California Environmental Protection Agency

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December 24, 2020

Patrick Egle, Planner III
825 East Third Street, Room 123
San Bernardino, CA 92415
email:Patrick.Egle@dpw.sbcounty.gov

Subject: **SCH No. 2020110438** – Notice of Completion for Mitigated Negative Declaration for Black Mountain Quarry Plant Kiln 2 Conversion Facility – San Bernardino County (SWIS No. 36-AA-0506)

Dear Mr. Egle:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments on the proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

PROJECT DESCRIPTION

San Bernardino County Department of Public Works, acting as Lead Agency, has prepared and circulated a Draft Mitigated Negative Declaration (MND) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

In compliance with Assembly Bill 1126 (AB 1126) and California Code of Regulations Title 27 21685, CEMEX is seeking a new Solid Waste Facility Permit (SWFP) to allow for a second Engineered Municipal Solid Waste (EMSW) Conversion Facility at its Black Mountain Quarry Plant (plant) located at the intersection of Central Road and Quarry Road in Apply Valley, north of Victorville, California. The EMSW Conversion Facility would be constructed within the plant boundaries and on a currently disturbed (paved) area of the plant. Specifically, the EMSW Conversion Facility would be used to fuel the plant's existing Kiln 2. The Proposed Kiln 2 Conversion Facility would utilize EMSW as a supplemental/alternative fuel to reduce the current amount of fossil fuels used at the plant.

The proposed project entails the identification of a new EMSW Conversion Facility on the Countywide Integrated Waste Management Plan Siting Element and identification of EMSW as a feedstock for the plant's Kiln 2. The plant currently has a 15,000 square-foot enclosed Alternative Fuels Storage Hall (AFSH) utilized for Kiln 3 (SWIS No. 36-AA-0484), to accommodate the temporary storage of alternative fuels used to reduce the use of fossil fuel; these include EMSW, pistachio shells, wood chips, painted wood chips and tire derived fuel (tire polyester chords with some residual rubber). EMSW used for Kiln 2 would be processed at an off-site Materials Recovery Facility that is located approximately 90 miles from the plant

and is the same material and processing cycle that is used for Kiln 3. Kiln 2 is located near the central portion of the plant site and north of Kiln 3. The EMSW for Kiln 2 would be delivered in walking floor trailers that would connect to a docking station and discharged directly into a hopper and conveyed into Kiln 2. The proposed Kiln 2 EMSW Conversion Facility operation will primarily consist of a prefabricated 3-sided screening enclosure for the trailers, belt conveyor, and hopper/feed system at the plant. The operation is essentially a transfer station with materials coming into the site and conveyed into the on-site Kiln 2 and the preheater.

COMMENTS

General Comments

The proposed project of a new EMSW conversion facility, Kiln 2, will need to include a specific barrier that clearly delineates the Kiln 2 from the Kiln 3 conversion facilities to ensure they are separate, independent, stand-alone operations. Once material is received at each permitted facility it cannot be transferred between the two conversion facilities. Please keep in mind to ensure the facilities are separate may include, but is not limited to the following, as determined by the Local Enforcement Agency: maintain separate record keeping, physical barriers, and separate equipment.

The proposed project description and analysis provided in the MND should be clear and concise on the required SWFP parameters of: proposed hours of operation for receipt of material and EMSW conversion activities, storage capacity, total facility area in acres (to be included in the SWFP), description of solid waste handling, and meeting the EMSW requirements.

A complete and correct transfer processing report pursuant to Title 14 California Code of Regulations (CCR) Section 18221.6 is required to obtain an EMSW conversion facility SWFP.

Specific Comments

1. On page 4, paragraph 3, it is stated “The Project will include construction of a prefabricated 3-sided screening enclosure for the trailers, belt conveyor and hopper/feed system at the Black Mountain Quarry Plant Kiln 2. The operation is essentially a transfer station with materials coming into the site and conveyed into the on-site Kiln 2 and the preheater. The prefabricated 3-sided screening enclosure has not been designed to store EMSW; instead trailers delivering EMSW would remain loaded and stored in a designated area. In no instances would fuel in excess of a seven-day supply be stored on site in accordance with Public Resource Code AB1126. The designed area would occur on a previously graded, gravel-covered area and would allow for the storage of up to 30 trailers.”

   Figure 3 of the MND states that the trailer staging area is 1 acre with a capacity of 20 trailers; is there another area for storing trailers to meet the 30 mentioned or should the capacity be stated at 20 trailers? Is the trailer staging area the only designated area where material/trailers will be stored? What is the storage capacity for the proposed facility? What is the amount of material in tons that will be stored in each trailer?

Identify all areas that will be used for storage and what the entire facility design capacity is; including the assumptions, methods, and calculations performed to determine the total capacity.

2. On page 7, paragraph 5, it is stated that "The Black Mountain Quarry Plant currently has a 15,000 square-foot enclosed AFSH utilized for Kiln 3, to accommodate the temporary storage of alternative fuels used to reduce the use of fossil fuel; these include EMSW, pistachio shells, wood chips, painted wood chips and tire derived fuel (tire polyester chords with some residual rubber). The EMSW for Kiln 2 would be delivered in walking floor trailers that would connect to a docking station and discharged directly into a hopper and conveyed into Kiln 2."

   Please include information showing the types and the daily quantities (in tons) of solid waste to be received.

3. On Page 9, paragraph 3, it is stated "the Kiln 2's process of receiving EMSW would not require an enclosed building space but would connect to a docking station which will then be discharged directly into a hopper and conveyed into the Kiln 2 system."

   How will the material be load checked and verified that it meets the proposed permitted quantities and waste types? Describe measures the facility will take to prevent any nuisances in this area such as vectors, dust, and litter.

Engineered Municipal Solid Waste Conversion Facility Statutory Requirements
It is not clear from the information in the MND that the proposed project meets the requirements of an ESMW Conversion Facility: included below is a list of the requirements including comments and questions regarding each of the criteria. Although Kiln 3 is currently permitted as an EMSW conversion facility and Kiln 2 proposes to receive the same material, documentation verifying that Kiln 2 will meet all the requirements of an EMSW Conversion Facility will be required. If the project does not meet the EMSW Conversion Facility requirements it cannot be permitted as an EMSW Conversion Facility and would be required to obtain a SWFP as a Transformation Facility.

The following sections of the Public Resources Code (Division 30 (30 PRC)) apply if the project is to be considered an EMSW Conversion Facility:

30 PRC Section 40201, "Transformation" means incineration, pyrolysis, distillation, or biological conversion other than composting. "Transformation" does not include composting, gasification, EMSW conversion, or biomass conversion.

30 PRC Section 40131.2, (a) "Engineered municipal solid waste conversion" or "EMSW conversion" means the conversion of solid waste through a process that meets all of the following requirements:

(1) The waste to be converted is beneficial and effective in that it replaces or supplements the use of fossil fuels.

The MND states EMSW is proposed to be used as a supplemental or alternative fuel to coal, pet coke and natural gas. Based on a maximum daily throughput of 500 tons per day of EMSW, this calculates to a reduction of up to approximately 200 tons of fossil fuels per day.

(2) The waste to be converted, the resulting ash, and any other products of conversion do not meet the criteria or guidelines for the identification of a hazardous waste adopted by the Department of Toxic Substances Control pursuant to Section 25141 of the Health and Safety Code.

The MND states procedures for acceptance and rejection of EMSW fuel have been developed which will ensure that all fuel deliveries are properly documented for transport and conform to specific criteria for acceptance based on sampling and testing prior to shipping. Precautions have been taken to assure that no hazardous materials are included in the fuels selected. Each fuel delivery will be accompanied by a Shipping Manifest from the supplier stating its Non-Hazardous conformance. Additionally, periodic grab samples are obtained at least quarterly and sent to a California Certified Lab for Hazardous Materials quantification.

(3) The conversion is efficient and maximizes the net calorific value and burn rate of the waste.

This requirement was not adequately addressed in the MND. Please specifically state how you will meet this requirement to be considered an EMSW conversion facility.

(4) The waste to be converted contains less than 25 percent moisture and less than 25 percent noncombustible waste.

This requirement was not adequately addressed in the MND. Please specifically state how you will meet this requirement to be considered an EMSW conversion facility.

(5) The waste received at the facility for conversion is handled in compliance with the requirements for the handling of solid waste imposed pursuant to this division, and no more than a seven-day supply of that waste, based on the throughput capacity of the operation or facility, is stored at the facility at any one time.

The MND states in no instances would fuel in excess of a seven-day supply be stored on site. Please specifically state how you will comply with the requirements for handling solid waste to be considered an EMSW conversion facility.

(6) No more than 500 tons per day of waste is converted at the facility where the operation takes place.

The MND states CEMEX is proposing to use a maximum of 500 tons of EMSW per day.

(7) The waste has an energy content equal to, or greater than, 5,000 BTU per pound.

This requirement was not adequately addressed in the MND. Please specifically state how the project will meet this requirement to be considered an EMSW conversion facility.

(8) The waste to be converted is mechanically processed at a transfer or processing station to reduce the fraction of chlorinated plastics and materials.

The MND states EMSW used for Kiln 2 would be processed at an off-site Materials Recovery Facility and is the same material and processing cycle that is used for Kiln 3. Procedures for Acceptance and Rejection of EMSW fuel have been developed which will ensure that all fuel deliveries are properly documented for transport and conform to specific criteria for acceptance based on sampling and testing prior to shipping. Describe how the fraction of chlorinated plastics and materials is reduced.

Solid Waste Facility Permit
The proposed project will require a new full SWFP for Kiln 2 (36-AA-0506). Prior to commencement of the proposed project, the operator shall submit an application package for a new SWFP which shall be processed by the Local Enforcement Agency (LEA) pursuant to 27 CCR, Section 21650. The permitting and regulatory requirements for these operations/facilities are contained in Title 14 and Title 27 of the California Code of Regulations (Title 14 or 27 CCR).

Solid Waste Regulatory Oversight
The San Bernardino County Division of Environmental Health Services, Local Enforcement Agency (LEA) is responsible for providing regulatory oversight of solid waste handling activities, such as EMSW conversion facilities and transfer/processing operations/facilities, including permitting and inspections. Please contact the LEA, Kimberly Tra, at 800.442.2283 or by e-mail at Kimberly.Tra@dph.sbcounty.gov to discuss solid waste requirements for the proposed project.

CONCLUSION
CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the MND and hopes that this comment letter will be useful to the Lead Agency in carrying out their responsibilities in the CEQA process.

CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this proposed project.

If the environmental document is adopted during a public hearing, CalRecycle staff requests 10 days advance notice of this hearing. If the document is adopted without a public hearing, CalRecycle staff requests 10 days advance notification of the date of the adoption and proposed project approval by the decision-making body.

If you have any questions regarding these comments, please contact me at 916.341.6363 or by e-mail at Megan.Emslander@calrecycle.ca.gov.

Sincerely,

Megan Emslander

Megan Emslander, Environmental Scientist
Permitting & Assistance Branch – South Unit
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cc: Ben Escotto, Supervisor
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Kimberly Tra, Supervisor
San Bernardino County LEA