



April 27, 2022

Governor's Office of Planning & Research

Patrick Egle, Planner III
San Bernardino County Department of Public Works
825 E. Third Street, Room 123
San Bernardino, CA 92415

Apr 27 2022

STATE CLEARINGHOUSE

Subject: SCH No. 2022030772 – Oro Grande Cement Plant EMSW Conversion Facility –
San Bernardino County

Dear Mr. Egle:

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

PROJECT DESCRIPTION

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

The proposed project is for the establishment of a new Engineered Municipal Solid Waste (EMSW) Conversion Facility as part of the existing Oro Grande Cement Plant (Plant), owned and operated by CalPortland, located at 19409 National Trails Highway, Oro Grande, CA 92368. The proposed project of acceptance, storage, and use of (EMSW) at the Plant requires the proposed facility to be identified in the Countywide Integrated Waste Management Plan non-disposal Siting Element and issued a Solid Waste Facility Permit (SWFP) from the County of San Bernardino Department of Public Health, Division of Environmental Health Services. CalPortland's objective is to utilize the EMSW because of its economics, reliability, and benefit of reducing carbon emissions by reducing the amount of coal and natural gas used in the manufacturing of cement. The EMSW would be used as a supplemental/alternate fuel for the facility's rotary kiln by feeding material into the kiln and/or the preheater. EMSW will be stored within the Plant's boundaries in a separately permitted building expected to be in operation for the life of the plant operations. Alternatively, EMSW will be temporarily stored within the enclosed trailers it is delivered in, parked onsite in the location of the Alternative Fuels Storage Hall, until loaded directly into the fueling system.

Summary of Key Design Components of the Proposed Project:

- a. Proposed Solid Waste Facility Permitted Operation: Transformation

- b. Days and Hours of Operation: 24 hours per day, seven days per week, 52 weeks per year
- c. Material Type Received: EMSW
- d. Daily Throughput: 500 Tons per Day
- e. Traffic Volume: up to 30 incoming Vehicles per Day
- f. Total Permitted Area (in acres): need further clarification
- g. Design Capacity: 3,500 tons

COMMENTS

Total Permitted Area

Page 9 of the ND indicates “The EMSW handling and storage activities would take place on an approximately 0.4-acre portion of the existing Plant. Conversion of EMSW, i.e., the use of EMSW as a fuel, would take place in the existing cement plant’s kiln and preheater tower, on an approximate footprint of 2 acres.” Will the proposed SWFP permitted area include both the 0.4-acre storage area and the 2.0-acre cement plant kiln and preheater tower, totaling to 2.4 acres? Or will it only include the 0.4-acre storage area? The acreage should also include any area for trailers used for storage of EMSW. Please describe and analyze for the total area, in acres, that is being proposed to be governed by the SWFP.

Public Resources Code - PRC Section 40131.2

Please note that the statutory requirements for an EMSW Conversion Facility (EMSWCF) provided in Division 30 of the Public Resources Code (30 PRC), Section 40131.2, apply to the proposed project, all of which must be met for the facility to be considered an EMSWCF:

- (a) “Engineered municipal solid waste conversion” or “EMSW conversion” means the conversion of solid waste through a process that meets all of the following requirements:
 - (1) The waste to be converted is beneficial and effective in that it replaces or supplements the use of fossil fuels.
 - (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.

It is not clear from the information provided on pages 10-11 of the ND that the proposed project meets the requirements of an ESMWCF, per 30 PRC Section 40131.2. Comments and questions regarding the 8 specific requirements are included below.

For requirement (2) how often will the periodic grab samples be taken to assure that the material is considered non-hazardous waste? Do these grab samples include testing the waste to be converted, the resulting ash and any byproducts of the conversion? Will the material that is sampled be stored in a specified location until the results are determined? Will the sample results be analyzed and approved prior to converting the EMSW?

For requirement (3) further describe how the energy generated from the proposed EMSW feed and burn rate at this facility will be efficient and maximize the net calorific value.

For requirement (4) which specific tests and methods will be conducted to assure that the waste received meets the less than 25 percent moisture and noncombustible waste thresholds? Are these tests performed on each load and once results approved, then delivered as a fuel source? Are these tests also performed at the EMSWCF to verify that the test results meet the thresholds on the waste received from the Material Recovery Facility (MRF)?

For requirement (5) include specific descriptions here on the handling of solid waste at the EMSWCF, such as information provided on pages 7-8 of the ND.

For requirement (7) how will the EMSW be analyzed to ensure it has an energy content equal to or greater than 5,000 BTU per pound?

For requirement (8) which offsite MRF will the material be processed?

Solid Waste Regulatory Oversight

The San Bernardino County Department of Public Health, Division of Environmental Health Services, Local Enforcement Agency (LEA) is responsible for providing regulatory oversight of solid waste handling and disposal activities, including inspections and permitting. Please contact the LEA, Kimberly Tra, at 800.442.2283 or by e-mail at Kimberly.Tra@dph.sbcounty.gov to discuss solid waste regulatory requirements for the proposed project.

CONCLUSION

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

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

ND for Oro Grande Cement Plant EMSW Conversion Facility

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

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

Sincerely,



Megan Emslander, Environmental Scientist
Permitting & Assistance Branch – South Unit
Waste Permitting, Compliance & Mitigation Division
CalRecycle

cc: Ben Escotto, Supervisor
Permitting & Assistance Branch – South Unit

Kimberly Tra, Supervisor
San Bernardino County LEA