January 9, 2024

Darron Poulsen, General Manager
Victor Valley Wastewater Reclamation Authority
20111 Shay Road
Victorville, CA 92394

Subject: SCH No. 2023120061 – Victor Valley Bioenergy Facility (VVBF) Project – San Bernardino County

Dear Mr. Poulsen:

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

The Victor Valley Wastewater Reclamation Authority (VVWRA), acting as Lead Agency, has prepared and circulated a Notice of Completion (NOC) of a Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

The proposed Victor Valley Bioenergy Facility (VVBF) Project (proposed project) is located at 20111 Shay Road, City of Victorville, San Bernardino County, California 92394 within VVWRA's property. The project site is approximately 30 acres, and the site is in the existing open area northwest of the VVWRA Wastewater Treatment Plant (WWTP) headquarters, within an area that is already developed as holding ponds. The land use for the proposed project is Open Space and Specific Plan (SCLA), and the zoning classification is Exclusive Agriculture and Specific Plan (SCLA).

The proposed project will divert up to 1,450 tons per day (TPD), from offsite Southern California organic waste streams, from landfill disposal and process an additional 875 TPD of VVWRA onsite waste streams into soil amendment. The proposed project includes three main elements: Anaerobic Digestion and Renewable Natural Gas (RNG) System, Pyrolysis and Biochar System, and a Solar System.

The Anaerobic Digestion and RNG System element of the proposed project would produce up to 805,920 million British thermal units (MMBtu)/year of pipeline-injected RNG from biogas treatment from 700 TPD of recovered organic waste (e.g., organic

fractions of municipal solid waste (MSW), source-separated organics, de-packaged food waste, organic rich fines from MSW) and 200 TPD of liquid waste; it will also produce dried solids for land application. The Pyrolysis and Biochar System element of the proposed project would produce up to 71 TPD of biochar for soil nutrients from 550 TPD of offsite biosolids and 875 TPD of onsite VVWRA digestate (dewatered biosoilds).

Operations would occur 24 hours per day, 365 days per year. The equipment may shut down periodically for planned and unplanned maintenance, but employees will be on site at all times. Deliveries will be scheduled primarily during normal business hours. Business hours are from 6AM to 10PM for receipt of deliveries of feedstock. The operations of the proposed project will include an average of 76 truck roundtrips per day (including off-hauling of residuals and end-products), ranging from 60 to 90 truck roundtrips per day. The City estimates that 1,450 tons per day (TPD) would be transferred to the proposed project site (as well as the processing of 875 TPD of onsite digestate).

Comments

CalRecycle staff's comments on the proposed project are listed below. Where a specific location in the document is noted for the comment, please ensure the comment is addressed throughout all sections of the Draft IS/MND, in addition to the specific location noted. Comments for the Draft IS/MND are summarized below:

Page 1.1 – Section 1.1 – Introduction

In the second paragraph it states the proposed project will divert up to 1,450 TPD from offsite Southern California organic waste streams from landfill disposal. In the first and second bullet points it breaks down the total 1,450 TPD into its own category of organic waste streams. It states that for the anaerobic digestion activity, offsite organics diverted from landfill to the proposed project will be 700 TPD of organic waste and 200 TPD of liquid organic waste. It also states that for the pyrolysis activity, 550 TPD of offsite biosolids will be received. Additionally, the pyrolysis activity will also process 875 TPD of the sites' own onsite digestate.

The anaerobic digestion activity is subject to CalRecycle's In-Vessel Digestion Operations and Facilities Regulatory Requirements pursuant to Title 14, California Code of Regulations (CCR), Chapter 3.2. It is not clear from the project description if the anaerobic digestion activity meets all the requirements as an excluded activity pursuant to 14 CCR §17896.6 or will require a Full Solid Waste Facilities Permit (SWFP) as a Large Volume In-Vessel Digestion Facility.

The project as described also involves the conversion of solid waste. As such, the project may meet the definition of transformation, which includes pyrolysis, per Public Resources Code (PRC) §40201. As a transformation facility, the activity will be regulated under a SWFP issued by the Local Enforcement Agency (LEA) for San Bernardino County and will be required to be described in the Countywide Siting Element, approved pursuant to PRC §41721(a).

Alternatively, the project may meet the definition of Engineered municipal solid waste (EMSW) conversion in accordance with PRC Section 40131.2. As an EMSW conversion facility, the activity would be regulated under a SWFP issued by the LEA and would be required to be described in a Siting Element, approved pursuant to PRC Section 41721(b).

In the first bullet point regarding Anaerobic Digestion and RNG System, at the end of the sentence it states the anaerobic digestion will produce "…up to 170 TPD of soil amendment." However, on page 1-5 – Section 1.3 – Process Description, the first sentence states the proposed project will produce up to 55 TPD of dried solids for land application from anaerobic digestion. The discrepancy is in the TPD. Is it up to 170 TPD or up to 55 TPD? It is being interpreted that the soil amendment and dried solids for land application to be the same since this is a product of the anaerobic digestion system. Additionally on page 1-6 – Figure 1-4 VVBF Block Flow Diagram, it shows the flow of organics going into the anaerobic digestion and producing "Dried Solids [Land Application] 55 TPD". Please provide clarification.

Pages 1.5-1.7 – Section 1.3 – Process Description

For the Anerobic Digestion and RNG System section on page 1-5, it is stated that the organic waste will go through an organic polishing system that "will remove contaminants such as plastics and grit (sand, dirt, glass, rocks) from the waste stream. The rejected material from the organic polishing system will be sent to plastics and rejects bins, which will then be sent to the Victorville Sanitary Landfill." For the Pyrolysis and Biochar System section on page 1-7, it is stated that the digestate will be dewatered and along with the offsite biosolids, be dried. These additional aspects of the anerobic digestion and pyrolysis activities may be considered 'processing' pursuant to 14 CCR §17402(a)(20) and subject to the Transfer/Processing requirements per 14 CCR 17400 et al.

Solid Waste Regulatory Oversight

The San Bernardino County Department of Public Health, Division of Environmental Health Services is the LEA for San Bernardino County and responsible for providing regulatory oversight of solid waste handling activities, including permitting and inspections. Please contact Tamara King of the LEA at 800.442.2283 or Tamara.King@dph.sbcounty.gov to discuss the regulatory requirements for the proposed project.

Conclusion

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the environmental document and hopes that this comment letter will be useful to the Lead Agency preparing the Final MND 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.

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 916.323.1799 or by e-mail at Nai.Teurn@calrecycle.ca.gov.

Sincerely,

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LEA