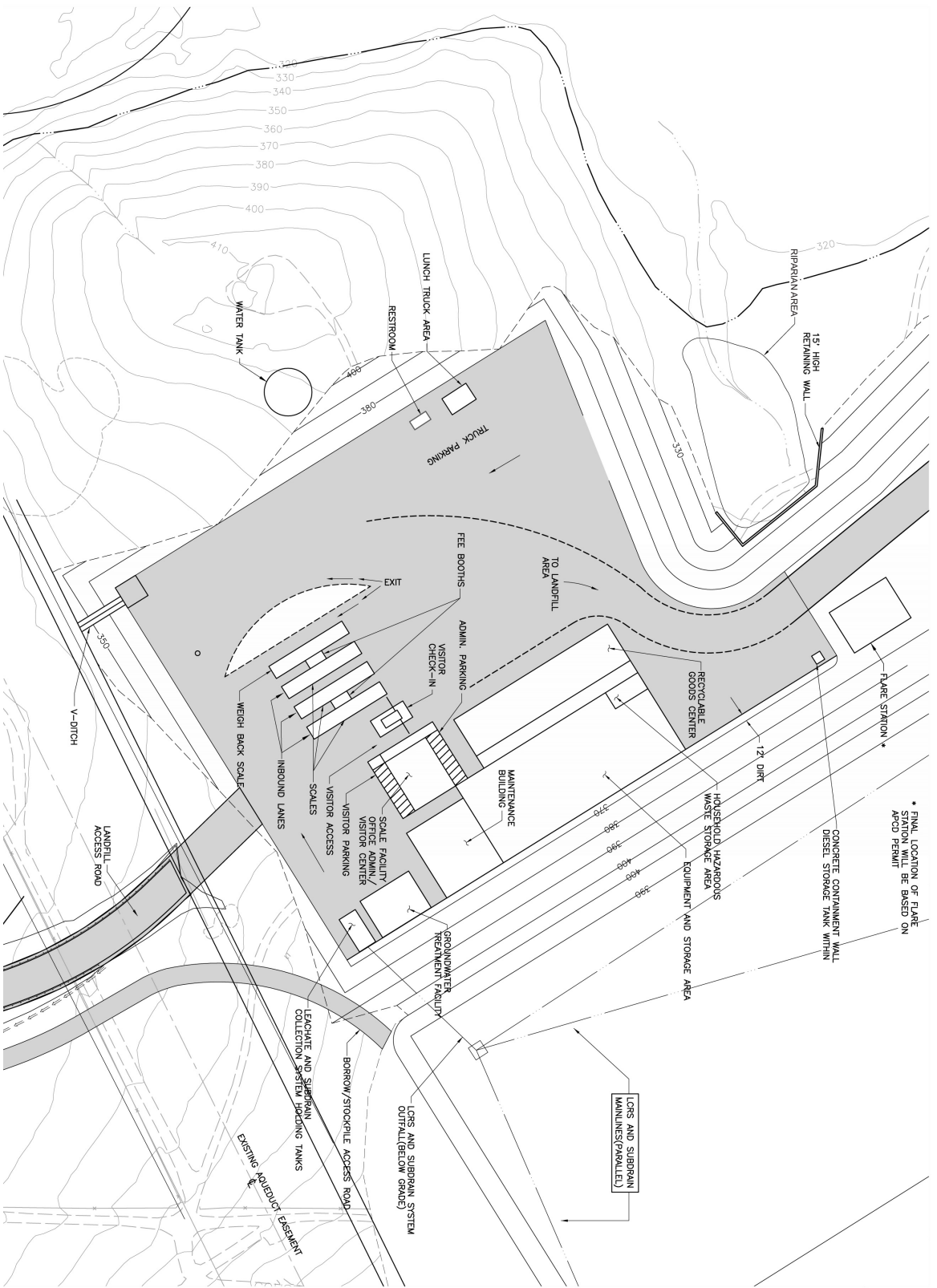


Proposed Site Plan

Gregory Canyon

Source: Bryan A. Strrat & Associates, 2002, and PCR Services Corporation, 2010.





Ancillary Facilities Area

Gregory Canyon
 Source: Bryan A. Shirat & Associates, 2010.





San Marcos Senior Center
111 Richmar Avenue
San Marcos, CA 92069
Room- Horizon Room



Location of Scoping Meeting

Gregory Canyon
 Source: ESRI Street Map, 2009; PCR Services Corporation, 2010.

FIGURE