

# **Initial Study/Mitigated Negative Declaration**

## **County of San Bernardino Department of Public Works**

**Black Mountain Quarry Plant  
Kiln 2 Conversion Facility  
Victorville, CA**

*Lead Agency*



County of San Bernardino  
Department of Public Works  
825 E. Third Street  
San Bernardino, CA 92415

*Technical assistance provided by:*



Lilburn Corporation  
1905 Business Center Drive  
San Bernardino, CA 92404

**October 2020**

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## TABLE OF CONTENTS

SECTION 1 – INTRODUCTION .....	1
SECTION 2 – REGULATORY FRAMEWORK.....	4
SECTION 3 – DETAILED PROJECT DESCRIPTION .....	7
SECTION 4 – ENVIRONMENTAL CHECKLIST FORM.....	10
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED .....	13
1. AESTHETICS .....	14
2. AGRICULTURE AND FORESTRY RESOURCES .....	16
3. AIR QUALITY .....	19
4. BIOLOGICAL RESOURCES .....	24
5. CULTURAL RESOURCES .....	27
6. ENERGY .....	30
7. GEOLOGY AND SOILS.....	32
8. GREENHOUSE GAS EMISSIONS .....	35
9. HAZARDS AND HAZARDOUS MATERIALS.....	38
10. HYDROLOGY AND WATER QUALITY .....	42
11. LAND USE AND PLANNING .....	45
12. MINERAL RESOURCES .....	46
13. NOISE .....	47
14. POPULATION AND HOUSING.....	49
15. PUBLIC SERVICES.....	50
16. RECREATION .....	52
17. TRANSPORTATION.....	53
18. TRIBAL CULTURAL RESOURCES .....	55
19. UTILITIES AND SERVICE SYSTEMS .....	59
20. WILDFIRE .....	62
21. MANDATORY FINDINGS OF SIGNIFICANCE .....	64
SECTION 5 – SUMMARY OF MITIGATION MEASURES .....	66
SECTION 6 - REFERENCES.....	69

**TABLES**

Table 1 Surrounding Land Uses and Land Use Designations .....11  
Table 2 State and Federal Air Quality Designations and Classifications.....20  
Table 3 Construction Emissions Summary .....21  
Table 4 Operational Emissions Summary .....22  
Table 5 Greenhouse Gas Emissions “Construction” .....36  
Table 6 Greenhouse Gas Emissions “Operational” .....36

**FIGURES**

Figure 1 Regional Map.....2  
Figure 2 General Location of Proposed Kiln 2 Conversion Facility .....3  
Figure 3 Proposed Site Plan .....5

## SECTION 1 – INTRODUCTION

In compliance with Assembly Bill 1126 (AB 1126) and California Code of Regulations Title 27 21685 (CalRecycle-Proposed Solid Waste Facilities Permit (SWFP) CalRecycle Processing Requirements) CEMEX is seeking a SWFP to allow for a second Engineered Municipal Solid Waste (EMSW) Conversion Facility at its Black Mountain Quarry Plant north of Victorville, California. 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 project entails the identification of a new EMSW Conversion Facility on the Countywide Integrated Waste Management Plan Siting Element (Siting Element) and identification of EMSW as a feedstock for Kiln 2 located at the Black Mountain Quarry Plant. This request is being made in order to facilitate identification of the Kiln 2 EMSW Conversion Facility on the Siting Element, identification of EMSW as one of the approved feedstocks for the rotary kiln preheaters, and to facilitate issuance of a Solid Waste Facility Permit (SWFP) from the County of San Bernardino Division of Environmental Health Services<sup>1</sup> specifically for the Kiln 2 EMSW Conversion Facility. The facility's identification within the Siting Element is required in order for the San Bernardino County Department of Environmental Health – Local Enforcement Agency (LEA) to review and issue necessary permits. The permitted Kiln 2 EMSW Conversion Facility operation will primarily consist of belt conveyor and hopper/feed system.

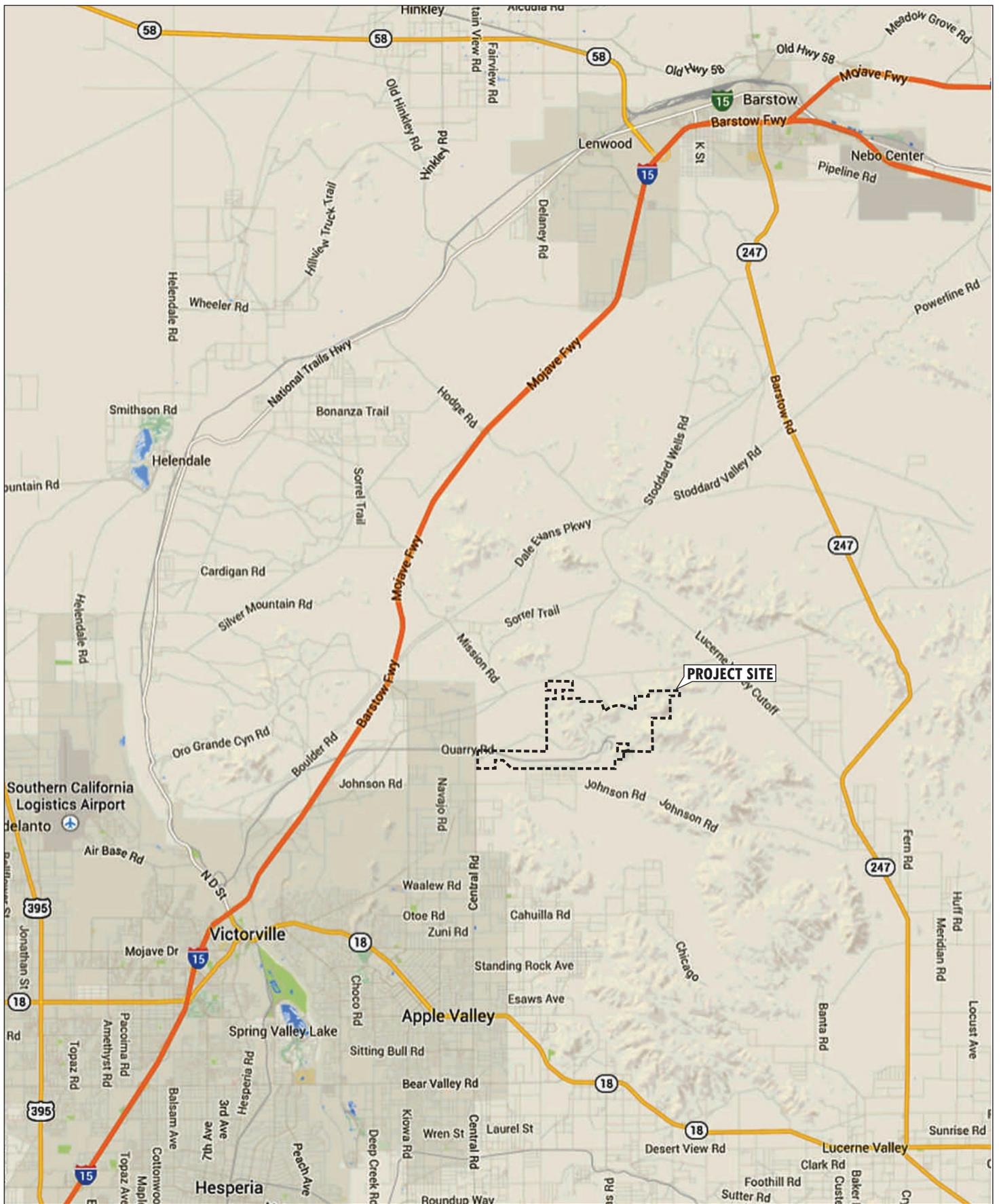
### Background

The CEMEX Black Mountain Quarry Plant is an existing limestone quarry with primary crushing facilities located northeast of the City of Victorville and the Town of Apple Valley in San Bernardino County (refer to Figure 1 and Figure 2). The Black Mountain Quarry is a vested operation and has an approved reclamation plan (84M-010). CEMEX is permitted to mine up to 6 million tons per year (mtpy) of limestone ore which is transported to the primary crusher currently located on the east side of the active quarry. The basic processes of the facility include the calcining of limestone, cooling of the clinker, milling, and loading of product for shipping to CEMEX's River Plant in Victorville, California, which is mixed with other raw materials. Calcining, which mixes the limestone with other raw materials takes place in a pre-calciner and rotary kiln.

The Black Mountain Quarry Plant rotary kilns (Kiln 2 and Kiln 3) currently utilize as much as 175,000 tons of low sulfur coal per year in the manufacturing of cement. The source of the coal is in Utah and it is delivered to the plant via rail cars. As defined by AB 1126, "Engineered municipal solid waste conversion" or "EMSW conversion" means the conversion of solid waste through a process that meets a number of requirements including: 1) the waste to be converted is beneficial and effective in that it replaces or supplements the use of fossil fuels; 2) the waste received at the facility for conversion is handled in compliance with the requirements for the handling of solid waste; and 3) 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; 4) the waste to be converted contains less than 25 percent moisture and less than 25 percent noncombustible waste; and 5) no more than 500 tons per day of waste is converted at the facility where the operation takes place.

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<sup>1</sup> In accordance with AB 1126 (Approved by Governor September 28, 2013) any facility receiving/utilizing EMSW as a fuel source must obtain a SWFP from the Local Enforcement Agency.



Source: Lilburn Corporation, May, 2020.

**LILBURN**  
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**REGIONAL LOCATION**  
Kiln 2 EMSW Conversion Facility-CEMEX  
County of San Bernardino, California

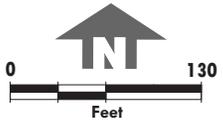
**FIGURE 1**



## GENERAL LOCATION OF PROPOSED KILN 2 CONVERSION FACILITY

Kiln 2 EMSW Conversion Facility-CEMEX

County of San Bernardino, California



Source: Lilburn Corporation, May, 2020.

**LILBURN**  
CORPORATION

**FIGURE 2**

The Black Mountain Quarry Plant currently operates a 15,000 square-foot enclosed Alternative Fuels Storage Hall (AFSH) to accommodate the temporary storage of alternative fuels used to reduce the use of fossil fuel within the facilities existing rotary kilns for the production of cement. Alternative fuels that are temporarily stored in the AFSH include pistachio shells, wood chips, painted wood chips and tire derived fuel (tire polyester chords with some residual rubber). EMSW to be delivered to the proposed Kiln 2 conversion facility would arrive in walking floor trailers that would connect to a docking station and discharged into a hopper and conveyed directly to Kiln 2 (see Figure 3). Kiln 2 is located near the central portion of the plant site and north of Kiln 3. The conversion facility would be constructed within the plant boundaries and on a currently disturbed (paved) area of the plant.

### **Project Purpose and Need:**

CEMEX Construction Material Pacific LLC, (CEMEX) is seeking approval of a SWFP to construct and operate a second EMSW<sup>2</sup> Conversion Facility at its existing Black Mountain Quarry Plant. The Proposed Project is identified as Kiln 2 Conversion Facility (Project). CEMEX's objective is to utilize EMSW because of its economics, reliability, and benefit of reducing carbon emissions. The use of EMSW reduces the Plant's carbon footprint by reducing the need to use coal, petroleum coke (pet coke) and natural gas in the manufacturing of cement. The EMSW would be used as a supplemental/alternative fuel for the facility's rotary Kiln 2 in the preheater. The Project's identification within the Siting Element is required to allow the LEA to review and issue a SWFP.

The Project includes an update to the Siting Element, in order to maximize the use of EMSW. 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 designated area would occur on a previously graded, gravel-covered area and would allow for the storage of up to 30 trailers.

## **SECTION 2 – REGULATORY FRAMEWORK**

The County of San Bernardino Department of Public Works (County) has identified that the Black Mountain Quarry Plant, Kiln 2 Conversion Facility meets the California Environmental Quality Act (CEQA) Guidelines Section 15378 definition of a Project. CEQA Guidelines Section 15378 defines a Project as the following:

"Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."

In accordance with CEQA (Public Resources Code Sections 21000-21177), this Initial Study has been prepared to determine potentially significant impacts upon the environment resulting from the construction, operation and maintenance of the Kiln 2 Conversion Facility Project ("Project" or "proposed Project"). In accordance with Section 15063 of the State CEQA Guidelines, this Initial Study is a preliminary analysis prepared by the County to inform decision makers, other affected agencies, and the public of potential environmental impacts associated with the implementation of the Proposed Project.

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<sup>2</sup> EMSW is generally defined as waste that has been mechanically processed at a transfer or processing station to reduce the fraction of chlorinated plastics and materials, has an energy content equal to, or greater than, 5,000 BTU per pound, and contains less than 25 percent moisture and less than 25 percent noncombustible waste.



### **Initial Study Organization**

This Initial Study is organized as follows:

**Introduction:** Provides the regulatory context for the review along a brief summary of the CEQA process.

**Project Information:** Provides fundamental Project information, such as the Project description, Project location and figures.

**Lead Agency Determination:** Identifies environmental factors potentially affected by the Project and identifies the Lead Agency's determination based on the initial evaluation.

**Negative Declaration/Mitigated Negative Declaration:** Prepared when a determination can be made that no significant environmental effects will occur because revisions to the Project have been made or mitigation measures will be implemented which will reduce all potentially significant impacts to less than significant levels.

**Evaluating Environmental Impacts:** Provides the parameters the District uses when determining level of impact.

**CEQA Checklist:** Provides an environmental checklist and accompanying analysis for responding to checklist questions.

**References:** Include a list of references and various resources utilized in preparing the analysis.

## SECTION 3 – DETAILED PROJECT DESCRIPTION

CEMEX Construction Material Pacific LLC, (CEMEX) is seeking identification of a second EMSW Conversion Facility at its existing Black Mountain Quarry Plant in the Siting Element, in order to maximize the use of EMSW. The Proposed Project is identified as “Kiln 2 Conversion Facility”. CEMEX’s objective is to utilize EMSW because of its economics, reliability, and benefit of reducing carbon emissions. The use of EMSW reduces the Plant’s carbon footprint by reducing the need to use coal, pet coke and natural gas in the manufacturing of cement. The EMSW would be used as a supplemental/alternative fuel for the facility’s rotary Kiln 2 in the preheater. The facility’s identification within the Siting Element is required in order for the LEA to review and issue necessary permits.

The Kiln 2 Conversion Facility will require issuance of a SWFP from the LEA. EMSW is currently used at Kiln 3 as a supplemental/alternative fuel for the facility’s rotary kiln and preheaters plant. As with Kiln 3, Kiln 2 will primarily consist of a prefabricated 3-sided screening enclosure for the trailers, belt conveyor, and hopper/feed system at the Black Mountain Quarry 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.

### Facility Overview

The CEMEX Black Mountain Quarry Plant is an existing limestone quarry with primary crushing facilities located northeast of the City of Victorville and the Town of Apple Valley in San Bernardino County (refer to Figure 1). The Black Mountain Quarry is a vested operation and has an approved reclamation plan (84M-010). CEMEX is permitted to mine up to 6 million tons per year (mtpy) of limestone ore which is transported to the primary crusher currently located on the east side of the active quarry. The basic processes of the facility are the calcining of limestone, which is mixed with other raw materials. Calcining takes place in a pre-calciner and the rotary kiln. Ancillary processes are the cooling of the clinker, milling and loading for shipping to the River Plant of CEMEX in Victorville, California about 17 miles away.

The Black Mountain Quarry Plant rotary kilns (Kiln 2 and Kiln 3), utilizes as much as 175,000 tons of low sulfur coal per year in the manufacturing of cement. The source of the coal is in Utah and it is delivered to the plant via rail cars.

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.

Kiln 2 is located near the central portion of the plant site and north of Kiln 3. The conversion facility would be constructed within the plant boundaries and on a currently disturbed (paved) area of the plant.

### Purpose

The purpose of this CEQA Initial Study is to evaluate the construction and operation of the proposed Kiln 2 Conversion Facility, update the Siting Element, and to obtain a SWFP from the LEA specifically for use of EMSW for Kiln 2. For the purposes of this Initial Study, the Kiln 2 Conversion Facility consists of a prefabricated 3-sided screening enclosure for the trailers, belt conveyor and hopper/feed system at Kiln 2 and on a currently disturbed and paved portion of the Black Mountain Quarry Plant (APN 0464-051-11).

### **Equipment Staging Areas**

Construction equipment would be staged on a paved area adjacent to the construction site and at a safe distance from on-site roadways to ensure the safety of workers and current mining operations.

### **Operation and Maintenance**

#### **Operation Cycle**

Similar to the existing Kiln 3 operating cycle, EMSW used for Kiln 2 would be processed at an off-site Materials Recovery Facility (MRF) and loaded into walking floor trailer trucks that would be weighed at the facility gate/scalehouse located approximately five miles west of the Black Mountain Quarry Plant. Once released from the gate and scalehouse, the transfer trucks proceed along Quarry Road toward Kiln 2.

Upon arrival at the Kiln 2 Conversion Facility, the trucks would back into the one of two eco dockdoor entrances and off-load their EMSW loads via the walking floor trailer into the hopper. The material will be pneumatically conveyed into the upper portion of the riser, or lower calciner, where the fuel is burnt to offset the use of fossil fuels including coal and natural gas.

#### **Waste Types/Volumes**

In accordance with Public Resources Code 40131.2, EMSW must meet all of the following eight (8) requirements:

- (1) The waste to be converted is beneficial and effective in that it replaces or supplements the use of fossil fuels.
- (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.
- (3) The conversion is efficient and maximizes the net calorific value and burn rate of the waste.
- (4) The waste to be converted contains less than 25 percent moisture and less than 25 percent noncombustible waste.
- (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.
- (6) No more than 500 tons per day of waste is converted at the facility where the operation takes place.
- (7) The waste has an energy content equal to, or greater than, 5,000 BTU per pound.
- (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 Black Mountain Quarry Plant is currently permitted to receive and handle the following alternative fuels: woodchips, painted wood chips, pistachio shells, walnuts and other agricultural husks, non-aqueous bio-solids, tires and tire fluff and refuse derived fuel (RDF). Cemex is proposing the use of EMSW for Kiln 2 in order to reduce its use of coal and natural gas and overall carbon footprint. CEMEX will only use EMSW meeting the appropriate criteria and is projecting EMSW tonnages to be up to 500 tons per day and 182,500 tons per year.

### **Maximum Daily Tonnage**

CEMEX is proposing to use a maximum of 500 tons of EMSW per day, in compliance with AB 1126 thresholds. The availability and quantify of EMSW varies and is dependent on the processing schedule at the MRF from where the material is derived. In order to continue to accept EMSW at the site, designated storage is required. The proposed Kiln 2 Conversion Facility including 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.

### **Maximum Daily Traffic**

Tractor/trailers currently deliver EMSW to the Plant. The same daily loads per day would be estimated at full use of Kiln 2 and therefore total daily traffic coming to the Plant for delivery of EMSW could be up to 30 tractor/trailer loads per day. The source of the EMSW materials is located approximately 90 miles from the Plant.

### **Project Design Features**

The Project was designed to occur on an existing paved area of the Plant in order to minimize earthwork during construction. Unlike the delivery system at Kiln 3, which includes a 15,000 square-foot structure, 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. In addition, storage of EMSW would take place within the trailers that delivered the material until needed and up to 7 days.

## SECTION 4 – ENVIRONMENTAL CHECKLIST FORM

- 1. Project Title:** Black Mountain Quarry Kiln 2 Conversion Facility
  
- 2. Lead Agency Name:** County of San Bernardino Department of Public Works

**Address:** 825 East Third Street  
San Bernardino, CA 92415-0835
  
- 3. Contact Person:** Alejandra Silva– Environmental  
e-mail: Alejandra.silva@cemex.com  
Phone number: (760) 381-7649
  
- 4. Project Location:** Black Mountain Quarry Plant – approximately 3.5 miles northeast of the intersection of Central Road and Quarry Road, Victorville, CA, San Bernardino County

Topographic Quad (USGS 7.5”): Stoddard Wells, Fairview Valley

Topographic Quad: T6N, R2W, Sections 8 and 9

Coordinates: Latitude/Longitude: 34°62’16.35” N/117°10’10.46” W

Site Access: Access is provided via a gated entry from Quarry Road
  
- 5. Project Sponsor:** CEMEX Construction Materials Pacific LLC.

Name and Address: 16888 North “E” Street  
Victorville, CA 92394

Tel:(760) 381-7629
  
- 6. General Plan/Zoning Designation:** Regional Industrial (IR)

**7. Project Description Summary:**

CEMEX Construction Material Pacific LLC, (CEMEX) is seeking a SWFP to construct and operate a second EMSW Conversion Facility at its existing Black Mountain Quarry Plant. The Proposed Project is identified as Kiln 2 Conversion Facility. The use of EMSW reduces the Plant’s carbon footprint by reducing the need to use coal, pet coke and natural gas in the manufacturing of cement. The EMSW would be used as a supplemental/alternative fuel for the facility’s rotary Kiln 2 in the preheater. The facility’s identification within the Siting Element is required for the LEA to review and issue necessary permits. The Project will include construction of a 3-sided screening enclosure for the trailers belt conveyor and hopper/feed system at the Black Mountain Quarry Plant Kiln 2.

Details of the Project are further discussed in Section 3.

**8. Environmental/Existing Site Conditions:**

The CEMEX Black Mountain Quarry Plant is an existing limestone quarry with primary crushing facilities located northeast of the City of Victorville and the Town of Apple Valley in San Bernardino County. The Black Mountain Quarry is a vested operation and has an approved reclamation plan (84M-010). CEMEX is permitted to mine up to 6 million tons per year (mtpy) of limestone ore which is transported to the primary crusher currently located on the east side of the active quarry. The basic processes of the facility are the calcining of limestone, which is mixed with other raw materials, that takes place in a pre-calciner and a rotary kiln. Ancillary processes are the cooling of the clinker, milling and loading of product for shipping to the River Plant of CEMEX in Victorville, California about 17 miles away.

There are no known existing environmental concerns at the Black Mountain Quarry or specifically at the location of the Kiln 2 Conversion Facility. The Project Site is not designated critical habitat or as occurring in a special plan area.

**9. Surrounding land uses and setting:**

The Black Mountain Quarry Plant is located within an unincorporated area of the County of San Bernardino (Figure 1) approximately 3.5 miles northeast of the intersection of Central Road and Quarry Road. The existing facility is located within the Regional Industrial (IR) Land Use Zoning District for the County of San Bernardino General Plan. The property is legally described as APN: 0464-051-011.

Land uses and land use designations on properties adjacent to the quarry plant are shown on Table 1. Figure 2 shows an aerial photograph of the Black Mountain Quarry Plant and vicinity. As shown, there are no structures or industrial uses other than the Black Mountain Quarry Plant within one mile of the Black Mountain Quarry Plant.

**Table 1  
 Surrounding Land Uses and Land Use Designations**

<b>Direction</b>	<b>Existing Land Use</b>	<b>Official Land Use District</b>
North	Vacant and Undisturbed	Regional Industrial (IR)
South	”	Regional Industrial (IR)
East	”	Regional Industrial (IR)
West	”	Regional Industrial (IR)

**10. Other public agencies whose approval is required:**

- California Department of Resources Recycling and Recovery (CalRecycle) – as a responsible agency for CEQA, is responsible for review of revised SWFP's and concurrence with decisions of the LEA.

**11. Have California Native American tribes traditionally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation?**

On July 17, 2020, the County of San Bernardino initiated environmental review under CEQA for the Proposed Project. On July 24, 2020, the County of San Bernardino sent project notification letters to the following California Native American tribes, which had previously submitted general consultation request letters pursuant to 21080.3.1(d) of the Public Resources Code:

- San Manuel Band of Mission Indians
- Twentynine Palms Band of Mission Indians

Each recipient was provided a brief description of the Proposed Project and its location, the lead agency contact information, and a notification that the tribe has 30 days to request consultation. The 30-day response period concluded on August 24, 2020.

As a result of the initial notification letters, the County of San Bernardino received the following responses:

- Twenty-Nine Palms Band of Mission Indians: No response or request to consult received by August 31, 2020.
- San Manuel Band of Mission Indians: On August 7, 2020, the Tribe indicated that if the County standard incidental finds conditions T1-T4, CR1 & 2 and PAL1 were included in the project they had no further need to consult.

Specific measure language is hereby added to the project in the Tribal Cultural Resources section and consultation is hereby closed.

**12. Lead Agency Discretionary Actions:**

**Solid Waste Facility Permit issued by the LEA and concurred upon by CalRecycle**

- LEA - responsible for review of the SWFP Permit Application for the site. The LEA additionally reviews the application for conformance to local ordinances, ensures that the revisions to the SWFP are consistent with local planning and zoning, and ensures that the project has conformed to the requirements of CEQA. The LEA issues the SWFP and it is concurred with by CalRecycle.
- SWAT/LTF - The Solid Waste Advisory Task-Force (SWAT) of San Bernardino County will carry out the responsibilities mandated by the State of California through AB 939. SWAT may also consider and make recommendations to the County on such other solid waste related matters as they may deem appropriate. The Proposed Project will concur with applicable mandates of the SWAT/LTF.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact requiring mitigation to be reduced to a level that is less than significant as indicated in the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agricultural / Forest Resources	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input checked="" type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Energy
<input checked="" type="checkbox"/>	Geology / Soils	<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards / Hazardous Materials
<input type="checkbox"/>	Hydrology / Water Quality	<input type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	Mineral Resources
<input type="checkbox"/>	Noise	<input type="checkbox"/>	Population / Housing	<input type="checkbox"/>	Public Services
<input type="checkbox"/>	Recreation	<input type="checkbox"/>	Transportation	<input checked="" type="checkbox"/>	Tribal Cultural Resources
<input type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>	Wildfire	<input type="checkbox"/>	Mandatory Findings of Significance

**LEAD AGENCY DETERMINATION**

On the basis of this initial evaluation, the following finding is made:

	The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

*Harold Zamora*

10/19/2020

Signature [Harold Zamora, P.E., Chief]

Date

# 1. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade an existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

(Check  if project is located within a view-shed of any Scenic Route listed in the General Plan):

## Environmental Setting

The Project Site is located within an unincorporated area of the County of San Bernardino approximately 3.5 miles northeast of the intersection of Central Road and Quarry Road. The Project Site is located within the Regional Industrial (IR) Land Use Zoning District for the County of San Bernardino General Plan. There are no scenic highways within the vicinity of the Project.

## Impact Analysis

a) *Have a substantial adverse effect on a scenic vista?*

**No Impact.** The Project Site and surrounding area does not occur within a scenic vista. Scenic resources for the area include views of Bell Mountain to the west and the San Bernardino Mountains to the southeast. The Proposed Project includes the construction and operation of the Kiln 2 Conversion Facility which would consist of a 3-sided prefabricated screening enclosure for the trailers, belt conveyor, and hopper/feed system. The prefabricated 3-sided enclosure would be similar in overall appearance of other industrial structures at the existing Black Mountain Quarry Plant. Due to the interior location of the proposed Project within the existing Black Mountain Quarry Plan, no public views of the proposed operation would occur. The Project will have no impact on scenic vistas. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

- b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

**No Impact.** There are no designated County Scenic Highways within San Bernardino County<sup>3</sup>. The nearest State designated Scenic Highway occurs approximately 50 miles southeast of the Project Site and includes a 15.7-mile portion of State Route 38 (beginning from South Fork Campground to approximately 2.9 miles south of Route 18 at State Lane). In addition, there are no protected trees, rock outcroppings or historic buildings that occur on-site or within a State Scenic Highway that would be impacted by implementation of the Project. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

- c) *Substantially degrade an existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

**No Impact.** The Proposed Project will not substantially degrade the existing visual character of the site and its surroundings. The Project would be consistent with the existing visual character of the Black Mountain Quarry Plant and is proposed within the interior of the existing Plant. No impacts are identified or anticipated, and no mitigation measures are required.

- d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

**No Impact.** The Project Site occurs on an interior portion of the existing Black Mountain Quarry Plant. Existing nighttime operations at the Plant require lighting up to 24 hours a day. The Proposed Project would include lighting to illuminate the exterior and interior of the Kiln 2 Conversion Facility. However, proposed lighting would not result in substantial new glare that would impact views within the vicinity as proposed operations would occur within the interior of the existing Plant. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**Mitigation Measures:**

None Required

**Aesthetic Impact Conclusions:**

No potentially significant adverse impacts are identified or anticipated and no mitigation measures are required.

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<sup>3</sup>Obtaining state recognition as an officially designated County Scenic Highway follows the same Scenic Highway program requirements that apply to State Routes.

## 2. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

(Check  if project is located in the Important Farmlands Overlay):

## **Environmental Setting**

The CEMEX Black Mountain Quarry Plant is an existing limestone quarry with primary crushing facilities located northeast of the City of Victorville and the Town of Apple Valley in San Bernardino County. The Black Mountain Quarry is a vested operation and has an approved reclamation plan (84M-010). The Project Site is located within an unincorporated area of the County of San Bernardino approximately 3.5 miles northeast of the intersection of Central Road and Quarry Road. The Project Site is located within the Regional Industrial (IR) Land Use Zoning District for the County of San Bernardino General Plan.

## **Impact Analysis**

a) *Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

**No Impact.** According to the County of San Bernardino General Plan Land Use Map, the Project Site and surrounding area is zoned Regional Industrial and is currently developed and occupied by the Black Mountain Quarry Plant. The Project Site and surrounding area are not identified or designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

b) *Conflict with existing zoning for agricultural use or a Williamson Act contract?*

**No Impact.** The Project Site is not under a Williamson Act Contract as identified in the latest map prepared by the California Department of Conservation, Division of Land Resource Protection. According to the Williamson Act Maps used by the Land Use Services Division, there are no active Williamson Act Contracts for the Project Site or adjacent parcels. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

**No Impact.** Implementation of the Proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned for Timberland Production because the Project Site is zoned Regional Industrial and does not support these resources. The Project Site occurs on-site of an existing Black Mountain Quarry Plant and is developed with interior roadways, hardscape, and industrial buildings set within the High Desert region of San Bernardino County and has minimal drought tolerant vegetation. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

**No Impact.** The Project Site occurs within the High Desert region of San Bernardino County with minimal to no vegetation and does not support forest land. Implementation of the Proposed Project would not result in loss of forest land or conversion of forest land to non-forest use. No impacts are identified or are anticipated, and no mitigation measures are required.

e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

**No Impact.** The Proposed Project would not involve changes in the existing environment, which, due to their location or nature, would result in conversion of Farmland to a non-agricultural use because, the Project Site is not used for agricultural purposes. The Project Site occurs within the interior of the existing Black Mountain Quarry Plant and is not zoned for agricultural use. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**Mitigation Measures:**

None Required

**Agriculture and Forestry Services Impact Conclusions:**

No potentially significant adverse impacts are identified or anticipated and no mitigation measures are required.

### 3. AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?				X

#### Environmental Setting

The Project Site occurs within the Mojave Desert Air Basin (MDAB), which encompasses the desert portion of San Bernardino County. The Mojave Desert Air Quality Management District (MDAQMD) has jurisdiction over air quality issues and regulations within the project area. To assist local agencies in determining if a project's emissions could pose a significant threat to air quality, the MDAQMD has prepared the CEQA and Federal Conformity Guidelines, August 2016. The air and dust emissions from the construction and operational use of the Proposed Project were evaluated and compared to the MDAQMD air quality thresholds to determine significance.

#### Impact Analysis

a) *Conflict with or obstruct implementation of the applicable air quality plan?*

**No Impact.** Air quality is determined primarily by the types and amounts of contaminants emitted into the atmosphere, the size and topography of the local air basin and the pollutant-dispersing properties of local weather patterns. When airborne pollutants are produced in such a volume that they are not dispersed by local meteorological conditions, air quality problems result. Dispersion of pollutants in the MDAB is influenced by periodic temperature inversions, persistent meteorological conditions and the local topography. As pollutants become more concentrated in the atmosphere, photochemical reactions occur, producing ozone and other oxidants.

Air emissions from the Proposed Project are subject to federal, State and local rules and regulations implemented through provisions of the federal Clean Air Act, California Clean Air Act, and the rules and regulations of the California Air Resources Board (CARB) and MDAQMD. Air quality management districts with air basins not in attainment of the air quality standards are required to prepare an Air Quality Management Plan (AQMP). An AQMP establishes an area-specific program to control existing and proposed sources of air emissions so that the air quality standards may be attained by an applicable target date.

The federal Clean Air Act and California Clean Air Act were established in an effort to assure that acceptable levels of air quality are maintained. These levels are based upon health-related exposure limits and are referred to as National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS). The ambient air quality standards establish maximum allowable concentrations of specific pollutants in the atmosphere and characterize the amount of exposure deemed safe for the public. Areas that meet the standards are designated attainment and if found to be in violation of primary standards are designated as nonattainment areas.

The United States Environmental Protection Agency (EPA) and the CARB have designated portions of the MDAQMD as nonattainment for a variety of pollutants, and some of those designations have an associated classification. Table 2 lists these designations and classifications. The MDAQMD has adopted attainment plans for a variety of nonattainment pollutants.

**Table 2  
 State and Federal Air Quality  
 Designations and Classifications**

<b>Ambient Air Quality Standard</b>	<b>Status</b>
Eight-hour Ozone (Federal 70 ppb (2015))	Expected Non-attainment; to be determined.
Ozone (State)	Non-attainment; classified Moderate
PM <sub>10</sub> (24-hour Federal)	Non-attainment; classified Moderate (portion of MDAQMD in Riverside County is unclassifiable/attainment)
PM <sub>2.5</sub> (Annual Federal)	Unclassified/attainment
PM <sub>2.5</sub> (24-hour Federal)	Unclassified/attainment
PM <sub>2.5</sub> (State)	Non-attainment (portion of MDAQMD outside of Western Mojave Desert Ozone Non-Attainment Area is unclassified/attainment)
PM <sub>10</sub> (State)	Non-attainment
Carbon Monoxide (State and Federal)	Unclassifiable/Attainment
Nitrogen Dioxide (State and Federal)	Unclassifiable/Attainment
Sulfur Dioxide (State and Federal)	Attainment/unclassified
Lead (State and Federal)	Unclassifiable/Attainment
Particulate Sulfate (State)	Attainment
Hydrogen Sulfide (State)	Unclassified (Searles Valley Planning Area is non-attainment)
Visibility Reducing Particles (State)	Unclassified

Source: MDAQMD CEQA and Federal Conformity Guidelines, August 2016

The Project Site is within the MDAB and under the jurisdiction of the MDAQMD. The MDAQMD is responsible for updating the Air Quality Management Plan (AQMP). The AQMP was developed for the primary purpose of controlling emissions to maintain all federal and state ambient air standards for the district. The Proposed Project includes construction of the Kiln 2 EMSW Conversion Facility. Operational activities would include the use of EMSW in place of fossil fuels for Kiln 2. Approval of the Proposed Project would not require a Zone Change nor a General Plan Amendment and is an acceptable use on-site that consists primarily of minimizing the currently quarry operation’s carbon footprint. Therefore, the proposed use would not conflict with or obstruct implementation of the AQMP. No impacts are identified or anticipated, and no mitigation measures are required.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

**Less Than Significant Impact.** The MDAQMD has established the following significant daily emissions thresholds for determining whether the impacts from a Proposed Project would be considered significant per CEQA:

Carbon Monoxide (CO)	548 lbs/day
Oxides of Nitrogen (NO <sub>x</sub> )	137 lbs/day
Reactive Organic Gasses (ROG)	137 lbs/day
Oxides of Sulfur (SO <sub>x</sub> )	137 lbs/day
Particulate Matter (PM <sub>10</sub> )	82 lbs/day
Particulate Matter (PM <sub>2.5</sub> )	65 lbs/day

Construction emissions are considered short-term, temporary emissions and were modeled with the assumption that one crane, paver, grader, dozer, and three pieces of miscellaneous construction equipment. The construction equipment was assumed to be operated for eight hours per working day. Upon completion of the construction phase, the Proposed Project’s operational phase would consist of the delivery of a maximum use of 500 tons of EMSW per day to comply with AB 1126 thresholds.

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 loaded into walking floor trucks that are weighed at the facility gate and scalehouse located approximately five miles west of the Black Mountain Quarry Plant. A total of 60 tractor/trailer loads (combined trips from Kiln 2 and Kiln 3) would deliver EMSW per day. This is the same material and processing cycle that is used for Kiln 3. Once released from the gate and scalehouse, the transfer trucks proceed along Quarry Road to either the Alternative Fuels Storage Hall for Kiln 3 or to Kiln 2 at the Plant.

The anticipated SWFP permit conditions for the facility will limit the usage of EMSW to 500 tons per day per Kiln. EMSW will be delivered via tractor trailers each with a capacity of approximately 18 tons of EMSW. Extrapolating from the 18-ton average and the limit of 500 tons per day of EMSW being used as an alternative fuel, the Project would result in approximately 30 tractor trailer deliveries per 24-hour period. These emissions were calculated using the South Coast Air Quality Management District (SCAQMD) Off-Road Mobile Source Fleet Average Emission Factors 2020 and Emission Factors for On-Road Heavy-Heavy Duty Diesel Truck 2020 for the projected 30 tractor trailer deliveries per 24-hour period and assumed a round trip haul distance of up to 150 miles per vehicle. The resulting emissions generated by construction of the Proposed Project is shown in Table 3; operational emissions associated with the EMSW deliveries are listed in Table 4.

**Table 3  
 Construction Emissions Summary  
 (Pounds per Day)**

<b>Equipment</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
Crane	0.7	5.3	3.1	0.2	0.2
Dozer	1.7	12.6	6.4	0.5	0.5
Grader	0.7	4.7	4.6	0.2	0.2
Paving Equipment	0.6	3.8	3.3	0.3	0.3
Other Construction Equipment (2)	0.9	5.6	5.6	0.2	0.2
Other Material Handling Equipment	0.7	5.2	3.5	0.2	0.2
<b>Highest Value (lbs/day)</b>	<b>5.4</b>	<b>37.2</b>	<b>26.6</b>	<b>1.6</b>	<b>1.6</b>
MDAQMD Threshold	137	137	548	82	65
<b>Significant</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Emission Sources: Off-Road Mobile Source Emission Factors (2020)

**Table 4  
 Operational Emissions Summary  
 (Pounds Per Day)**

<b>Equipment</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
On-Road Diesel Trucks	4.6	52.7	22.5	4.7	4.7
<b>Total (lbs/day)</b>	<b>4.6</b>	<b>52.7</b>	<b>22.5</b>	<b>4.7</b>	<b>4.7</b>
MDAQMD Threshold	137	137	548	82	65
<b>Significant</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Emission Sources: On-Road Mobile Source Emission Factors Heavy-Heavy-Duty Diesel Truck (33,0001 to 60,000 pounds) (2020)

As shown above, the anticipated construction and operational emissions would be less than the MDAQMD thresholds and would be considered less than significant. However, the Proposed Project shall comply with MDAQMD Rules 402 and 403, as listed below.

Compliance with MDAQMD Rules 402 and 403

Although the Proposed Project does not exceed MDAQMD thresholds, the Applicant is required to comply with applicable MDAQMD Rules 402 for nuisance and 403 for fugitive dust control. This would include, but not be limited to the following:

1. The Project Proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
2. The Project Proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading activity on the site. Portions of the site that are actively being used shall be watered to ensure that a crust is formed on the ground surface and shall be watered at the end of each workday.
3. The Project Proponent shall ensure that disturbed areas are treated to prevent erosion.
4. The Project Proponent shall ensure that ground disturbing activities are suspended when winds exceed 25 miles per hour.

Although the Proposed Project would not exceed MDAQMD thresholds for exhaust emissions during operations, the Applicant would be required to implement the following conditions as required by MDAQMD:

5. All equipment must be tuned and maintained to the manufacturer’s specification to maximize efficient burning of vehicle fuel.
6. The operator shall comply with all existing and future CARB and MDAQMD Off-Road Diesel Vehicle Regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.

MDAQMD rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide CARB Off-Road Diesel Vehicle regulations. These measures will be implemented by CARB in phases with new rules imposed on existing and new diesel-fueled engines.

The Project Site is within the Mojave Desert PM<sub>10</sub> Planning Area and the Western Desert Ozone non-attainment area. The State Implementation Plan (SIP) identifies sources of PM<sub>10</sub> emissions and control measures to reduce emissions. The EPA requires the application of reasonable available control technology (RACT) to stationary emission sources and reasonable available control measures (RACM) to mobile sources. These will be incorporated through compliance with rules and regulations described above. As such, with compliance with existing rules and regulations, the Proposed Project would not violate any air quality standards or contribute to an existing or projected air quality violation. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

*c) Expose sensitive receptors to substantial pollutant concentrations?*

**Less Than Significant.** The MDAQMD CEQA and Federal Conformity Guidelines (August 2016) describes sensitive receptors as being residences, schools, daycare centers, playgrounds and medical facilities. The following project types proposed for sites within the specified distance to an existing or planned (zoned) sensitive receptor land use must be evaluated using MDAQMD significance thresholds:

- Any industrial project within 1000 feet;
- A distribution center (40 or more trucks per day) within 1000 feet;
- A major transportation project (50,000) or more vehicles per day) within 1000 feet;
- A dry cleaner using perchloroethylene within 500 feet;
- A gasoline dispensing facility within 300 feet.

The Proposed Project would occur at a site that is currently used for industrial purposes (i.e., mining operations) and is zoned Regional Industrial. There are no sensitive receptors within the vicinity of the Project Site and the modeling results (as shown in Table 3 and Table 4) indicate that construction and operation of the Proposed Project is not anticipated to exceed MDAQMD emissions thresholds. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

*d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

**No Impact.** The Proposed Project does not include land use typically associated with the emissions of objectionable odors. Potential odor sources associated with the Proposed Project may result from construction equipment exhaust; however, standard construction requirements would minimize odor impacts resulting from construction activity. It should be noted that any construction odor emissions generated would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction activity. The Proposed Project would also be required to comply with MDAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**Mitigation Measures:**

None Required

**Air Quality Impact Conclusions:**

No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

#### 4. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Check if project is located in the Biological Resources Overlay or Contains habitat for any species listed in the California Natural Diversity Database

#### Environmental Setting

The Project Site occurs at the site of the existing Black Mountain Quarry Plant and is developed with interior roadways, hardscape, and industrial buildings set within the High Desert region of San Bernardino County and has minimal to no vegetation. The Black Mountain Quarry Plant is an existing limestone quarry with primary crushing facilities located northeast of the City of Victorville and the Town of Apple Valley in San Bernardino County. According to the County’s Biotic Resources Map, last updated on December 4, 2012 and accessed on April 7, 2020, the Project Site occurs in an area designated as “Other Species & Habitat of Concern” and is labeled as having a dense population of Desert Tortoise.

## **Impact Analysis**

- a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

**Less Than Significant.** According to the California Natural Diversity Database (CNDDDB) the desert tortoise (*Gopherus agassizii*) has a State and federal status listing of threatened. According to the CNDDDB occurrence report (Map Index Number 03129) accessed on April 8, 2020, the desert tortoise was last observed in the location of Fremont-Stoddard; Fremont Valley south to the vicinity of Adelanto and Highway 14 east to Calico Mountains within the western Mojave Desert on April 12, 2004. The report identifies the desert tortoise presence as presumed extant for the area of the Proposed Project.

The Proposed Project includes a request for a SWFP to allow for the construction and operation of the Kiln 2 Conversion Facility. The Project would be constructed in an area that is currently paved and disturbed by existing quarry operations. Existing conditions that are practiced at the Black Mountain Quarry Plant including employee/driver awareness (through desert tortoise training), and existing signs at the facility gate/scalehouse. Continued implementation of these conditions would ensure that potential impacts to this species is reduced. Due to the existing site conditions (e.g., minimal vegetation and food sources) and ongoing mining activities, and existing on-site parameters that limit the site as a wildlife corridor or potential habitat (i.e., onsite roadways, industrial structures and activities), the Proposed Project is not anticipated to directly impact through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Existing conditions that are practiced at the Black Mountain Quarry Plant including employee/driver awareness (through desert tortoise training), and existing signs at the scalehouse/guard house. Continued implementation of said conditions would ensure that potential impacts to this species is reduced. Therefore, no adverse impacts are identified or anticipated and no mitigation measures are required.

- b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

**No Impact.** The Proposed Project includes the review and issuance of a SWFP to allow for the construction and operation of the Kiln 2 Conversion Facility to include a 3-sided prefabricated screening enclosure for the trailers, belt conveyor and hopper/feed system. The Project's identification within the Siting Element is required to allow the LEA to issue a SWFP. The County of San Bernardino General Plan states that the most important habitat in the Desert Region of the County for wildlife occurs within the riparian plant community of the Mojave River, which is approximately 14 miles west of the Project Site. The Project Site does not include any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

- c) *Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

**No Impact.** The Project Site occurs within a portion of the Black Mountain Quarry Plant. Both the diversity and abundance of wildlife are limited by lack of adequate food, sparse ground cover which limits nesting sites, and an unreliable source of water. Therefore, the Project Site is not anticipated to include any State or federally protected wetlands as protected under CEQA, Section 1600 of the California Fish and Wildlife Code,

or as defined by Section 404 of the Clean Water Act. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

- d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

**No Impact.** According to General Plan Figure 7, Existing San Bernardino County Open Space Overlay Map – Desert Region, the Mojave River is identified as a wildlife corridor from Lake Silverwood, through Hesperia and Victorville northward to past Barstow. The Mojave River is the major perennial river in the Desert Region, and is an area of extreme biological importance, containing rare desert riparian habitat (including habitat that supports arroyo toad, least Bell’s vireo, southwestern willow flycatcher, Mojave river vole, yellow-breasted chat, and summer tanager). Since the Mojave River is located approximately 14 miles west of the Project Site, the Proposed Project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites since the site does not include disturbances to any sensitive areas. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

**No Impact.** The Proposed Project would be consistent with the existing land use designation of Regional Industrial. There are no existing trees or other biological resources on-site that would be impacted by the Proposed Project. Therefore, no impacts related to local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance are identified. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

- f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

**No Impact.** The County of San Bernardino General Plan does not identify the Project Site, nor the vicinity to be within a habitat conservation plan. The Proposed Project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan since there is no adopted Habitat Conservation Plan or Natural Community Conservation Plan in the project area or local region. Therefore, no impacts are identified or anticipated and no mitigation measures are required.

**Mitigation Measures**

None Required

**Biological Resources Impact Conclusions:**

No significant adverse impacts are identified or anticipated and no mitigation measures are required.

## 5. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?		X		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X		
c) Disturb any human remains, including those interred outside of formal cemeteries?		X		

(Check if project is located in the Cultural  overlays or cite results of cultural resource review)

### Environmental Setting

The Project Site occurs at the site of the existing Black Mountain Quarry Plant and is developed with interior roadways, hardscape, and industrial buildings set within the High Desert region of San Bernardino County. McKenna et al prepared a cultural resources investigation for the entire Black Mountain Quarry site and the data compiled for this larger project was used to assess any adverse impacts resulting from the development of the Kiln 2 Conversion Facility. Results of the findings are discussed herein.

### Impact Analysis

- a) *Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*
- b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

**Less Than Significant with Mitigation Incorporated.** The Project Site is located within a portion of the existing facility that was improved through prior developments. McKenna et al. conducted an Archaeological Records Search through the California State University, Fullerton, South Central Coastal Information Center, and confirmed that the Black Mountain Quarry Plant has never been surveyed for cultural resources. There have been studies completed on the periphery of the Quarry, including linear surveys for pipelines, transmission lines, railroad alignments, and roadways, but the improvements at the Quarry, preceded the cultural resources studies that are now mandated by state and County laws, policies, and guidelines.

The resources recorded in the vicinity of the Black Mountain Quarry are dominated by the presence of historic period resources, but also include recorded prehistoric resources. While there is always a potential for historic or prehistoric resources to be within or near the proposed Kiln 2 Conversion Facility, the Project would occur within an area that is currently paved, disturbed, and in general use. The Project Site is within the railway curve within Sections 8 and 9 and is an area that has been graded for the prior improvements; however, resources have the potential for occurring anywhere. Therefore, possible significant adverse impacts have been identified or anticipated and the following mitigation measure is required as a condition of project approval to reduce these impacts to a level below significant.

### Mitigation Measure:

- CR-1** Should unanticipated or inadvertent surface and/or subsurface prehistoric or historic archaeological resources, built environment, and/or tribal cultural resources, appear to be encountered during construction or maintenance activity associated with this project, then

all work must halt within a 100-foot radius of the discovery until a qualified professional can evaluate the discovery. If the finds are archaeological or historic in nature, then an archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and/or historic archaeology have evaluated the significance of the find. This archaeologist shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following shall apply, depending on the nature of the find:

- A. If the professional archaeologist determines that the find *does not* represent a cultural resource, then work may resume immediately and no agency notifications are required.
- B. If the professional archaeologist determines that the find *does* represent a cultural resource from any time or cultural affiliation then, depending on the nature of the discovery, appropriate treatment measures shall be developed.
- C. If the find represents a Native American or potentially Native American resource that does not include human remains, which may or may not include a Tribal Cultural Resource, then the archaeologist shall consult with appropriate Tribe[s] on whether or not the resource represents either a Tribal Cultural Resource or a Historical Resource, or both, and, if so, consult on appropriate treatment measures. Preservation in place is the preferred treatment, if feasible. Work cannot resume within the no-work radius until the County, through consultation as appropriate, determines that the site either: 1) is not a Tribal Cultural Resource or Historical Resource; or 2) that the treatment measures for the Tribal Cultural Resource or Historical Resource have been completed.

c) *Disturb any human remains, including those interred outside of formal cemeteries?*

**Less Than Significant with Mitigation Incorporated.** Implementation of the Proposed Project does not involve substantial earthwork and therefore disturbance of an unknown human remains is not anticipated. In accordance with State law, should human remains and/or cremations be encountered during any earthmoving activities, all work shall stop immediately in the area in which the find(s) are present. The County of San Bernardino and the Project Proponent shall be called and informed of the discovery. The Coroner will determine if the bones are historic/archaeological or a modern legal case. The Coroner will immediately contact the Native American Heritage Commission (NAHC) in the event that remains are determined to be human and of Native American origin, in accordance with California Public Resources Code Section 5097.98.

All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the State of California regardless if the remains are modern or archaeological. Therefore, possible significant adverse impacts have been identified or anticipated and the following mitigation measure is required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are:

**Mitigation Measure:**

- CR-2** If the find during construction or maintenance activity includes human remains, or remains that are potentially human, the archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the San Bernardino County Coroner (per §7050.5 of the Health and Safety Code). The Coroner's Office may be contacted at Coroner's Division, County of San Bernardino,

175 South Lena Road, San Bernardino, California 92415 or by calling 909.387.2978. The provisions of §7050.5 of the California Health and Safety Code, §5097.98 of the California Public Resources Code, and Assembly Bill 2641 will be implemented. If the Coroner determines the remains are Native American, the Coroner will notify the NAHC by telephone within 24 hours. The NAHC will then immediately notify the person it believes to be the Most Likely Descendant (MLD) of the remains (§5097.98 of the Public Resources Code). The designated MLD will have 48 hours, from the time access to the property is granted, to make recommendations concerning treatment of the remains, in accordance with California Health and Safety Code §7050.5 and CEQA Guidelines §15064.5(e). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the County, through consultation as appropriate, determines that the treatment measures have been completed to its satisfaction.

If the Coroner determines that the remains are not of Native American origin and that the remains are from the historic-era, the County Coroner will make a recommendation as to the disposition of the remains. Construction may continue once compliance with all relevant sections of the California Health and Safety Code has been addressed and an authorization to proceed is issued by the County Coroner.

**Cultural Resources Impact Conclusions:**

Implementation of Mitigation Measures CR-1 and CR-2 will ensure that potential impacts to historic and archeological resources are reduced to a less than significant level.

## 6. ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?				X
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				X

### Environmental Setting

#### Senate Bill 350

Senate Bill (SB) 350 (de Leon) was signed into law in October 2015. SB 350 establishes new clean energy, clean air and greenhouse gas reduction goals for 2030. SB 350 also establishes tiered increases to the Renewable Portfolio Standard: 40 percent by 2024, 45 percent by 2027, and 50 percent by 2030.

#### Senate Bill 100

Senate Bill 100 (SB 100) was signed into law September 2018 and increased the required Renewable Portfolio Standards. SB 100 requires the total kilowatt-hours of energy sold by electricity retailers to their end-use customers must consist of at least 50 percent renewable resources by 2026, 60 percent renewable resources by 2030, and 100 percent renewable resources by 2045. SB 100 also includes a State policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all State agencies by December 31, 2045. Under the bill, the State cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

### Impact Analysis

a) *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?*

**No Impact. Electricity** – The equipment used for handling of the EMSW material may include semi-truck tractors, charging hopper conveyor, and front-end loaders. All equipment is designed to process a maximum of 500 tons of EMSW per day.

EMSW used for Kiln 2 would be processed at an off-site MRF that is located approximately 90 miles from the Plant and loaded into walking floor trucks that are weighed at the scalehouse located approximately five miles west of the Black Mountain Quarry Plant. An estimated total of 30 tractor/trailer loads would deliver EMSW per day. This is the same material and processing cycle that is used for Kiln 3. Once released from the scalehouse, the trucks would proceed along Quarry Road to the Plant.

Current operations utilize fossil-based fuels such as coal, pet coke and a small percentage of natural gas. The Project is a request to construct and operate Kiln 2 Conversion Facility and use EMSW fuel to replace a portion of the fossil fuels used at the Quarry. One (1) ton of fossil fuel would be replaced by approximately 2.5 tons of EMSW fuel (depending upon moisture and BTU content of the EMSW). 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.

Southern California Edison (SCE) currently provides electrical service to the Project Site which is developed within the existing Black Mountain Quarry and related facilities. SCE is one of the nation's largest electric utilities, providing electric service to approximately 15 million people. Their service area includes portions of 15 counties and hundreds of cities and communities in a 50,000-square-mile service area within Central, Coastal and Southern California. Total electricity demand in SCE's service area is estimated to increase by approximately 12,000 Gigawatt hours between the years 2015 and 2026. The demand for electricity is expected to remain the same as Kiln 2 is currently in operation at the plant and no change in operation beyond the use of an alternative fuel is proposed. The equipment is currently drawing on power and therefore the electricity demand would not change. Therefore, SCE's level of service would not change. The Proposed Project would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation and no mitigation measures are recommended.

### **Natural Gas**

The Proposed Project would not use natural gas and therefore would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation and no mitigation measures are recommended.

### **Fuel**

During operation of the Proposed Project, transportation energy consumption is dependent on the type of vehicle and number of vehicle trips, vehicle miles traveled, fuel efficiency of vehicles, and travel mode. Temporary transportation fuel use such as gasoline and diesel during construction would come from the transportation and use of delivery vehicles and trucks, construction equipment, and construction employee vehicles. Impacts related to transportation energy use during construction would be temporary and would not require the use of additional use of energy supplies or the construction of new infrastructure; therefore, impacts would be less than significant.

During operations of the Proposed Project, the use of fuel would result from delivering EMSW to the plant. The fuel use related to vehicle trips produced by Kiln 2 would decrease over existing use since the site currently receives coal via rail from Utah. The Project would not be considered inefficient, wasteful, or unnecessary. The Proposed Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. No impacts are identified or anticipated, and no mitigation measures are required.

b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

**No Impact.** The Proposed Project includes the construction/placement of a prefabricated 3-sided screening enclosure for the trailers. The enclosure would not be required to be energy efficient as no heating/cooling or insulation design features would be necessary for the proposed operation. Placement of the footings for the prefabricated structure would not cause inefficient, wasteful and unnecessary energy consumption. The Proposed Project would not conflict with any applicable plan, policy or regulation as adopted by an agency to reduce GHG emissions, AB 32, and SB 32; therefore, the Project is consistent with AB 32, which aims to decrease emissions statewide to 1990 levels by to 2020. The Proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, no impacts are identified or anticipated and no mitigation measures are required.

### **Mitigation Measures:**

None Required

### **Energy Impact Conclusions:**

No significant adverse impacts are identified or anticipated and no mitigation measures are required.

## 7. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury death involving?				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii. Strong seismic ground shaking?				X
iii. Seismic-related ground failure, including liquefaction?				X
iv. Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		

(Check if project is located in the Geologic Hazards  or Paleontologic Resources  Overlay District):

### **Environmental Setting**

According to County Geologic Hazards maps prepared for the area, the Project Site is not located in an area known for geologic hazards. The proposed Kiln 2 Conversion Facility includes the construction of a 3-sided prefabricated screening enclosure for the trailers on a portion of the existing Black Mountain Quarry that is currently paved.

### **Impact Analysis**

- a) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*
- i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*
  - ii. *Strong seismic ground shaking?*

iii. *Seismic related ground failure, including liquefaction?*

iv. *Landslides?*

- i. **No Impact** – The Project Site occurs in a seismically portion of southern California with numerous fault systems in the region. However, the Project Site is not located within an Alquist-Priolo Special Studies area. According to San Bernardino County General Plan Figure EH32C, the nearest earthquake fault (Helendale Fault Zone) occurs approximately 1.5 miles southwest of the Project Site. No impacts are identified or anticipated, and no mitigation measures are required.
- ii. **No Impact** –The Project Site occurs in a highly seismic region of southern California within the influence of several fault systems that are considered to be active or potentially active. However, with compliance of the County Development Codes and the latest adopted version of the California Building Code, the Proposed Project would be adequately reinforced for potential earthquakes. No impacts are identified or anticipated, and no mitigation measures are required.
- iii. **No Impact** – According to County General Plan Figure EH32C, the Project Site is not located within an area susceptible to liquefaction. The potential for liquefaction hazards is limited to the Mojave River floodplain and its tributary stream crossings where groundwater is shallow and loose sandy soils occur. The Mojave River is located approximately 14 miles west of the Project Site. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.
- iv. **No Impact** – According to County General Plan Figure EH32C, the Project Site is not located within an area susceptible to landslides. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

b) *Result in substantial soil erosion or the loss of topsoil?*

**Less Than Significant.** According to the United States Department of Agriculture Web Soil Survey (accessed 4/9/2020), on-site soils consist of Pits (85 percent) derived from of stream terraces and alluvial fans with a land capability classification of 8s. Class 8 soils have limitations that preclude their use for commercial plant production and limit their use to recreation, wildlife, or water supply or for esthetic purposes. Capability subclass is the second category in the land capability classification system. Class codes e, w, s, and c are used for land capability subclasses. Subclass s, as is the case for the Project Site soils, is made up of soils that have soil limitations within the rooting zone, such as shallowness of the rooting zone, stones, low moisture-holding capacity, low fertility that is difficult to correct, and salinity or sodium content where the kinds of limitations are essentially equal, the subclasses have the following priority: e, w, s, and c.

Minor soil components composing about 15 percent include Arizo (5 percent), Cajon (3 percent), Yermo (2 percent), Riverwash (2 percent), Trigger (1 percent), Sparkhule (1 percent) and Rock outcrop (1 percent). The Proposed Project will adhere to the National Pollution Discharge Elimination System, during placement of the building footings, which ensures potential impacts with regards to substantial soil erosion or the loss of topsoil to be less than significant. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?*

**No Impact.** According to San Bernardino County Land Use General Plan Figure EH32C, Hazard Overlays, the Project Site is not located within an area susceptible to landslides or liquefaction. Projects within the area of Southern California are required to comply with the latest UBC standards to minimize the potential impact caused by an earthquake. Therefore, the potential for instability occurring at this Project Site is not

anticipated with implementation of proper construction methods and development standards as defined in the County's Development Code and the latest UBC regulations. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

**No Impact.** Expansive (or shrink-swell) behavior is attributable to the water-holding capacity of clay minerals and can adversely affect the structural integrity of facilities including underground pipelines. The General Plan does not identify soil conditions in the area that would lead to expansive behavior nor has there been any reported cases in the surrounding area. According to the United States Department of Agriculture: Web Soil Survey, the soil at the Project Site mostly consists of Pits soils which typically have less than 10 percent clay and more than 90 percent sand or gravel and have gravel or sand textures. The USDA states that the extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Since, Pits soils typically have less than 10 percent clay, the potential for expansion is not anticipated. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

**No Impact.** The Project is proposed of a portion of the existing Black Mountain Quarry Plant and does not include a septic tank, nor would it require connection to the public sewer system. Therefore, no impacts related to soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

**Less Than Significant with Mitigation Incorporated.** The proposed Kiln 2 Conversion Facility includes the installation of footings for the prefabricated 3-sided screening enclosure for the trailers. Except the placement of footings, no other earthwork is proposed. The Proposed Project is not anticipated to directly or indirectly destroy a unique paleontological resource or geologic feature. However paleontological resources may occur anywhere and therefore, possible significant adverse impacts have been identified or anticipated and the following mitigation measure is required as a condition of project approval to reduce these impacts to a level below significant.

**Mitigation Measure:**

**PAL-1** If any inadvertent or unanticipated finds during construction or maintenance activity appear to be paleontological in nature, then a qualified paleontological Principal Investigator shall evaluate the finds and prepare a Paleontological Mitigation and Monitoring Plan (PMMP). The PMMP shall be prepared in accordance with all appropriate California Environmental Quality Act (CEQA) and County of San Bernardino guidelines. The PMMP shall then be adhered to for the remainder of any land disturbing activities for the project.

**Geology and Soils Impact Conclusions:**

Implementation of Mitigation Measure PAL-1 would ensure potential impacts to unknown paleontological resources are reduced to a less than significant level.

## 8. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

### **Background**

According to CEQA Guidelines section 15064.4, when making a determination of the significance of greenhouse gas emissions, the “lead agency shall have discretion to determine, in the context of a particular project, whether to (1) quantify greenhouse gas emissions resulting from a project and/or (2) rely on a qualitative analysis or performance based standards. Moreover, CEQA Guidelines section 15064.7(c) provides that “a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts” on the condition that “the decision of the lead agency to adopt such thresholds is supported by substantial evidence.”

### **San Bernardino County GHG Reduction Plan**

In September 2011, the County adopted a Greenhouse Gas Emissions (GHG) Reduction Plan (September 2011) (GHG Plan). The GHG Plan presents a comprehensive set of actions to reduce the County’s internal and external GHG emissions to 15% below current levels (2007 levels) by 2020, consistent with the AB 32 Scoping Plan. GHG emissions impacts are assessed through the GHG Development Review Process (DRP) by applying appropriate reduction requirements as part of the discretionary approval of new development projects. Through its development review process, the County will implement CEQA requiring new development projects to quantify project GHG emissions and adopt feasible mitigation to reduce project emissions below a level of significance. A review standard of 3,000 metric tons of CO<sub>2</sub> equivalent (MTCO<sub>2e</sub>) per year is used to identify projects that require the use of Screening Tables or a project-specific technical analysis to quantify and mitigate project emissions. Note that the MDAQMD has an annual threshold of 100,000 tons of Carbon Dioxide equivalent (CO<sub>2e</sub>) per year.

### **The Proposed Project**

CEMEX Construction Material Pacific LLC, (CEMEX) is seeking a SWFP to construct and operate a second EMSW Conversion Facility at its existing Black Mountain Quarry Plant. The use of EMSW reduces the Plant’s carbon footprint by reducing the need to use coal, pet coke and natural gas in the manufacturing of cement. The EMSW would be used as a supplemental/alternative fuel for the facility’s rotary Kiln 2 in the preheater.

The Black Mountain Quarry Plant utilizes as much as approximately 175,000 tons of low sulfur coal per year in the manufacturing of cement. The current source of the coal is in Utah and it is delivered to the plant via rail cars.

**Impact Analysis**

a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

**Less Than Significant.** Per CEQA guidelines, new project emissions are treated as standard emissions, and air quality impacts are evaluated for significance on an air basin or even at a neighborhood level. Greenhouse gas emissions are treated differently, in that the perspective is global, not local. Therefore, emissions for certain types of projects might not necessarily be considered as new emissions if the project is primarily population driven. Many gases make up the group of pollutants that are believed to contribute to global climate change. However, three gases are currently evaluated carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O). SCAQMD provides guidance methods and/or Emission Factors. MDAQMD allows the use of this methodology.

A threshold of 3,000 MTCO<sub>2</sub>e per year has been adopted by the County as potentially significant to global warming. Utilizing the SCAQMD’s Off-Road Mobile Source Fleet Average Emission Factors 2020 (Construction Emissions) and Emission Factors for On-Road Heavy-Heavy Duty Diesel Truck 2021 (Operational Emissions), the project would generate approximately 151.8 MTCO<sub>2</sub>e during the Construction Phase and approximately 2,958.20 MTCO<sub>2</sub>e per year during the operation phase. Operational emissions were based on a 6-day work week or 312 days per year (see Table 5).

**Table 5  
 Greenhouse Gas Emissions  
 “Construction”  
 (Pounds Per Day)**

Equipment	CO <sub>2</sub>	CH <sub>4</sub>	NOx
Crane	1,032	0.0	0.0
Dozer	1,912	0.1	0.0
Grader	1,064	0.2	0.0
Paving Equipment	551	0.1	0.0
Other Construction Equipment (2)	1,952	0.1	0.0
Other Material Handling Equipment	1,128	0.1	0.0
Total lbs. per day	7,649.5		
<b>MTCO<sub>2</sub>e per Year</b>	<b>151.8</b>		
County Threshold (MTCO <sub>2</sub> e)	3,000		
<b>Significant</b>	<b>No</b>		

Emission Sources: SCAQMD Off-Road Mobile Source Emission Factors (Scenario Year 2020)

Note: Assumes 44 working days/year.

\*CH<sub>4</sub> and NOx have a Global Warming Potential of 28 and 268, respectively as provided by IPCC’s 2013

**Table 6  
 Greenhouse Gas Emissions  
 “Operational”  
 (Pounds Per Day)**

Equipment	CO <sub>2</sub>	CH <sub>4</sub>	NOx
On-Road Diesel Trucks	18,963.0	0.0	0.0
Total lbs. per day	18,963.0		
<b>MTCO<sub>2</sub>e per Year</b>	<b>2,958.2</b>		
County Threshold (MTCO <sub>2</sub> e)	3,000		
<b>Significant</b>	<b>No</b>		

Emission Sources: SCAQMD Off-Road Mobile Source Emission Factors (Scenario Year 2021)

Note: Assumes 312 working days/year.

\*CH<sub>4</sub> and NOx have a Global Warming Potential of 28 and 268, respectively as provided by IPCC’s 2013

As demonstrated in Table 6 above, operations would not exceed the County's GHG thresholds. Therefore, the Proposed Project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

### **Required Conditions**

The project emissions are less than significant; however, the applicant will be required to implement GHG reduction performance standards. The GHG reducing performance standards were developed by the County to improve the energy efficiency, water conservation, vehicle trip reduction potential, and other GHG reducing impacts from all new development approved within the unincorporated portions of San Bernardino County. As such, the following Performance Standards establish the minimum level of compliance that development must meet to assist in meeting the 2020 GHG reduction target identified in the County GHG Emissions Reduction Plan. These Performance Standards apply to all Projects, including those that emit less than 3,000 MTCO<sub>2</sub>e per year, and will be included as Conditions of Approval for development projects.

The following are the Performance Standards (Conditions of Approval) that are applicable to the Project:

1. *The "developer" shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:*
2. *Select construction equipment based on low GHG emissions factors and high-energy efficiency.*
3. *All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.*
4. *All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.*
5. *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

**Less Than Significant.** See response to (a), above.

### **Mitigation Measures:**

None required

### **Greenhouse Gas Emissions Impact Conclusions:**

No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

## 9. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
g) Expose people or structures, either directly or indirectly, to a significant risk loss, injury or death involving wildland fires?				X

### Environmental Setting

The Black Mountain Quarry Plan (established in 1965) is an existing limestone quarry with primary crushing facilities located northeast of the City of Victorville and the Town of Apple Valley in San Bernardino County. The Black Mountain Quarry is a vested operation and has an approved reclamation plan (84M-010). The quarry is permitted to mine up to 6 million tons per year (mtpy) of limestone ore which is transported to the primary crusher currently located on the east side of the active quarry. Based on the past five years of production, the quarry has provided the crusher and the cement plant with an average of approximately 4.53 mtpy.

The Black Mountain Quarry Plant utilizes as much as approximately 175,000 tons of low sulfur coal per year in the manufacturing of cement. The current source of the coal is in Utah and it is delivered to the plant via rail cars. Current operations utilize fossil-based fuels such as coal, pet coke and a small percentage of natural gas. The Project is a request to construct and operate Kiln 2 Conversion Facility and use EMSW fuel to replace a portion of the fossil fuels used at the Quarry. One (1) ton of fossil fuel would be replaced by approximately 2.5 tons of EMSW fuel (depending upon moisture and BTU content of the EMSW). 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.

## **Impact Analysis**

a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

**No Impact.** Construction activities associated with the Proposed Project would involve the use of limited quantities of hazardous materials such as petroleum, hydrocarbons, and their derivatives (e.g., gasoline, diesel, oils, and lubricants) to operate the construction equipment. Construction activities would be minimal and short-term and would involve the limited transport, storage, use, and disposal of hazardous materials. These materials would be used with construction equipment and stored in vessels engineered for safe storage.

The EMSW proposed for Kiln 2 would be processed at an off-site MRF and loaded into walking floor trucks that would be weighed at the Plant's scalehouse located approximately five miles west of the site. Once released from the scalehouse, the transfer trucks would proceed along Quarry Road toward the Kiln 2 Conversion Facility.

Upon arrival at Kiln 2 the trucks would back into the one of two eco dockdoor entrances and off-load the EMSW via the walking floor trailer into the hopper. The material will be pneumatically conveyed into the upper portion of the riser, or lower calciner, where the fuel is burnt to offset the use of fossil fuels including coal and natural gas.

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.

Hazardous waste materials would not be stored at the Kiln 2 Conversion Facility but could remain within the trailers within a designated storage area designed to store up 30 trailers or approximate 500 tons of EMSW (approximately 18 tons per trailer times 28 trailers). In the event hazardous or prohibited wastes are delivered, they will be loaded into a trailer immediately and sent back to the supplier the same day. In the event of a spill, the LEA and other local state and federal agencies would be contacted. All unlawful incidents of disposal will be noted in the operator's log of special occurrences. The contingency plan is to return the material back to the Supplier in the Supplier's trailer as soon as the material is found and returned immediately.

Therefore, the Proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. No impacts are identified or anticipated, and no mitigation measures are required.

b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

**No Impact.** The Black Mountain Quarry Plant currently operates under a Hazardous Materials Business Plan and Chemical Inventory, San Bernardino County CUP #FA0006301. The transport, use and storage of non-hazardous EMSW fuels would not come into contact with soil or water (i.e. storm water, surface water bodies or groundwater). EMSW is a processed material that is not considered hazardous and will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. No impacts are identified or anticipated, and no mitigation measures are required.

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

**No Impact.** The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of a school. The nearest school is the Sycamore Rocks Elementary School located at 23450 South Road, Apple Valley approximately 5.5 miles southwest of the Project Site. The Project will not generate waste that is considered hazardous, release hazardous waste into the neighborhood, or involve the handling of acutely hazardous materials within one-quarter mile of a school. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

**Less Than Significant.** According to the California Department of Toxic Substances Control EnviroStor (accessed April 20, 2020), the Black Mountain Quarry Plant occurs on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (EnviroStor ID: 80001744). Summary of the status/corrective action indicates that as of May 10, 2017, CEMEX CA Cement LLC is a generator of used oil, used oil filters, and used lubricants. The facility has never operated as a hazardous waste disposal facility and therefore is being administratively closed in the Permitting EnviroStor database due to never being regulated as a TSD. The cleanup status is also considered inactive with a “needs evaluation” as of February 6, 2019. A listing of Corrective Action. Implementation of the proposed Kiln 2 Conversion Facility would not be a significant hazard to the public or the environment as no hazardous materials would be transported, stored or used as part of operations. Construction/placement of the prefabricated 3-sided screening enclosure for the trailers would require construction equipment that uses petroleum-based fuels. Use of this equipment would be short-term and would not require storage of hazardous materials at the Project Site. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*

**No Impact.** The Project Site is located approximately six miles northeast of the Apple Valley Airport and is not located within an airport land use plan. The Proposed Project would not result in a safety hazard for people residing or working in the Project area. No impacts are identified or anticipated, and no mitigation measures are required.

- f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

**No Impact.** The Project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, because the Project site occurs within the interior of the existing Black Mountain Quarry Plant. The Plant has been in operation since 1965 and currently provides adequate access from Quarry Road. No proposed changes to the existing site access or roadways would result. In addition, the proposed Kiln 2 Conversion Facility would be incorporated into CEMEX’s Emergency Response Plan (CUPA Business Plan). No impacts are identified or anticipated, and no mitigation measures are required.

*g) Expose people or structure, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

**No Impact.** The Project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, because there are no wildlands adjacent to the Project Site. The Project Site occurs on a portion of the existing Black Mountain Quarry Plant and is suited in an industrial area and does not occur within a fire safety overlay district. Implementation of the Proposed Project would not occur adjacent to wildlands or near the wildlands/urban interface, and will not expose people, structures or infrastructure to the risk of wildland fires. No impacts are identified or anticipated, and no mitigation measures are required.

**Mitigation Measure:**

None required

**Hazards and Hazardous Materials Impact Conclusions:**

No significant adverse impacts are identified or anticipated and no mitigation measures are required.

## 10. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would?			X	
i. Result in substantial erosion or siltation on – or off-site;			X	
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on – or off-site;			X	
iii. Create or contribute runoff water which would exceed the capacity of the existing or planned stormwater drainage systems or provide substantial additional resources of polluted runoff; or			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X

### Environmental Setting

The existing drainage system at the Black Mountain Quarry Plant was designed to control and minimize the creation of contact water, protect the integrity of roads and structures, and protect public health and prevent safety hazards and interference with operations. The proposed Kiln 2 Conversion Facility would take place within an area that is currently paved. Runoff in this area would continue to be collected by drainage ditches that are graded to convey water to an existing retention pond located southwest of the proposed Kiln 2 Conversion Facility. The EMSW fuel material would not be stored at the site of Kiln 2 but within trailers parked in a designated storage area.

Cemex is required to maintain a Spill Prevention, Control and Countermeasure Plan (SPCC), Stormwater Pollution Prevention Plan (SWPPP), Industrial Stormwater Permit, and a Hazardous Materials Business Plan. The Proposed use of EMSW for Kiln 2 would not require these plans nor the existing controls, drainage facilities or practices to be changed.

## **Impact Analysis**

- a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

**Less Than Significant.** The Proposed Project includes a request for a SWFP to allow the construction and operation of the proposed Kiln 2 Conversion Facility and an update to the Siting Element. All activities associated with the use of EMSW will occur within a 3-sided prefabricated screening enclosure for the trailers to be constructed within a currently paved area. As is practiced at the existing Kiln 3 Storage Hall, manual sweeping would be performed to clean the area. No significant amounts of runoff would occur that would result in degradation of surface water or groundwater quality. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- b) *Substantially decrease groundwater supplies or substantially interfere with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

**Less Than Significant.** Cemex is currently supplied with domestic water at the existing Black Mountain Quarry Plant. The Proposed Project would not significantly deplete groundwater supplies nor would it interfere with recharge since it is not within an area designated as a recharge basin or spreading ground. Kiln 2 EMSW will be delivered in walking floor trailers then connected to a docking station that would discharge directly into a hopper and conveyed into Kiln 2. Since the proposed system would not unload EMSW directly on the floor, minimal dust would be generated and sweeping with hand push-brooms would be performed as needed; no water is used at the site of Kiln 2.

CBMQP maintains a Fugitive Dust Control plan which among other things requires application of water via water trucks on all roadways to minimize fugitive dust from vehicular traffic. Since the Proposed Project would take place on a portion of the existing Black Mountain Quarry Plant and would not result in the use of additional water beyond what is currently used, no decrease in groundwater supplies or interference with groundwater recharge would result. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would?*
- i. *Result in substantial erosion or siltation on – or off-site;*
  - ii. *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site;*
  - iii. *Create or contribute runoff water which would exceed the capacity of the existing or planned stormwater drainage systems or provide substantial additional resources of polluted runoff; or*

**Less Than Significant.** Construction of the Proposed Project would occur in an area that is currently paved. Except for the placement of footings required for the prefabricated 3-sided screening enclosure for the trailers, no other earthwork is proposed. Since the Project would disturb less than one-acre of land, it is not subject to the requirements of the National Pollutant Discharge Elimination System (NPDES). The Proposed Project will not substantially alter the existing drainage pattern at the existing Black Mountain Quarry Plant or within the surrounding area as there are no existing streams or rivers that traverse the area. The Proposed Project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

*d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

**No Impact.** According to County General Plan Figure EH32C, the Project Site does not occur within a flood zone or an area susceptible to flooding. The Proposed Project would not expose people or structures to a significant risk of loss, injury or death involving flooding as no flood hazards traverse the project area. The Project Site is not subject to inundation by seiche or mudflow hazards. Due to the Inland distance from the Pacific Ocean and any other significant body of water, impacts from seiche and tsunami are not anticipated. No impacts are identified or are anticipated, and no mitigation measures are required.

**Mitigation Measures:**

None

**Hydrology and Water Quality Impact Conclusions:**

No significant adverse impacts are identified or anticipated and no mitigation measures are required.

## 11. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				X

### Environmental Setting

The Proposed Project is a request to approve a SWFP to allow for the construction and operation of the Kiln 2 Conversion Facility at the existing Black Mountain Quarry Plant, which is located within an unincorporated area of the County of San Bernardino approximately 3.5 miles northeast of the intersection of Central Road and Quarry Road. The existing facility is located within the Regional Industrial (IR) Land Use Zoning District for the County of San Bernardino General Plan. The Quarry occurs in a remote area northeast of the City of Victorville and the Town of Apple Valley. Land uses and land use designations on properties adjacent to the Quarry are also designated Regional Industrial (IR). No other development occurs within the vicinity of the Quarry.

### Impact Analysis

a) *Physically divide an established community?*

**No Impact.** CEMEX is requesting the approval of SWFP to allow for the use of EMSW for the Kiln 2 system at the existing Black Mountain Quarry Plant. The Proposed Project would be located within the existing Black Mountain Quarry Plant and would not divide an established community. No impacts are identified or are anticipated, and no mitigation measures are required.

b) *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

**No Impact.** The Proposed Project would allow for the continued operation of Kiln 2 at the existing Black Mountain Quarry Plant. Approval of a SWFP would allow the use of EMSW and reduce the use of fossil fuels currently used at the Plant. The proposed use of EMSW would allow for the continued operation of the Quarry which is a permitted use in the IR District. The Proposed Project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. No impacts are identified or are anticipated, and no mitigation measures are required.

### Mitigation Measures:

None

### Land Use and Planning Impact Conclusions:

No impacts are identified or anticipated and no mitigation measures are required.

## 12. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

### Environmental Setting

The Black Mountain Quarry (established in 1965) is an existing limestone quarry with primary crushing facilities located northeast of the City of Victorville and the Town of Apple Valley in San Bernardino County. The Black Mountain Quarry is a vested operation and has an approved reclamation plan (84M-010). The Quarry is permitted to mine up to 6 million tons per year (mtpy) of limestone ore which is transported to the primary crusher currently located on the east side of the active quarry. Based on the past five years of production, the quarry has provided the crusher and the cement plant with an average of approximately 4.53 mtpy.

### Impact Analysis

a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

**No Impact.** Implementation of the Proposed Project would not impede or obstruct the current limestone mining operation conducted at the Black Mountain Quarry Plant. The Project would further assist in the processing of an important mineral resource at the existing Quarry. No impacts are identified or anticipated, and no mitigation measures are required.

b) *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

**No Impact.** Implementation of the Proposed Project would not impede or obstruct the current limestone mining operation conducted at the Black Mountain Quarry Plant. The Project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. No impacts are identified or anticipated, and no mitigation measures are required.

### Mitigation Measures:

None

### Mineral Resources Impact Conclusions:

No impacts are identified or anticipated and no mitigation measures are required.

### 13. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration of groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

#### **Environmental Setting**

The Project Site is located on a portion of the existing Black Mountain Quarry Plant. The Quarry occurs within an unincorporated area of the County of San Bernardino approximately 3.5 miles northeast of the intersection of Central Road and Quarry Road. The nearest sensitive receptor is a single-family residence located approximately 4.5 miles southwest of the site. The Project Site, existing Quarry and surrounding area occur within the Regional Industrial (IR) Land Use Zoning District of the County of San Bernardino General Plan.

The existing noise environment at the Project Site includes elevated noise levels from on-going industrial activity. Due to the remote location of the Quarry (e.g., inland from other urban development) and lack of sensitive receptors within the vicinity of the Quarry, existing operation noise is not an issue for the surrounding area. Workers employed at the Quarry are equipped with earplugs and other muffling devices in accordance with OSHA regulations.

#### **Impact Analysis**

*a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

**Less Than Significant.** The noise generated from construction of the Proposed Project would temporarily increase noise levels within the vicinity. However, the Proposed Project would be located on a portion of the existing Black Mountain Quarry Plant. Ongoing operations at the Quarry are industrial in nature and therefore have representational noise levels associated with these activities (i.e., stationary and mobile heavy equipment operating 24 hours a day, 7 days a week). Operation of the Kiln 2 Conversion Facility would have truck’s trips associated with the delivery of alternative fuel. However, operational noise associated with implementation of the Kiln 2 Conversion Facility would not be in excess of current noise already experienced at the site and within the Project vicinity. Ear protection would continue to be provided to personnel to comply with state and federal regulations. Due to the remote location of the facility, which is several miles from the nearest residence, nuisances from excessive noise are not anticipated. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

*b) Generation of excessive groundborne vibration of groundborne noise levels?*

**Less Than Significant.** The Proposed Project would be constructed within a currently paved area. Portions of the pavement may be removed to allow placement of footings, but no other earthwork is proposed. Vibration sensitive receivers are similar to noise sensitive receivers, such as residences, and institutional uses, such as schools, churches, and hospitals. Certain types of construction equipment can generate high levels of groundborne vibration. Due to the remote location of the Quarry (e.g., inland from other urban development) and lack of sensitive receptors within the vicinity of the Quarry, groundborne vibration is not anticipated to be an issue for the surrounding area. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

*c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

**No Impact.** The Project Site is located approximately four miles north of the Holiday Ranch Airport and is not located within an airport land use plan. The Proposed Project would not result in a safety hazard for people residing or working in the project area. Therefore, no impacts from aircraft noise would result to employees at the project site.

**Mitigation Measures:**

None

**Noise Impact Conclusions:**

No significant adverse impacts are identified or anticipated and no mitigation measures are required.

## 14. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

### Environmental Setting

Staffing at the proposed Kiln 2 Conversion Facility would vary and would be provided by existing employees that currently operate Kiln 3. No new employees would be required.

### Impact Analysis

a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

**No Impact.** Existing employees at the Black Mountain Quarry Plant would handle the arriving EMSW fuel materials at Kiln 2. The Proposed Project would be monitored and manned by existing manpower. No new employees would result. No impacts are identified or anticipated, and no mitigation measures are required.

b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

**No Impact.** The Proposed Project would take place on a portion of the existing Black Mountain Quarry Plant. The Project Site is currently paved and does not support any existing housings. Therefore, the Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. No impacts are identified or anticipated, and no mitigation measures are required.

### Mitigation Measures:

None

### Population and Housing Impact Conclusions:

No impacts are identified or anticipated and no mitigation measures are required.

## 15. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?			X	
ii. Police protection?				X
iii. Schools?				X
iv. Recreation/Parks?				X
v. Other public facilities?				X

### Environmental Setting

The Proposed Project is a request to approve a SWFP to allow for the construction and operation of the Kiln 2 Conversion Facility at the existing Black Mountain Quarry Plant, which is located within an unincorporated area of the County of San Bernardino approximately 3.5 miles northeast of the intersection of Central Road and Quarry Road. The Plant occurs in a remote area northeast of the City of Victorville and the Town of Apple Valley. The Proposed Project would be monitored and manned by existing manpower. No new employees would be required.

### Impact Analysis

- a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection, Police protection, Schools, Recreation/Parks, Other public facilities?*
- i. **Less Than Significant.** In the event of an isolated fire occurrence, the 3-sided screening enclosure for the trailers would be equipped with hand-held fire extinguishers. In addition, all heavy equipment and on-site vehicles at the Plant are also equipped with fire extinguishers. The Proposed Kiln 2 Conversion Facility would be regularly inspected by the Apple Valley Fire Department. Current operations at the Plant are inspected by the Fire Department and determined that sufficient fire suppression equipment is available on-site and properly maintained. In addition, fire hydrants exist throughout the Plant. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.
- ii. **No Impact.** The Proposed Kiln 2 Conversion Facility would not be open to the public. Access at the existing Plant is controlled by restricted access that is manned by onsite personnel 24 hours a day, generally eliminating the need for police protection. No impacts are identified or anticipated, and no mitigation measures are required.

- iii, iv No Impact.** The Proposed Project would not result in new employees; as existing employees that currently operate Kiln 2 would continue to do so. Therefore, no impacts to schools or recreational facilities would result as no new employees would be required. No impacts are identified or anticipated, and no mitigation measures are required.
- v. No Impact.** The Proposed Project would not result in the construction of new roads. Delivery of the EMSW would occur on existing roads and systems currently in place. No impacts are identified or anticipated, and no mitigation measures are required.

**Mitigation Measures:**

None

**Public Services Impact Conclusions:**

No significant adverse impacts are identified or anticipated and no mitigation measures are required.

## 16. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

### Environmental Setting

The Proposed Project is a request to approve a SWFP to allow for the construction and operation of the Kiln 2 Conversion Facility at the existing Black Mountain Quarry Plant, which is located within an unincorporated area of the County of San Bernardino approximately 3.5 miles northeast of the intersection of Central Road and Quarry Road. The Plant occurs in a remote area northeast of the City of Victorville and the Town of Apple Valley. The Proposed Project would be monitored and manned by existing manpower. No new employees would be required.

### Impact Analysis

a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

**No Impact.** The Proposed Project would not result in any new/additional employees. Minimal to no construction would be required and would be handled by existing employees at the Plant. Similarly, operation of the proposed facility would be conducted by existing employees. Therefore, no increase in the use of existing neighborhood and regional parks or other recreational facilities would occur. No impacts are identified or anticipated, and no mitigation measures are required.

b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

**No Impact.** The Project does not include recreational facilities. The Project includes permitting and operating a new EMSW Conversion Facility at the existing Black Mountain Quarry Plant. The Project would not require the construction or expansion of recreation facilities. No impacts are identified or anticipated, and no mitigation measures are required.

### Mitigation Measures:

None

### Recreation Impact Conclusions:

No impacts are identified or anticipated and no mitigation measures are required.

## 17. TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
d) Result in inadequate emergency access?				X

### Environmental Setting

The Black Mountain Quarry Plant has been in operation since 1965 and is served by existing roadways. Regional access is provided by I-15 Freeway. From the interstate system, Quarry Road provides access to the Plant. Upon leaving the entry, five miles of internal, paved roads provide access around the Plant.

### Impact Analysis

- a) *Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

**Less Than Significant.** The Proposed Project includes the issuance of a SWFP to allow for the construction and operation of an additional EMSW Conversion Facility at the existing Black Mountain Quarry Plant. Construction activities would be minimal as the Project consists of a prefabricated 3-sided screening enclosure for the trailers that would be constructed within an area that is currently paved. The Proposed SWFP would allow for the usage of up to 500 tons per day of EMSW. The material would be delivered via a tractor trailer that can carry approximately 18 tons of EMSW. Based on an average of 18 tons and a limited usage of 500 tons per day, the Plant could accept 28 to 30 tractor trailer deliveries within a 24-hour period.

According to the Congestion Management Program for San Bernardino County, the guidelines state that a traffic impact analysis is required when a group of projects are forecast to add or generate 250 two-way peak hour trips based on trip generation rates. In such a case, "CMP arterial highways shall be analyzed if they are projected to carry at least 50 two-way peak hour trips, and freeway segments shall be analyzed if they carry at least 100 two-way peak hour trips." The Project would not generate 250 two-way peak hour trips and would not add 50 peak hour trips during either the morning or evening peak hours to any intersection. Thus, the criteria for the Congestion Management Program requiring a Traffic Impact Analysis are not met.

Averaging the 28 to 30 tractor trailer deliveries per day over a 24-hour period will result in an increase of less than two additional trucks per hour and will not significantly impact the Level of Service on any streets within the Project area. The delivery of EMSW would use the existing roadway system mainly via highways. No changes to these systems would result from implementation of the Proposed Project and therefore no unforeseen impacts to bicycle or pedestrian facilities are anticipated. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

**Less Than Significant.** EMSW used for Kiln 2 would be processed at an off-site MRF located approximately 90 miles from the Plant. The material would be weighed at the facility gate and scalehouse located approximately five miles west of the Plant. Once released from the gate and scalehouse, the transfer trucks would proceed along Quarry Road, around the Plant, then towards the Kiln 2 Conversion Facility.

EMSW will be delivered via a tractor trailer which can carry approximately 18 tons of EMSW. Extrapolating from the 18-ton average and the limit of 500 tons per day of EMSW being used as an alternative fuel, the Project would result in approximately 28 to 30 tractor trailer deliveries per 24-hour period. These operational mobile source emissions were calculated using the CalEEMod model for the projected 30 tractor trailer deliveries per 24-hour period and assumed a round trip haul distance of up to 185 miles per vehicle.

Upon arrival, the transfer trucks would back into the one of two eco dockdoor entrances and off-load the EMSW via the walking floor trailer into the hopper. The material will be pneumatically conveyed into the upper portion of the riser, or lower calciner, where the fuel is burnt to offset the use of fossil fuels including coal and natural gas.

Operation of the Proposed Project is not anticipated to generate more than 30 truck trips per day. Since the Project would result in a slight increase in trips, it is not expected to have a significant effect on the existing transit system nor on non-motorized travel in accordance with CEQA Guidelines Section 15064.3 (b). EMSW used for Kiln 2 would be processed at an off-site MRF that is located approximately 90 miles from the Plant. A total of up to 30 tractor/trailer loads would deliver EMSW per day, resulting in a maximum of 5,400 vehicle miles traveled. Since, the use of EMSW varies on day to day operations at the Plant, it is expected that up to 20 trailers may be left at the site to store unused EWSW for up to 7 days, and therefore reducing vehicle miles traveled for the Project. Therefore, the Proposed Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)(1). No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?*

**No Impact.** The proposed construction and operation of the Kiln 2 Conversion Facility would take place on a portion of the existing Black Mountain Quarry Plant. The Plant is closed to the public and therefore no unforeseen hazards or incompatible uses would result. Signs and maps of the Plant are provided at the scale house located approximately five miles to the east of the Project Site. Additional signs are posted along interior plant roadways. No new interior roadways would be constructed. No impacts are identified or anticipated, and no mitigation measures are required.

d) *Result in inadequate emergency access?*

**No Impact.** The Proposed Project would take place on a portion of the existing Black Mountain Quarry Plant. The Project would utilize existing roadways and would not result in a change to existing emergency access at the Plant. No impacts are identified or anticipated, and no mitigation measures are required.

**Mitigation Measures:**

None

**Transportation Impact Conclusions:**

No significant adverse impacts are identified or anticipated and no mitigation measures are required.

## 18. TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

### Environmental Setting

The Project would occur on a portion of the existing Black Mountain Quarry Plant that is currently paved. With the exception of placing footings, no other earthwork is proposed.

### Regulatory Setting

Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to require that: 1) a lead agency provide notice to those California Native American tribes that requested notice of projects proposed by the lead agency; and 2) for any tribe that responded to the notice within 30 days of receipt with a request for consultation, the lead agency must consult with the tribe. Topics that may be addressed during consultation include Tribal Cultural Resources (TCRs), the potential significance of project impacts, type of environmental document that should be prepared, and possible mitigation measures and project alternatives.

Pursuant to AB 52, Section 21073 of the Public Resources Code defines California Native American tribes as “a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of the Statutes of 2004.” This includes both federally and non-federally recognized tribes. Section 21074(a) of the Public Resource Code defines TCRs for the purpose of CEQA as:

1. Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
  - a. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or
  - b. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or

- c. a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria a and b also meet the definition of a historical resource under CEQA, a TCR may also require additional consideration as a historical resource. TCRs may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their tribal cultural resources and heritage, AB 52 requires that CEQA lead agencies provide tribes that requested notification an opportunity to consult at the commencement of the CEQA process to identify TCRs. Furthermore, because a significant effect on a TCR is considered a significant impact on the environment under CEQA, consultation is used to develop appropriate avoidance, impact minimization, and mitigation measures.

### **Summary of AB 52 Consultation**

On July 17, 2020, the County of San Bernardino initiated environmental review under CEQA for the Proposed Project. On July 24, 2020, the County of San Bernardino sent project notification letters to the following California Native American tribes, which had previously submitted general consultation request letters pursuant to 21080.3.1(d) of the Public Resources Code:

- San Manuel Band of Mission Indians
- Twentynine Palms Band of Mission Indians

Each recipient was provided a brief description of the Proposed Project and its location, the lead agency contact information, and a notification that the tribe has 30 days to request consultation. The 30-day response period concluded on August 24, 2020.

As a result of the initial notification letters, the County of San Bernardino received the following responses:

- Twenty-Nine Palms Band of Mission Indians: No response or request to consult received by August 31, 2020.
- San Manuel Band of Mission Indians: On August 7, 2020, the Tribe indicated that if the County standard incidental finds conditions T1-T4, CR1 & 2 and PAL1 were included in the project they had no further need to consult.

Specific measure language is hereby added to the project and consultation is hereby closed.

### **Impact Analysis**

- a) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*

**No Impact.** McKenna et al contacted the Native American Heritage Commission on February 6, 2020 and received a response on February 18, 2020. McKenna et al. sent letters to all identified Native American representatives listed by the Commission, including maps, aerial photographs, and the project description for the larger project. To date, McKenna et al. has not received any responses. Nonetheless, with the ongoing larger project, McKenna et al. will be conducting a second round of consultation, providing the representatives data on the results of the records search and survey.

At this time, McKenna et al. can assert the Kiln 2 project area is within a highly disturbed area within the existing Black Mountain Quarry and will be established in an area that is already paved and in use. No significant cultural resources have been reported in this area and none are expected. McKenna et al. has notified the local Native American representative of the larger Black Mountain Quarry project and has yet to receive any responses. No impacts are identified or anticipated, and no mitigation measures are required.

*b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?*

**Less Than Significant with Mitigation Incorporated.** As previously stated, based on data compiled to date, there are no significant resources in or near the proposed Kiln 2 project site, and no Native American TCRs were identified within the project area during AB 52 consultation. As a result of AB 52 consultation, the Tribes identified a potential for the discovery of unknown TCRs during construction, which may result in a significant impact if such resources are found and affected. Impacts to unknown TCRs would be less than significant with the implementation of Mitigation Measures TCR-1 through TCR-4. Therefore, possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant.

**Mitigation Measures:**

**TCR-1** Appropriate consulting Tribe(s) shall be contacted, as detailed in CR-1, of any pre-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input within 48 hours with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2018), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with consulting Tribe(s), and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents consulting Tribe(s) for the remainder of the project, should Tribe(s) elect to place a monitor on-site at the Tribe's cost.

As necessary, and in accordance with Project-Specific consultations conducted with the NAHC and various Tribal entities in association with AB52, SB18, and/or any other legal guidelines relating to Native American consultations, the specific language noted in CR-1 and CR-2 of this Initial Study may change to reflect Project-Specific needs and requirements.

**TCR-2** If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to CR-2 in this Initial Study and State Health and Safety Code §7050.5 and that code shall be enforced for the duration of the project.

**TCR-3** Only the NAHC Designated MLD Tribal representative shall make all future decisions regarding the treatment of human remains of Native American origin within the response times outlined below. The MLD shall determine the disposition and treatment of Native American human remains and any associated grave goods following Native American Graves Protection and Repatriation Act (NAGPRA) protocols, and what constitutes "appropriate dignity" as that term is used in the applicable statutes and in the Tribe's customs and traditions.

The MLD or his/her designee shall complete an inspection and provide written recommendations to the DPW and the landowner (if different than the DPW) within forty-eight (48) hours of being granted access to the site. If the descendant does not make recommendations within 48 hours, the landowner shall re-inter the remains in a secure area of the property where there will be no further disturbance. Should the landowner not accept the descendant's recommendations either the owner or the MLD may request mediation by NAHC. According to the California Health and Safety Code, six (6) or more human burials at one (1) location constitute a cemetery (Section 8100), and willful disturbance of human remains in a cemetery is a felony (Section 7052).

**TCR-4** Any and all archaeological/cultural documents as related to documented tribal cultural resources created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be disseminated to appropriate consulting Tribe(s) in the form of an un-redacted report (containing DPR forms). The Lead Agency and/or applicant shall, in good faith, consult with the appropriate Tribe(s) until construction completion of the project and completion of any measures imposed to protect resources.

**Tribal Cultural Resources Conclusions:**

Implementation of mitigation measures TCR-1 through TCR-4 would ensure potential impacts to tribal cultural resources are reduced to a less than significant impact.

## 19. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				X
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				X
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				X
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				X

### Environmental Setting

The Black Mountain Quarry Plan (established in 1965) is an existing limestone quarry with primary crushing facilities located northeast of the City of Victorville and the Town of Apple Valley in San Bernardino County. The Black Mountain Quarry is a vested operation and has an approved reclamation plan (84M-010). The Plant is currently served by domestic water, electric power, natural gas, storm water drainage systems and telecommunication facilities. No expansion or changes to these systems is proposed.

### Impact Analysis

a) *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

**No Impact.** Water would continue to be used for mixing during operations and would be supplied from the CEMEX's water well supply system. There is no public water supplier that provides services to the Plant and therefore no new facilities would be required. The Proposed Project would not result in the need for additional energy supplies or communication services. No impacts are identified or anticipated, and no mitigation measures are required.

b) *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

**No Impact.** The Proposed Project includes the construction of a 3-sided screening enclosure for the trailers (placement of footings) and movement of equipment to a designated portion of the existing Black Mountain Quarry Plant Kiln 2 Conversion Facility with associated rotary kiln, preheaters and an update to the Siting Element.

Existing roadways would provide access to the Kiln 2 Conversion Facility and the entrance road and internal roads consist of either paved or compacted dirt. A water truck is utilized to minimize dust on unpaved roadways, as necessary. Currently Kiln 2 is operational and utilizes coal for fuel. The Project includes the use of EMSW and would not result in a change to the existing water demand at the Plant. Operation of the kiln would not require water and therefore, water demands of the Proposed Project would not increase the use of groundwater supplies. No impacts are identified or anticipated, and no mitigation measures are required.

- c) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

**No Impact.** Proposed Project would not require new wastewater treatment facilities or expansion of existing facilities. The Proposed Project includes issuance of a SWFP to allow for construction and operation of Kiln 2 Conversion Facility and identification within the Siting Element. The Proposed Project does not include any uses that require wastewater treatment and therefore would exceed wastewater treatment requirements. No impacts are identified or anticipated, and no mitigation measures are required.

- d) *Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

**No Impact.** The acceptance and storage of solid waste would not take place at the proposed Kiln 2 Conversion Facility. At no time will solid waste be delivered and/or used as an alternative fuel. EMSW fuel material received at the plant would typically be used within a 24-hour period and in no instances would fuel in excess of a seven-day supply be stored on site in accordance with Public Resource Code AB1126. EMSW fuel will be delivered by approved suppliers. General refuse would not be generated by the operation of the Kiln 2 Conversion Facility. General waste pickup and disposal would continue to be provided by the Burrtec Disposal Company.

All EMSW fuel would be completely consumed. Only preprocessed EMSW fuel material (typically composed of at least 85 percent paper/wood and 15 percent plastic) and other approved alternative fuels will be utilized at the proposed Kiln 2 Conversion Facility. The use of EMSW fuel materials as an alternative fuel in the production of cement produces ash during the combustion process that becomes part of raw materials that transforms the ash into intermediate product, called clinker, by chemical reactions. All materials used within the cement kiln process are consumed or converted into the material utilized in the production of cement.

Since all alternative fuel material delivered to the facility would be prescreened and would be consumed as fuel, and no residual ash or solid waste would remain after the cement manufacturing process, no final disposal will be required. No impacts are identified or anticipated, and no mitigation measures are required.

- e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

**No Impact.** All EMSW fuel would be completely consumed and would not generate residual. All materials used within the cement kiln process are consumed or converted into the material utilized in the production of cement. Since all alternative fuel material delivered to the facility would be prescreened and would be consumed as fuel, and no residual ash or solid waste would remain after the cement manufacturing process, no final disposal would be required. No impacts are identified or anticipated, and no mitigation measures are required.

**Mitigation Measures**

None Required

**Utilities and Service Systems Impact Conclusions**

No significant adverse impacts are identified, or anticipated, and no mitigation measures are required.

## 20. WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project?				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				X
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				X
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				X
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				X

### Environmental Setting

The Project Site occurs on a portion of the existing Black Mountain Quarry Plant and is suited in an industrial area and does not occur within a fire safety overlay district. The existing Black Mountain Quarry Plant is located within the High Desert Region of San Bernardino County there are no existing trees or other biofuel onsite and the Plant is not located adjacent to wildlands or near the wildlands/urban interface.

### Impact Analysis

a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

**No Impact.** The Project will not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan, because the Project site occurs on a portion of the existing Black Mountain Quarry Plant. The Plant has been in operation since 1965 and currently provides adequate access from Quarry Road. No proposed changes to the existing site access or roadways would result. In addition, the proposed Kiln 2 Conversion Facility would be incorporated into CEMEX's Emergency Response Plan (CUPA Business Plan). No impacts are identified or anticipated, and no mitigation measures are required.

b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

**No Impact.** In the event of an isolated fire occurrence, the 3-sided screening enclosure for the trailers would be equipped with hand-held fire extinguishers. In addition, all heavy equipment and on-site vehicles at the Plant are also equipped with emergency response plan extinguishers. The proposed Kiln 2 EMSW Facility would be regularly inspected by the Apple Valley Fire Department. Current operations at the Plant are inspected by the Fire Department and it has historically been determined that sufficient fire suppression equipment is available on-site and properly maintained. In addition, fire hydrants exist throughout the Plant. No impacts are identified or anticipated, and no mitigation measures are required.

- c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

**No Impact.** The Project Site occurs on a portion of the existing Black Mountain Quarry Plant, which has been in operation since 1965 and currently provides adequate access from Quarry Road. No proposed changes to the existing site access or roadways would be required. No other associated infrastructure, installation or maintenance, is proposed and therefore no ongoing impacts would result. No impacts are identified or anticipated, and no mitigation measures are required.

- d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

**No Impact.** According to County General Plan Figures EH32B and EH32C, the Project Site is not located within an area susceptible to landslides or flooding, respectively. Implementation of the Proposed Project would not expose people or structures to an increased risk of floods or landslides resulting from post-fire slope instability. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**Mitigation Measures:**

None required

**Wildfire Impact Conclusions:**

No impacts are identified or anticipated and no mitigation measures are required.

## 21. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

**Less Than Significant.** The Proposed Project includes a request for a SWFP to allow for the construction and operation of the Kiln 2 Conversion Facility. The Project would be constructed in an area that is currently paved and disturbed by existing quarry operations. Due to the existing site conditions (e.g., minimal vegetation and food sources) and on-going mining activities, and existing on-site parameters that limit the site as a wildlife corridor (i.e., onsite roadways, industrial structures and activities), the Proposed Project is not anticipated to directly impact through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Existing conditions that are practiced at the Black Mountain Quarry Plant including employee/driver awareness (through desert tortoise training), and existing signs at the facility gate/scalehouse. Continued implementation of said conditions would ensure that potential impacts to this species is reduced.

No historic structures would be removed with implementation of the Proposed Project, and with the exception of the placement of footings, no significant amount of earthwork would occur and therefore it is not anticipated that the Project would result in the elimination of any known important examples of the major periods of California history or prehistory. Implementation of Mitigation Measures CR-1 and TCR-1 though TCR-4 would ensure potential impacts are reduced to a less than significant level and no additional mitigation measures are warranted. Therefore, less than significant impacts are identified and/or anticipated, and no mitigation measures are required.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

**Less Than Significant.** Cumulative impacts are defined as two or more individual effects that, when considered together, are considerable or that compound or increase other environmental impacts. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the development when added to the impacts of other closely related past, present, and reasonably foreseeable or probable future developments. Cumulative impacts can result from individually minor, but collectively significant, developments taking place over a period. The CEQA Guidelines, Section 15130 (a) and (b), states:

- (a) Cumulative impacts shall be discussed when the project's incremental effect is cumulatively considerable.
- (b) The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided of the effects attributable to the project. The discussion should be guided by the standards of practicality and reasonableness.

Impacts associated with the Proposed Project would not be considered individually or cumulatively adverse or considerable. Implementation of mitigation measures CR-1 and CR-2 and PAL-1 would ensure potential impacts to cultural resources and paleontological resources are reduced to a less than significant level. Similarly, implementation of Mitigation Measures TCR-1 through TCR-4 would ensure potential impacts to tribal cultural resources are reduced to a less than significant level. Therefore, with implementation of these measures as identified in this Initial Study, potential impacts would be reduced and no additional mitigation measures would be required.

- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

**Less Than Significant.** The incorporation of design features as discussed earlier in this Initial study and implementation of San Bernardino County standards and guidelines would ensure that the Proposed Project would have no substantial adverse effects on human beings, either directly or indirectly on an individual or cumulative basis. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

## SECTION 5 – SUMMARY OF MITIGATION MEASURES

- CR-1** Should unanticipated or inadvertent surface and/or subsurface prehistoric or historic archaeological resources, built environment, and/or tribal cultural resources, appear to be encountered during construction or maintenance activity associated with this project, then all work must halt within a 100-foot radius of the discovery until a qualified professional can evaluate the discovery. If the finds are archaeological or historic in nature, then an archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and/or historic archaeology have evaluated the significance of the find. This archaeologist shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following shall apply, depending on the nature of the find:
- A. If the professional archaeologist determines that the find *does not* represent a cultural resource, then work may resume immediately and no agency notifications are required.
  - B. If the professional archaeologist determines that the find *does* represent a cultural resource from any time or cultural affiliation then, depending on the nature of the discovery, appropriate treatment measures shall be developed.
  - C. If the find represents a Native American or potentially Native American resource that does not include human remains, which may or may not include a Tribal Cultural Resource, then the archaeologist shall consult with appropriate Tribe[s] on whether or not the resource represents either a Tribal Cultural Resource or a Historical Resource, or both, and, if so, consult on appropriate treatment measures. Preservation in place is the preferred treatment, if feasible. Work cannot resume within the no-work radius until the County, through consultation as appropriate, determines that the site either: 1) is not a Tribal Cultural Resource or Historical Resource; or 2) that the treatment measures for the Tribal Cultural Resource or Historical Resource have been completed.
- CR-2** If the find during construction or maintenance activity includes human remains, or remains that are potentially human, the archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the San Bernardino County Coroner (per §7050.5 of the Health and Safety Code). The Coroner's Office may be contacted at Coroner's Division, County of San Bernardino, 175 South Lena Road, San Bernardino, California 92415 or by calling 909.387.2978. The provisions of §7050.5 of the California Health and Safety Code, §5097.98 of the California Public Resources Code, and Assembly Bill 2641 will be implemented. If the Coroner determines the remains are Native American, the Coroner will notify the NAHC by telephone within 24 hours. The NAHC will then immediately notify the person it believes to be the Most Likely Descendant (MLD) of the remains (§5097.98 of the Public Resources Code). The designated MLD will have 48 hours, from the time access to the property is granted, to make recommendations concerning treatment of the remains, in accordance with California Health and Safety Code §7050.5 and CEQA Guidelines §15064.5(e). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§5097.94 of the Public Resources Code).
- If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-

work radius until the County, through consultation as appropriate, determines that the treatment measures have been completed to its satisfaction.

If the Coroner determines that the remains are not of Native American origin and that the remains are from the historic-era, the County Coroner will make a recommendation as to the disposition of the remains. Construction may continue once compliance with all relevant sections of the California Health and Safety Code has been addressed and an authorization to proceed is issued by the County Coroner.

**PAL-1** If any inadvertent or unanticipated finds during construction or maintenance activity appear to be paleontological in nature, then a qualified paleontological Principal Investigator shall evaluate the finds and prepare a Paleontological Mitigation and Monitoring Plan (PMMP). The PMMP shall be prepared in accordance with all appropriate California Environmental Quality Act (CEQA) and County of San Bernardino guidelines. The PMMP shall then be adhered to for the remainder of any land disturbing activities for the project.

**TCR-1** Appropriate consulting Tribe(s) shall be contacted, as detailed in CR-1, of any pre-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input within 48 hours with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2018), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with consulting Tribe(s), and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents consulting Tribe(s) for the remainder of the project, should Tribe(s) elect to place a monitor on-site at the Tribe's cost.

As necessary, and in accordance with Project-Specific consultations conducted with the NAHC and various Tribal entities in association with AB52, SB18, and/or any other legal guidelines relating to Native American consultations, the specific language noted in CR-1 and CR-2 of this Initial Study may change to reflect Project-Specific needs and requirements.

**TCR-2** If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to CR-2 in this Initial Study and State Health and Safety Code §7050.5 and that code shall be enforced for the duration of the project.

**TCR-3** Only the NAHC Designated MLD Tribal representative shall make all future decisions regarding the treatment of human remains of Native American origin within the response times outlined below. The MLD shall determine the disposition and treatment of Native American human remains and any associated grave goods following Native American Graves Protection and Repatriation Act (NAGPRA) protocols, and what constitutes "appropriate dignity" as that term is used in the applicable statutes and in the Tribe's customs and traditions.

The MLD or his/her designee shall complete an inspection and provide written recommendations to the DPW and the landowner (if different than the DPW) within forty-eight (48) hours of being granted access to the site. If the descendant does not make recommendations within 48 hours, the landowner shall re-inter the remains in a secure area of the property where there will be no further disturbance. Should the landowner not accept the descendant's recommendations, either the owner or the MLD may request mediation by

NAHC. According to the California Health and Safety Code, six (6) or more human burials at one (1) location constitute a cemetery (Section 8100), and willful disturbance of human remains in a cemetery is a felony (Section 7052).

**TCR-4** Any and all archaeological/cultural documents as related to documented tribal cultural resources created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be disseminated to appropriate consulting Tribe(s) in the form of an un-redacted report (containing DPR forms). The Lead Agency and/or applicant shall, in good faith, consult with the appropriate Tribe(s) until construction completion of the project and completion of any measures imposed to protect resources.

## SECTION 6 - REFERENCES

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