

**Draft Initial Study/Negative Declaration
San Bernardino County Department of Public Works**

**Oro Grande Cement Plant
EMSW Conversion Facility
Oro Grande, CA**

Lead Agency

San Bernardino County



Technical assistance provided by:



Lilburn Corporation
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March 2022

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SECTION 1 – INTRODUCTION

In compliance with Assembly Bill 1126 (AB 1126) and California Code of Regulations Title 27 21685, CalPortland is requesting a new Solid Waste Facilities Permit (SWFP) to accept and use Engineered Municipal Solid Waste¹ (EMSW) at its Oro Grande Cement Plant (herein after referred to as Plant) located approximately six miles north of Victorville, California (see Figure 1 and Figure 2). The Project entails the identification of a new EMSW Conversion Facility on the Countywide Integrated Waste Management Plan non-disposal Siting Element (Siting Element) and identification of EMSW as a feedstock for the Plant's rotary kiln located at the Oro Grande Cement Plant ("Proposed Project"). The EMSW would be used to fuel the Plant's rotary kiln. The Plant would utilize EMSW as a supplemental/alternate fuel to reduce the current amount of fossil fuels used at the Plant, reducing the Cement Plant's greenhouse gas emissions. The Mojave Desert Air Quality Management District (MDAQMD) has already issued CalPortland an Authority to Construct (ATC) and Title V Significant Permit Modification for the EMSW Conversion Facility, finding there will be no net increase in emissions from the Project.

EMSW conversion activities would take place within the existing Plant. EMSW will be stored within a building that the San Bernardino County Land Use Services Department (LUSD) previously approved for construction as part of the Plant's Modernization Program; approved as part of the 1998 Land Use Review and most recently reauthorized by LUSD in August 2021. The separately permitted building, or Alternative Fuels Storage Hall (AFSH), would be located within the approximately 0.4-acre area consisting of completely disturbed land located between the existing limestone dome and the raw mill roll press as shown in Figure 3. Alternatively, EMSW will be stored within trailers parked onsite at the same location as the AFSH until it is able to be offloaded into the fueling system. All storage of EMSW will comply with State and local regulations.

The Project entails the identification of a new EMSW Conversion Facility on the Siting Element and identification of EMSW as a feedstock for the Plant's rotary kiln located at the Plant. This request is being made to facilitate identification of the proposed 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 SWFP from the San Bernardino County Division of Environmental Health Services²(EHS). The facility's identification within the Siting Element is required in order for the San Bernardino County Department of Environmental Health Services – Local Enforcement Agency (LEA) to review and issue necessary permits.

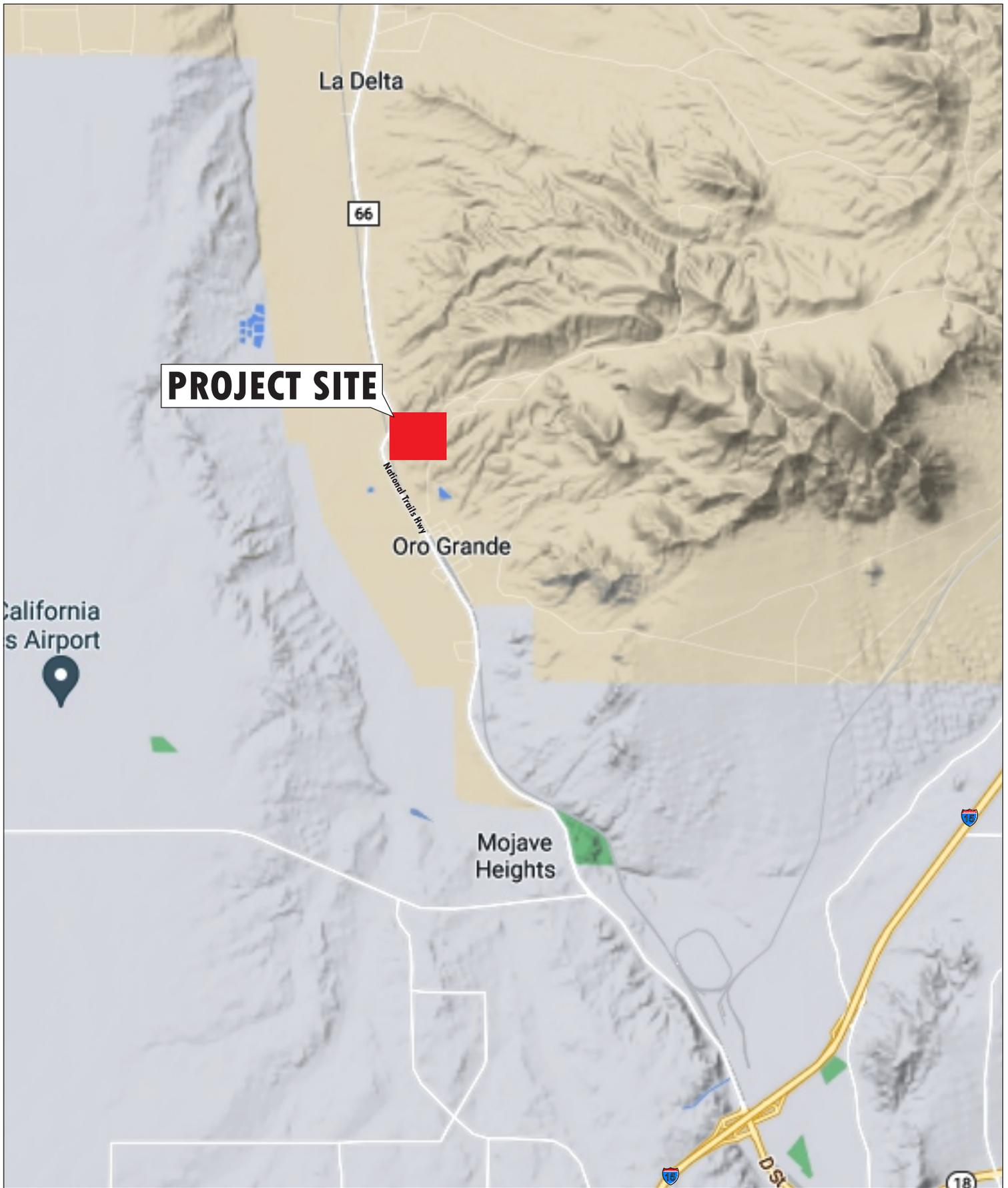
Facility Overview

CalPortland's Plant is an existing cement plant with a limestone quarry that has been in operation since the late 1800s and is composed of several quarries that occur within an approximate 971-acre industrial site. Specifically, the facility is located approximately six miles north of Victorville along National Trails Highway (San Bernardino County Route 66) and is approximately 0.75 miles east of the Mojave River. The Burlington Northern Santa Fe Railroad and the Union Pacific Railroad run parallel to the facility's western boundary.

Operations at the Plant consist of activities required to provide the principal raw materials for producing portland cement. The Plant currently processes raw material to produce clinker. Clinker is a nodular material produced by heating limestone and other raw materials in a rotary kiln to the point of liquefaction

¹ 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.

² 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.



REGIONAL LOCATION

CalPortland EMSW Transfer Processing Report
 County of San Bernardino, California





SITE PLAN
 CalPortland EMSW Transfer Processing Report
 County of San Bernardino, California

FIGURE 3

(about 1400°C-1500°C). When cooled, 3-25 mm diameter nodules of clinker are formed. Clinker, when added with gypsum (to control the setting properties of cement and ensure compressive strength) and ground finely, produces cement. The most common type of clinker is produced for portland cement and its blends. Portland cement is the most common type of cement in general use around the world and is a basic binder ingredient of concrete, mortar, stucco and grout.

The clinker is then processed for cement production. Cement product is bulk loaded into railcars and trucks for export from the site. Industrial activities at the Plant include: quarrying and mining limestone; stockpiling and processing raw materials as required to manufacture portland cement products; provide services and materials to maintain equipment, mobile and stationary, incidental to the process of portland cement manufacturing; provide services and materials to allow for adequate testing both chemically and physically during in-process quality control; pre-and-post sales testing; and provide services and materials to load out bulk sales of various portland cements via trucks or rail transport.

Currently, the Plant uses coal and natural gas as its primary fuel sources. However, CalPortland is permitted by the MDAQMD to utilize several alternate fuels within its kiln, including: bags from the baghouses at the facility, tire derived fuel (TDF), specifically, any combination of whole tires, chipped tires, or separated portions of tires, biosolids, biomass fuels, including but not limited to pistachio shells, almond shells, yard clippings, and construction and demolition (C&D) wood meeting the definition of 40 CFR 241.2, paper cardboard, and engineered fuels. CalPortland is also permitted to use petroleum coke as a fuel. CalPortland's use of alternate fuel will result in lower greenhouse gas emissions and will help meet the state's goals for reduction of greenhouse gas under AB 32.

Purpose

The purpose of this CEQA Initial Study is to evaluate whether an update to the Siting Element, issuance of a SWFP and use of EMSW would have a significant effect on the environment. EMSW will be stored within a separately permitted building that was previously approved for construction as part of the Plant's Modernization Program, approved as part of the 1998 Land Use Review³⁴ or within enclosed trailers onsite. The Land Use Review has been renewed continually since 1998, with the most recent extension approved in August 2021.

³ Building 4B in the approved Land Use Review, which has been renewed continually with the most recent extension of approval granted in August 2021, is intended for the storage of alternatives fuels.

⁴ In 1998, an Analysis of Compliance with the San Bernardino County Development Code and CEQA were completed for the Plant Modernization Program.

SECTION 2 – REGULATORY FRAMEWORK

The San Bernardino County Department of Public Works (County) has identified that the Proposed EMSW 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 resulting from an update to the Siting Element, issuance of a SWFP, and the use of EMSW. Use of EMSW requires the identification of a new EMSW Conversion Facility on the Siting Element and identification of EMSW as a feedstock for the Plant's rotary kiln located at the Plant. 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.

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

CalPortland is seeking identification of acceptance, storage, and use of EMSW at its existing Plant in the Siting Element. CalPortland's objective is to utilize the 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 and natural gas 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. The facility's identification within the Siting Element is required for the LEA⁵ to review and issue necessary permits. The MDAQMD has already issued CalPortland an ATC and Title V Significant Permit Modification for the EMSW Conversion Facility, finding there will be no net increase in emissions from the Project.

EMSW will be stored within the cement plant boundaries in a separately permitted building expected to be in operation for the life of the plant operations as shown in Figure 3. Alternatively, EMSW will be temporarily stored within the enclosed trailers it is delivered in, parked onsite in the location of the AFSH, until loaded directly into the fueling system.

Pursuant to Title 14 California Code of Regulations (CCR) Section 18221.6, a complete Transfer Processing Report (TPR) has been prepared to obtain a new SWFP.

Operation Cycle

The Project includes the transformation of EMSW by means of incineration as an alternative fuel for use in the plant's existing kiln. As provided in 30 PRC Section 40131.2, (a) "Engineered municipal solid waste conversion" or "EMSW conversion" is the conversion of solid waste through a process that meets requirements set forth in Public Resources Code (Division 30 (30 PRC)) Section 40201.

EMSW proposed for use at the plant's existing kiln would be processed at an off-site Material Recovery Facility (MRF). Chlorine content in municipal solid waste-based fuels can be as much as 0.9% due mainly to the presence of chlorinated plastics. Mechanical treatments including shredding and screening would be applied to the waste to decrease the chlorine content⁶. Procedures for the acceptance and rejection of EMSW fuel are provided in the TPR and would ensure that all EMSW deliveries are properly documented for transport and conform to specific criteria for acceptance based on sampling and testing prior to shipping. Tests performed on the EMSW would also ensure that the waste to be converted contains less than 25 percent moisture and noncombustible waste.

Based on the Plant's maximum clinker production, the Plant rotary kiln has the ability to utilize as much as 300,000 tons of low sulfur coal per year in the manufacturing of cement. The source of the coal is currently located in Utah and is delivered to the Plant via rail cars. To assure that EMSW fuel is beneficial and that the conversion is efficient and produces energy values that would exceed 5,000 BTU per pound, CalPortland has estimated their maximum current energy use to be around 900 tons of coal per day and has compared that use of energy to what would be substituted using EMSW fuel. Based on a maximum daily throughput of 500 tons per day of EMSW, a reduction of up to approximately 450 tons of coal per day could result. The conversion, by means of combustion, is efficient and maximizes the net calorific value and burn rate of the waste.

Solid Waste Handling

The existing Plant operates 24 hours, 7 days per week and 52 weeks per year. EMSW would be received and processed during this time. Due to production fluctuations or maintenance, the kiln could be expected

⁵ 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.

⁶ Shredding and screening reduces the chlorine content in MSW fuels by up to 64%

to be non-operable for up to three weeks per year. EMSW would be delivered to the facility via walking floor trucks that would be weighed at a facility scalehouse or using weights from delivery tickets. Appropriate records would be maintained to ensure that the maximum daily tonnage of 500 tons per day is not exceeded. Precautions would be taken to assure that no hazardous wastes are included in the fuels received. Each fuel delivery will be accompanied by a shipping manifest from the supplier stating its non-hazardous conformance. Additionally, periodic grab samples would be obtained and analyzed for total threshold limit concentration.

Trucks would then proceed via internal roads towards the 15,000 square-foot AFSH/trailer storage area and would either back into the building and off-load the material or offload EMSW directly into the fueling system. The AFSH is separately permitted under the Plant's existing County entitlements. If offloaded into the building instead of directly into the fueling system, a front-end loader would load the fuel from the AFSH and place it into the fueling system, which begins with a charging hopper. From the charging hopper, the material would be conveyed onto a walking floor that would deliver the EMSW to the enclosed drag conveyors, which would then transport the material to the hopper located at the preheater tower. At this point the fuel path would split into two separate feeding systems, and pneumatically convey the fuel into either: 1) the upper portion of the riser; 2) the lower calciner in the kiln burner end; or 3) the front end of the kiln.

In the event 500 tons of EMSW is not used for fuel at the kiln in a given day, it would be stored in the 15,000 square-foot AFSH or enclosed in the trailer it was delivered in and parked onsite at the same location as the AFSH until it is able to be offloaded into the fueling system. Up to 2,552 tons⁷ of EMSW could be stored at the AFSH. Each trailer can hold up to 17 tons of EMSW. No more than a seven-day supply of EMSW (up to 3,500 tons) will be stored at the facility at any one time.

Maximum Daily Traffic

Tractor/trailers would deliver EMSW to the Plant. Maximum daily traffic coming to the Plant for delivery of EMSW would range from 20 to 30 tractor/trailer loads per day with up to 17 tons per tractor/trailer. The source of the EMSW materials is located approximately 70 miles from the Plant.

Solid Waste Facility Permit

The Proposed Project will require a SWFP. Prior to commencement of the Proposed Project and in accordance with Title 27 CCR, Section 21650, CalPortland shall submit an application for a new SWFP to the LEA. The permitting and regulatory requirements for the operations/activities proposed at the Project Site would be in accordance with Title 14 and Title 27 of the California Code of Regulations (Title 14 or 27 CCR). The specific requirements of a SWFP are listed below followed by how CalPortland would comply.

- *Proposed hours of operation for receipt of material:* EMSW could be received by the plant 24 hours per day, 7 days per week.
- *EMSW conversion activities,* would take place during kiln operating hours for the plant and may take place anytime within a 24-hour period up to 7 days per week and 52 weeks per year.
- *Storage capacity:* The AFSH can store up to approximately 2,552 tons of EMSW. Alternatively, trailers would be used for storage and would store up to 17 tons per trailer. No more than a seven-day supply of EMSW will be stored onsite at any one time.

⁷ This value is derived from (15,000 square feet of AFSH floor area – 4,000 square feet of maneuvering area for the loader) time alternative fuels piles 20 feet in height, times average density of 23.2 lbs per cubic ft = 5,104,00 lbs/2000 lbs/ton = 2,552 tons of storage capacity.

- *Total facility area in acres:* 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.
- *Description of solid waste handling:* Refer to Operating Cycle discussed previously.
- *Meeting the EMSW requirements:* The Proposed Project would meet the requirements of EMSW Conversion as set forth in 30 PRC Section 40131.2. and as discussed in the Operating Cycle.
- *Identify all areas that will be used for storage and what the entire facility design capacity is, including the assumptions, methods, and calculations performed to determine the total capacity:* The AFSH would accommodate the temporary storage of approximately 2,552 tons of EMSW for use at the facility's existing kiln. Alternatively, trailers containing EMSW would park onsite at the same location as the AFSH.
- *Types and the daily quantities (in tons) of solid waste to be received:* The AFSH has the ability to store pistachio/almond shells, wood chips, painted woodchips, tire fluff, and tire chips. The quantities to be received will be based on available supply in the market. The total amount of EMSW onsite will not exceed a 7-day supply of EMSW ⁸in compliance with AB 1126 thresholds.
- *How will the material be load checked and verified that it meets the proposed permitted quantities and waste types:* EMSW proposed for use at the Plant's existing kiln would be processed at an off-site MRF. Procedures for the acceptance and rejection of EMSW fuel are provided in the TPR and would ensure that all EMSW deliveries are properly documented for transport and conform to specific criteria for acceptance based on sampling and testing prior to shipping. Tests performed on the EMSW would also ensure that the waste to be converted is noncombustible and contains less than 25 percent moisture. The quantities to be received will be based on available supply in the market. The total amount of EMSW onsite will never exceed 3,500 tons.
- *Describe measures the facility will take to prevent any nuisances in this area such as vectors, dust, and litter:* Delivery and handling of all EMSW would take place within an enclosed building to ensure that windblown materials, propagation, and/or attraction of flies, rodents, or other vectors are minimized to the extent feasible. In accordance with 14 CCR, Section 17410.4, the Project will control vectors by conducting frequent site inspections for any signs of vector activity and other safety concerns. If such activity is observed, a vector eradication program will be implemented, and if necessary, a professional pest controller would be requested.

The Project shall control odor through various means including:

- All EMSW shall be delivered in fully enclosed trailers;
- The EMSW shall remain in the enclosed trailers until delivered to the AFSH or offloaded into the fueling system;
- When moved to the fuel system and unloaded, the trailer will be docked and connected to the system in a manner that minimizes open air contact.

Solid Waste Regulatory Oversight

The LEA is responsible for providing regulatory oversight of solid waste handling activities, such as EMSW conversion and transfer/processing operations, including permitting and inspections.

⁸ The AFSH has the capacity to store 2,552 tons; remaining EMSW received would be stored in trailers (up to 948 tons) in the designated trailer storage area as shown in Figure 3.

EMSW Conversion Facility Statutory Requirements

In accordance with Public Resources Code 40131.2, EMSW conversion is defined as the conversion of solid waste through a process that meets the following eight (8) requirements; a description for how the proposed EMSW conversion shall meet the requirements follows:

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

CalPortland has estimated their maximum current energy use to be around 900 tons of coal per day and has compared that use of energy to what would be substituted using EMSW fuel. Based on a maximum daily throughput of 500 tons per day of EMSW, a reduction of up to approximately 450 tons of coal per day could result. The conversion, by means of combustion, is efficient and maximizes the net calorific value and burn rate of the waste.

(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.

Precautions would be taken to assure that no hazardous wastes are included in the fuels received. Each fuel delivery will be accompanied by a shipping manifest from the supplier stating its non-hazardous conformance. Additionally, periodic grab samples would be obtained and analyzed for total threshold limit concentration.

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

CalPortland has estimated their maximum current energy use to be around 900 tons of coal per day and has compared that use of energy to what would be substituted using EMSW fuel. Based on a maximum daily throughput of 500 tons per day of EMSW, a reduction of up to approximately 450 tons of coal per day could result. The conversion, by means of combustion, 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.

Procedures for the acceptance and rejection of EMSW fuel are provided in the TPR and would ensure that all EMSW deliveries are properly documented for transport and conform to specific criteria for acceptance based on sampling and testing prior to shipping. Tests performed on the EMSW would ensure that the waste to be converted is noncombustible and contains less than 25 percent moisture.

(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.

EMSW would be handled in compliance with the requirements set forth in 30 PRC Section 40131.2, and no more than a 7-day supply of waste (or 3,500 tons) would be stored onsite at any one time.

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

CalPortland is proposing to use a maximum of 500 tons of EMSW per day, in compliance with AB 1126 thresholds. Fuel use would be monitored continuously by central control using a combination of volumetric and/or mass flow measurements.

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

Prior to the acceptance of EMSW, it shall be analyzed to ensure it 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.

EMSW proposed for use at the Plant's existing kiln would be processed at an off-site MRF. Chlorine content in municipal solid waste-based fuels can be as much as 0.9% due mainly to the presence of chlorinated plastics. Mechanical treatments including shredding and screening would be applied to the waste to decrease the chlorine content⁹. Procedures for the acceptance and rejection of EMSW fuel are provided in the TPR and would ensure that all EMSW deliveries are properly documented for transport and conform to specific criteria for acceptance based on sampling and testing prior to shipping. Tests performed on the EMSW would also ensure that the waste to be converted is noncombustible and contains less than 25 percent moisture.

Project Design Features

In accordance with 14 CCR, Section 17407.4, the Project shall have all EMSW fuel delivered within an enclosed trailer to minimize dust. The Plant shall continue to maintain a Fugitive Dust Control Plan which among other things requires the use of water trucks on all roadways to minimize fugitive dust from vehicular traffic. In accordance with 14 CCR, Section 17408.1, litter control procedures shall be practiced at the AFSH/trailer storage area. All EMSW fuel material shall be stored within the building or enclosed trailer until needed. As often as necessary, employees sweep and remove dust and other debris that could potentially migrate away.

In accordance with 14 CCR, Section 17410.4, the Project will control vectors by conducting frequent site inspections for any signs of vector activity and other safety concerns. If such activity is observed, a vector eradication program will be implemented, and if necessary, a professional pest controller would be requested.

The Project shall control odor through various means including:

- All EMSW shall be delivered in fully enclosed trailers;
- The EMSW shall remain in the enclosed trailers until delivered to the AFSH or fuel system;
- When moved to the fuel system and unloaded, the trailer will be docked and connected to the system in a manner that minimizes open air contact.

⁹ Shredding and screening reduces the chlorine content in EMSW fuels by up to 64 percent.

SECTION 4 – ENVIRONMENTAL CHECKLIST FORM

1. **Project Title:** EMSW Conversion Facility
2. **Lead Agency Name:** San Bernardino County Department of Public Works
Address: 825 East Third Street, Room 123
San Bernardino, CA 92415-0835
3. **Contact Person:** Catalina Fernandez-Moores
e-mail: cfernandez@calportland.com
Phone number: (760) 269-1135
4. **Project Location:** The Oro Grande Plant is generally located west of Interstate 15, east of U.S. Highway 395, north of State Route 18, and south of State Route 58 in the community of Oro Grande, San Bernardino County, California. Specifically, the Project Site is located at CalPortland’s Oro Grande Cement Plant located at 19409 National Trails Highway, Oro Grande, California 92368
Topographic Quad (USGS 7.5”): Victorville and Helendale
Topographic Quad: T6N, R4W Section 18
Coordinates: 34° 37’ 31” N, 117° 18’ 59” W
Site Access: Access is provided via a gated entry from Oro Grande Canyon Road
5. **Project Sponsor:** CalPortland Company
Name and Address: CalPortland Company
2025 E. Financial Way
Glendora, CA 91714
Telephone: (760) 963-6358
6. **General Plan/Zoning Designation:** Regional Industrial (IR)
7. **Project Description Summary:**

CalPortland is seeking identification of an EMSW Conversion Facility at its existing Plant in the Siting Element, to maximize the use of EMSW. The Proposed Project is identified as “EMSW Conversion Facility.” CalPortland’s objective is to utilize the use of 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 and natural gas in the manufacturing of cement. The EMSW would be used as a supplemental/alternative fuel for the facility’s rotary kiln by feeding material into the kiln and/or the preheater. The facility’s identification within the Siting Element is required for the LEA to review and issue necessary permits.

The EMSW Conversion Facility will require issuance of a SWFP from the EHS. Pursuant to Title 14 California Code of Regulations (CCR) Section 18221.6, a complete TPR has been prepared to obtain an EMSW conversion facility SWFP.

The MDAQMD has already issued CalPortland an ATC and Title V Significant Permit Modification for the EMSW Conversion Facility because there will be no net increase in emissions from the Project.

Details of the Project are further discussed in Section 3.

8. Environmental/Existing Site Conditions:

CalPortland's Plant is an existing cement plant with a limestone quarry that has been in operation since the late 1800s and is composed of several quarries that occur within an approximate 971-acre industrial site located at 19409 National Trails Highway in Oro Grande, San Bernardino County. The Oro Grande Quarry is a vested operation and has an approved reclamation plan from the County. CalPortland is permitted to mine from several limestone quarries on site. Limestone is transported to the primary crusher, which is the start of the cement process. The Plant is a modern portland cement manufacturing facility. The basic process of the Plant is the calcining of limestone, which is mixed with other raw materials. Clinker is produced from calcining the limestone and raw materials in a pre-calciner and the rotary kiln. There are other ancillary processes at the Plant, including clinker cooling, milling, blending, and crushing, as well as load-out via railcar and trucks.

There are no known existing environmental concerns at the Plant at the location of the proposed EMSW Conversion Facility. The Project Site does not occur in any designated critical habitat or as occurring in a special plan area.

9. Surrounding land uses and setting:

The Plant is located approximately six miles north of Victorville in the unincorporated community of Oro Grande in San Bernardino County. The Plant is approximately four miles northwest of Interstate 15 (I-15), approximately 4.5 miles east of State Highway 395, and adjacent to National Trails Highway (State Route 66). The Plant is within portions of Sections 4, 5, 8, 9, 16, 17, and 18 of Township 6 North (T6N), Range 4 West (R4W), San Bernardino Base Meridian, and consists of a total of 13 parcels (Assessor's Parcel Numbers [APN] 468-141-05; 469-131-02, 04, 05, 06; 469-191-01, 03, 05, 11, 12; 469-201-02, 05 and -07) within privately-held lands owned by CalPortland. The proposed EMSW Conversion Facility occurs on a disturbed portion of Section 18 of T6N, R4W on APN 0468-141-08, within the existing Plant site.

The surrounding land use designations and uses for the Plant are as follows:

- North: Land Use Category (LUC) and zoning - RL; Vacant, desert lands.
- East: LUC – RLM; Zoning – RC.; Vacant, desert lands. Hilly terrain with isolated mines.
- South: LUC – GI and RLM; Zoning - IR and RC. Vacant, desert lands.
- West: LUC – GI, Medium Density Residential (MDR) in the Community of Oro Grande to southwest, and RL to west along National Trails Highway. Zoning IR; multiple residential (RM); and RC. Vacant, desert lands to immediate west. The Oro Grande

Cement Plant to southwest; rural housing in Community of Oro Grande to southwest and along National Trails Hwy; and Mojave River further west.

The Project Site, which occurs on a portion of the existing Plant (in an area between the existing limestone dome and the raw mill roll press), is surrounded by existing plant operations to the north, east, south and west, and has a land use designation of Industrial.

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 SWFP's and concurrence with decisions of the LEA.
- 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.

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 August 16, 2021, the County 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
- Twenty-Nine 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.

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

- Email received on August 20, 2021 from San Manuel Band of Mission Indians requested consultation and project specific technique reports. A Cultural Overview Report was provided to tribe on November 22, 2021 with a request for concurrence to close AB52 with incidental finds conditions.

On December 6, 2021, by mutual agreement with San Manuel, the AB52 consultation for the Project closed. No conditions were requested from the Tribe.

12. Lead Agency Discretionary Actions:

SWFP issued by the LEA and concurred upon 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 type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Energy
<input 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 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:

X	The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
	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.



3/16/2022

Signature [Anthony Pham, 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 San Bernardino County approximately six miles north of Victorville in the community of Oro Grande. The Plant is approximately four miles northwest of I-15, approximately 4.5 miles east of State Highway 395, and adjacent to State Route 66. The Countywide Policy Plan Land Use Category for the Project Site is General Industrial and occurs within the Regional Industrial Zoning District.

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 and is part of an existing industrial landscape that includes cement production. The Proposed Project includes the acceptance, storage, and use of EMSW as an alternative fuel for the Plant’s existing kiln. Due to the interior location of the Proposed Project within the existing Plant, any public views of the proposed operation would be consistent with existing public views. 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 County¹⁰. The nearest State designated Scenic Highway occurs approximately 50 miles southeast of the Project Site and

¹⁰Obtaining state recognition as an officially designated County Scenic Highway follows the same Scenic Highway program requirements that apply to State Routes.

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 would be removed to allow for the Project, as operations will occur within the interior of the existing plant site, nor would a State Scenic Highway 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 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?*

Less Than Significant . The Project Site occurs on an interior portion of the existing 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 AFSH, and trailer storage area. 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 significant 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.

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 Plant is approximately four miles northwest of I-15, approximately 4.5 miles east of State Highway 395, and adjacent to National Trails Highway (State Route 66). The Countywide Policy Plan Land Use Category for the Project Site is General Industrial (GI) and occurs within the Regional Industrial (IR) Zoning District.

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 San Bernardino County General Plan Land Use Map, the Project Site and surrounding area is zoned Regional Industrial and is currently developed and occupied by the 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 at the existing 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 on a portion of the existing 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 1 lists these designations and classifications. The MDAQMD has adopted attainment plans for a variety of nonattainment pollutants.

**Table 1
 State and Federal Air Quality
 Designations and Classifications**

Ambient Air Quality Standard	Status
One-hour Ozone (Federal) – standard has been revoked	Proposed attainment in 2014; historical classification Severe-17*
Eight-hour Ozone (Federal 84 ppb (1997))	Subpart 2 Nonattainment; classified Severe-15**
Eight-hour Ozone (Federal 75 ppb (2008))	Nonattainment, classified Severe-15**
Eight-hour Ozone (Federal 70 ppb (2015))	Expected nonattainment; classified Severe-15**
Ozone (State)	Nonattainment; classified Moderate
PM10 24-hour (Federal)	Nonattainment; classified Moderate (portion of MDAQMD in Riverside County is unclassified/attainment)
PM2.5 Annual (Federal)	unclassified/attainment
PM2.5 24-hour (Federal)	Unclassified/attainment
PM2.5 (State)	Unclassified/attainment
PM10 (State)	Nonattainment**
Carbon Monoxide (State and Federal)	Nonattainment
Nitrogen Dioxide (State and Federal)	Unclassifiable/Attainment
Sulfur Dioxide (State and Federal)	Unclassifiable/Attainment
Lead (State and Federal)	Attainment/unclassified
Particulate Sulfate (State)	Unclassifiable/Attainment
Hydrogen Sulfide (State)	Attainment
Visibility Reducing Particles (State)	Unclassified (Searles Valley Planning Area is nonattainment)

Source: MDAQMD CEQA and Federal Conformity Guidelines, February 2020

*Note: Portion of MDAQMD outside of Southeast Desert Modified AQMA is unclassified/attainment

**Note: Portion of MDAQMD outside of Western Mojave Desert Ozone Nonattainment Area is unclassifiable/attainment

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 operation of the EMSW Conversion Facility. Operational activities would include the use of EMSW in place of fossil fuels for the Plant’s existing kiln. 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 current facility’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 _x)	137 lbs/day
Reactive Organic Gasses (ROG)	137 lbs/day
Oxides of Sulfur (SO _x)	137 lbs/day
Particulate Matter (PM ₁₀)	82 lbs/day
Particulate Matter (PM _{2.5})	65 lbs/day

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 the Plant’s existing kiln would be processed at an off-site Materials Recovery Facility that is located approximately 70 miles from the Plant and loaded into walking floor trucks that are weighed at a facility scalehouse if no delivery ticket is provided with weight. A maximum of 30 tractor/trailer loads delivering loads between 15 to 17 tons¹¹ would deliver EMSW per day. Once released from the scalehouse, the transfer trucks would proceed along internal roads towards the AFSH/trailer storage area or directly to the fueling system for immediate use.

The anticipated SWFP permit conditions for the Project would limit the usage of EMSW to 500 tons per day. EMSW will be delivered via tractor trailers each with loads between 15 to 17 tons of EMSW¹². Extrapolating from the limit of 500 tons per day of EMSW being used as an alternative fuel, the Project would result in a maximum of 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 2021 and Emission Factors for On-Road Heavy-Heavy Duty Diesel Truck 2021 for the projected 30 tractor trailer deliveries per 24-hour period and assumed a round trip haul distance of up to 140 miles per vehicle. The Project has the potential to offset 450 tons of coal per day, resulting in less emissions from transportation of coal by rail. The analysis of operational emissions does not consider this offset in order to provide conservative anticipated operational emissions.

Although separately permitted by the County, this analysis conservatively analyzes the emissions from construction of the AFSH. The resulting emissions generated by construction of the AFSH is shown in Table 2; operational emissions associated with the EMSW deliveries are listed in Table 3.

**Table 2
 Construction Emissions Summary
 (Pounds per Day)**

Equipment	ROG	NO_x	CO	PM₁₀	PM_{2.5}
Crane	0.7	4.8	3.1	0.2	0.2
Dozer	1.6	11.7	6.1	0.5	0.5
Grader	0.7	4.2	4.6	0.2	0.2
Paving Equipment	0.6	3.6	3.2	0.2	0.2
Other Construction Equipment (2)	0.9	5.0	5.6	0.2	0.2
Other Material Handling Equipment	0.7	4.6	3.5	0.2	0.2
Total (lbs/day)	5.1	33.9	26.2	1.4	1.4
MDAQMD Threshold	137	137	548	82	65
Significant	No	No	No	No	No

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

¹¹ In no instance would a maximum of 500 tons per day be delivered to the cement plant.

¹² Delivery of EMSW would not exceed 30 trucks per day with loads ranging from 15 to 17 tons per truck, respectively; for a maximum of up to 500 tons per day.

**Table 3
 Operational Emissions Summary
 (Pounds Per Day)**

Equipment	ROG	NO_x	CO	PM₁₀	PM_{2.5}
On-Road Diesel Trucks	4.3	49.6	21.2	4.4	4.4
Total (lbs/day)	4.3	49.6	21.2	4.4	4.4
MDAQMD Threshold	137	137	548	82	65
Significant	No	No	No	No	No

Emission Sources: On-Road Mobile Source Emission Factors Heavy-Heavy-Duty Diesel Truck (33,0001 to 60,000 pounds) (2021)

As shown above, the anticipated construction and operational emissions would be less than the MDAQMD thresholds and would be considered less than significant. The Plant would continue to comply with MDAQMD Rules 402 and 403, as listed below. Moreover, anticipated operational emissions are conservative because CalPortland offsets potential PM emissions through replacement of onsite equipment, as recognized by the MDAQMD when it issued CalPortland an ATC and Title V Significant Permit Modification for the EMSW Conversion Facility, finding there will be no net increase in emissions from the Project.

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 during high wind events.

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 PM₁₀ Planning Area and the Western Desert Ozone non-attainment area. The State Implementation Plan (SIP) identifies sources of PM₁₀ 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 cement manufacturing) 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 2 and Table 3) 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?

Less Than Significant. Potential odor sources associated with the Proposed Project may result from delivery, storage and use of EMSW, which would be minimized to the extent feasible by receiving EMSW via covered delivery trucks and unloading/use of EMSW within an enclosed building. The Proposed Project would also be required to comply with MDAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, no significant 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 Plant and is developed with interior roadways, hardscape, industrial buildings and quarries and is set within the High Desert region of San Bernardino County. According to the County’s Biotic Resources Map, last updated on December 4, 2012 and accessed on May 4, 2021¹³, the Project Site occurs in an area designated as having a medium population of Desert Tortoise, and potential habitat for the Mohave ground squirrel and Burrowing Owl.

¹³ http://www.sbcounty.gov/Uploads/lus/BioMaps/cnty_all_biotic_resources_map_final.pdf

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. The Proposed Project includes a request for a SWFP to allow for the operation of the EMSW Conversion Facility. The Project's identification within the Siting Element would be required to allow the LEA to issue a SWFP. The Project would be constructed on an interior portion of the existing Plant that has been disturbed by existing cement production activities and is surrounded by existing buildings, processing equipment, and dirt access roads. No vegetation including special-status plant species were observed on-site during the recent site visit conducted on May 5, 2021. The Project Site is not located within a federally designated critical habitat area. The nearest critical habitat designated area is for the Southwestern willow flycatcher (*Empidonax traillii extimus*) and occurs approximately 0.75 mile west of the Project Site along the Mojave River. Since the Proposed Project would take place in a previously disturbed area that is surrounded by industrial activities (between the existing limestone dome and the raw mill roll press), no impact to special-status plants would result.

Ongoing programs to ensure no impacts occur to the desert tortoise at the Plant include employee/driver desert tortoise training awareness. Continued implementation of required training would ensure that potential impacts to this species is reduced. Due to the existing site conditions (e.g., no vegetation or food sources), on-going cement production activities, and existing on-site parameters that limit the site as a wildlife corridor or potential habitat (i.e., existing 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 (CDFW) or U.S. Fish and Wildlife Service (USFWS). Continued implementation of desert tortoise training 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. As stated in the Countywide Plan, 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 located approximately 0.75 miles west of the Project Site. The Project Site is completely disturbed by industrial activity and does not include any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS. 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 on a disturbed portion of the existing Plant. Specifically, the Project Site occurs between the existing limestone dome and the raw mill roll press. Both the diversity and abundance of wildlife is non-existent due to lack of adequate food, ground cover, which limits nesting sites, and an unreliable source of water. During a recent site visit conducted on May 5, 2021, no wetlands or vegetation associated with this habitat was observed on site. Therefore, the Project Site is not anticipated to include any State or federally protected wetlands as protected under CEQA, Section 1600 of the CDFW

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 the 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 0.75 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 Countywide Plan does not identify the Project Site, nor the surrounding area as occurring 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 on a portion of the existing Plant and is developed with interior roadways, hardscape, and industrial buildings set within the High Desert region of San Bernardino County. The Project Site is void of vegetation and is surrounded by existing buildings and equipment and occurs east and adjacent to the existing kiln, just west of the Material Storage Building (see Figure 3). The area has been previously cleared, filled, and compacted to allow for vehicle and equipment passage.

In November 2021, a Cultural Resources Overview (letter report) was prepared by BCR Consulting, LLC for the Proposed Project. The purpose of the study was to form recommendations based on the cultural resource records search and field survey. Results of the letter report 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. The Project Site is located on a portion of the existing Plant. Specifically, the Project Site occurs on a disturbed area between the existing limestone dome and the raw mill roll press in an area that is unpaved but compacted to provide vehicle access.

During a previous effort on April 17, 2018, CRM Tech completed an archaeological records search of the project area through the South Central Coastal Information Center (SCCIC) at California State University, Fullerton. The records search included a review of all recorded historic and prehistoric archaeological sites, as well as recorded built environment resources within one mile of the Project site. The research also searched for any known cultural resource reports completed in the vicinity. The research indicated that the Project site was not included in any previous cultural resource studies and that no cultural resources had been identified within or adjacent to its boundaries.

On October 21, 2021, an intensive pedestrian inventory of the Project site and buffer area totaling approximately one acre was performed at five meter transect intervals. During the survey, all soil exposures were carefully inspected for evidence of cultural resources. No cultural resources of any kind (including historic-period architectural resources, or prehistoric or historic-period archaeological resources) were identified. As noted in the letter report, the Project site has been highly disturbed by mechanical grading associated with development of the CalPortland Plant. As concluded in the letter report, the archaeological records search summary and intensive pedestrian field survey have indicated that there are no cultural

resources located within the Project boundaries. In addition, the high level of disturbance on-site indicates that sensitivity for buried resources is low. However, resources have the potential for occurring anywhere. The following general conditions as provided below shall be included as part of Project approval to ensure that impacts to any unknown archeological resources would remain less than significant.

Project Conditions/Standard Operating Procedures:

SOP-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.

SOP-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.

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

Less Than Significant . Implementation of the Proposed Project does not involve substantial earthwork and would occur within an area that has been filled and therefore disturbance of any 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 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. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Mitigation Measures

None Required

Cultural Resources Impact Conclusions:

Implementation of general conditions as provided in this section will ensure that potential impacts to historic and archeological resources remain less than significant. No significant adverse impacts have been identified or anticipated, and no mitigation measures are required.

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. A nominal amount of electricity would be needed to convey EMSW to the kiln.

EMSW proposed for use at the Plant’s existing kiln would be processed at an off-site MRF that is located approximately 70 miles from the Project Site and loaded into walking floor trucks that are weighed at a facility scalehouse. A maximum of 30 tractor/trailer loads would deliver EMSW per day. Once released from a scalehouse, the trucks would proceed along interior roads to the proposed AFSS/trailer storage area to be located east and adjacent to the existing kiln, or directly to the fuel system for immediate use.

Current operations utilize fossil-based fuels including coal and natural gas. The Project is a request to operate an EMSW Conversion Facility and use EMSW fuel to replace a portion of the fossil fuels used at the Plant. Based on maximum clinker production, the plant rotary kiln has the ability to utilize as much as 300,000 tons of low sulfur coal per year in the manufacturing of cement. The source of the coal is currently located in Utah and it is delivered to the plant via rail cars. To assure that EMSW fuel is beneficial and the

conversion is efficient, and produces energy values that would exceed 5,000 BTU per pound, CalPortland has estimated their current energy use to be around 900 tons of coal per day on the high end and has compared that use of energy to what would be substituted using EMSW fuel. Based on a maximum daily throughput of 500 tons per day of EMSW, a reduction of up to approximately 200 tons of fossil fuels per day could result. The conversion, by means of combustion, is efficient and maximizes the net calorific value and burn rate of the waste.

Southern California Edison (SCE) currently provides electrical service to the Plant. 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 the existing kiln is currently in operation at the Plant and no change in operation beyond the use of EMSW is proposed. The equipment is currently drawing on power and a nominal amount of electricity would be needed to convey EMSW to the kiln, therefore the electricity demand would not significantly 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 decrease the use of natural gas and therefore would result in an overall decrease of this resource and would not result in wasteful, inefficient, or unnecessary consumption of this energy resource, either 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 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 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 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. In addition, although there are vehicle trips associated with

the delivery of EMSW, the Project would result in significantly less CO2 emissions when compared to the emissions associated with the use of coal. Thus, the Project would have a beneficial effect on air quality/GHG emissions. 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 map prepared for the area, the Project Site is not located in an area known for geologic hazards¹⁴. The proposed EMSW Conversion Facility includes the construction of a 15,000 square-foot AFSH for the receiving, use and storage of EMSW on a portion of the existing Plant. Alternatively, or in combination, enclosed trailers may be temporarily stored onsite in the same area.

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.*

¹⁴ http://www.sbcounty.gov/Uploads/lus/GeoHazMaps/EHFHC_20100309new.pdf, accessed June 1, 2021.

- 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 the San Bernardino County Geologic Hazard Overlay Map EHFHC, no known faults occur near the Project Site¹⁵. The nearest earthquake fault (Helendale Fault Zone) occurs approximately 14 miles northeast 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 the San Bernardino County Geological Hazard Overlay Map EHFHC¹⁶, 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 0.75 miles west of the Project Site. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact – According to County Geological Hazard Overlay Map EHFHC¹⁷, 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. The Project Site occurs on a disturbed portion of the existing Plant and no native topsoil exists. Specifically, the Project Site occurs between the existing limestone dome and the raw mill roll press in an area that is unpaved but compacted to provide vehicle access (see Figure 3). Receipt, storage and use of EMSW would occur within a previously approved 15,000 square-foot building. During construction, erosion and sediment loss would be controlled using localized drainage and sediment control measures. These measures will include placement of erosion control materials (i.e., straw bales). Best Management Practices (BMPs) would be employed to ensure potential impacts from soil erosion would be less than significant. Similarly, receipt, storage and use of EMSW would occur on an existing cement plant designed to receive, store and use industrial materials. With adherence to the Stormwater Pollution Prevention Plan (SWPPP), the Proposed Project is not anticipated to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion, siltation, or flooding on- or off-site. 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?

¹⁵ http://www.sbcounty.gov/Uploads/lus/GeoHazMaps/EHFHC_20100309new.pdf, accessed June 1, 2021.

¹⁶ http://www.sbcounty.gov/Uploads/lus/GeoHazMaps/EHFHC_20100309new.pdf, accessed June 1, 2021

¹⁷ http://www.sbcounty.gov/Uploads/lus/GeoHazMaps/EHFHC_20100309new.pdf, accessed June 1, 2021

No Impact. According to San Bernardino County Land Use General Plan Figure EHFHC, the Project Site is not located within an area susceptible to landslides or liquefaction¹⁸. 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. 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 on a 15,000 square-foot portion of the existing Plant and would 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. Construction of the AFSH was previously approved. Except for the installation 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. Therefore, general conditions as provided below shall be included as part of Project approval to ensure that impacts to any unknown paleontological resources would remain less than significant.

Project Conditions/Standard Operating Procedures:

SOP -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 general condition SOP-PAL-1 would ensure potential impacts to any unknown paleontological resources remain less than significant. No mitigation is warranted.

¹⁸ http://www.sbcounty.gov/Uploads/lus/GeoHazMaps/EHFHC_20100309new.pdf, accessed June 1, 2021.

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© 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 CO₂ equivalent (MTCO_{2e}) 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_{2e}) per year.

Impact Analysis

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*
- b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

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 (CO₂), methane (CH₄), and nitrous oxide (N₂O). SCAQMD provides guidance methods and/or Emission Factors. MDAQMD allows the use of this methodology.

Although construction of the AFSH was approved as part of the Plant's 1998 Land Use Review that analyzed the Plant's Modernization Program, review of GHGs was not required at that time. Therefore, emissions associated with the construction of the ASFH are conservatively presented herein.

A threshold of 3,000 MTCO₂e 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 MTCO₂e during the Construction Phase and approximately 2,307.20 MTCO₂e per year during the operation phase. Operational emissions were based on a 7-day work week or 365 days per year (see Table 4).

Table 4
Greenhouse Gas Emissions
"Construction"
(Pounds Per Day)

Equipment	CO ₂	CH ₄	NOx
Crane	1,032	0.1	0.0
Dozer	1,912	0.1	0.0
Grader	1,064	0.1	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	7,655.4		
MTCO₂e per Year	168.4		
County Threshold (MTCO ₂ e)	3,000		
Significant	No		

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

Note: Assumes 44 working days/year.

*CH₄ and NOx have a Global Warming Potential of 28 and 268, respectively as provided by IPCC's 2013

Table 5
Greenhouse Gas Emissions
"Operational"
(Pounds Per Day)

Equipment	CO ₂	CH ₄	NOx
On-Road Diesel Trucks	17,698.8	0.0	0.0
Total lbs. per day	17,698.8		
MTCO₂e per Year	2,929.6		
County Threshold (MTCO ₂ e)	3,000		
Significant	No		

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

Note: Assumes 365 working days/year.

*CH₄ and NOx have a Global Warming Potential of 28 and 268, respectively as provided by IPCC's 2013

As demonstrated in Table 5 above, operations would not exceed the County's GHG thresholds. In addition, although there are vehicle trips associated with the delivery of EMSW, there would still be significantly less CO₂ emissions generated than coal and the Proposed Project would have an overall positive effect on reducing GHG emissions. Therefore, the Proposed Project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. In addition, the Project would not conflict with the County's GHG Reduction Plan, but instead would result in a positive effect. 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 in the County GHG Emissions Reduction Plan. These Performance Standards apply to all Projects, including those that emit less than 3,000 MTCO_{2e} 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.*

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

CalPortland's Plant is an existing limestone quarry, processing, and cement plant that has been in operation since the late 1800s and is composed of several quarries that occur within an approximate 971-acre site located at 19409 National Trails Highway in Oro Grande, San Bernardino County. The Oro Grande Quarry is a vested operation and has an approved reclamation plan. CalPortland is permitted to mine from several limestone quarries on site. Limestone is transported to the primary crusher, which is the start of the cement process. The Plant is a modern portland cement manufacturing facility. The basic process of the Plant is the calcining of limestone, which is mixed with other raw materials. Clinker is produced from calcining the limestone and raw materials in a pre-calciner and the rotary kiln. There are other ancillary processes at the Plant, including clinker cooling, milling, blending, and crushing, as well as load-out via railcar and trucks.

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 use at the Plant's existing kiln would be processed at an off-site MRF and loaded into walking floor trucks that would be weighed at a Plant scalehouse. Once released from a scalehouse, the transfer trucks would proceed along internal roads to the AFSH/trailer storage area.

When ready for use EMSW will be loaded into the fuel system. 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 will be 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 tested in-house.

Hazardous waste materials would not be accepted at the Plant nor stored on site in the event said materials are inadvertently delivered. 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 Plant currently operates under a Hazardous Materials Business Plan and Chemical Inventory. 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 Oro Grande Elementary School located at 19175 3rd Street, Oro Grande, approximately 0.75 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?*

No Impact. According to the California Department of Toxic Substances Control EnviroStor (accessed June 11, 2021), the Plant does not occur on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5¹⁹. Implementation of the proposed EMSW 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. No 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 2.5 miles northeast of the Southern California Logistics Airport and occurs within Airport Safety Review Area 3²⁰. The Project does not involve the construction of a building or equipment that would exceed the heights of current structures on-site. 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 Plant. The Cement Plant currently provides adequate access from National Trails Highway. No proposed changes to the existing site access or roadways would result. In addition, the proposed EMSW Conversion Facility would be incorporated into the Plant'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 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.

¹⁹https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS&status=ACT,BKLG.COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29, Accessed June 11, 2021.

²⁰ http://www.sbcounty.gov/Uploads/lus/HazMaps/EH30B_20100309.pdf. Accessed June 11, 2021.

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 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 EMSW Conversion Facility includes the construction of a 15,000 square-foot AFSH that would occur on a disturbed portion of the existing Plant. Runoff in this area would continue to be collected by drainage ditches that are graded to convey water south to either the Mid-process Clinker basin or the Clinker Dome Storage basin. The EMSW would be stored inside the 15,000 square-foot AFSH. Alternatively, EMSW will be stored within trailers parked onsite at the same location as the AFSH until it is able to be offloaded into the fueling system.

CalPortland 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 the existing kiln at the plant 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 EMSW Conversion Facility and an update to the Siting Element. The receipt

of EMSW will occur within the proposed 15,000 square-foot AFSH or directly into an enclosed fueling system. The AFSH or fueling system would be manually swept to keep the floor clean. 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?

No Impact. The Oro Grande Cement Plant currently uses groundwater supplied from three wells near the Mojave River. The water is pumped and stored in a tank on-site for later use. 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. EMSW will be delivered in walking floor trailers then connected to a docking station that would discharge directly into a hopper and conveyed into the kiln. EMSW could be stored on the floor of the AFSH. Alternatively, EMSW would be stored within trailers parked onsite at the same location as the AFSH until it is able to be offloaded into the fueling system. All storage of EMSW will comply with State and local regulations; it is anticipated that minimal dust would be generated and sweeping with hand push-brooms would be performed as needed; no water use is proposed.

A Fugitive Dust Control plan is maintained at the Plant, 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 Plant and would not result in the use of additional water beyond what is currently used. Therefore, no decrease in groundwater supplies or interference with groundwater recharge would result. No 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. The Proposed Project would occur in a disturbed area that is surrounded by cement production activities. Except for the placement of footings, 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 Plant or within the surrounding area as there are no existing streams or rivers that traverse the site. 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 Land Use General Plan Hazard Overlay Map EH30B²¹, the Project Site is located outside of the Flood Plain (FC) Safety Overlay District; the westernmost portion of the existing

²¹ http://www.sbcounty.gov/Uploads/lus/HazMaps/EH30B_20100309.pdf. Accessed June 14, 2021.

cement plant does occur within FP1; an area designated as occurring within Zone A and within a 100-year flood zone. 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 tsunamis 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 proposed EMSW Conversion Facility at the existing Plant. The existing facility is located within the Regional Industrial (IR) Land Use Zoning District for the Countywide Plan. The Cement Plant occurs in the community of Oro Grande, east of National Trails Highway, northeast of the intersection of Mill Street and 1st Street. The Project Site occurs on a portion of the existing Plant and is surrounded by existing cement plant operations.

Impact Analysis

a) *Physically divide an established community?*

No Impact. CalPortland is requesting the approval of a SWFP to allow for the construction and operation of an EMSW Conversion Facility at the existing Plant, and an update to the Siting Element. The Proposed Project would occur on an approximate 15,000 square-foot portion of the Cement 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. Approval of a SWFP and update of the Siting Element would allow the use of EMSW and reduce the use of fossil fuels currently used at the Cement Plant. 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

CalPortland's Plant is an existing cement plant with a limestone quarry that has been in operation since the late 1800s and is composed of several quarries that occur within an approximate 971-acre industrial site located at 19409 National Trails Highway in Oro Grande, San Bernardino County. The Oro Grande Quarry is a vested operation and has an approved reclamation plan. CalPortland is permitted to mine from several limestone quarries on site. Limestone is transported to the primary crusher, which is the start of the cement process. The Plant is a modern portland cement manufacturing facility. The basic process of the Plant is the calcining of limestone, which is mixed with other raw materials. Clinker is produced from calcining the limestone and raw materials in a pre-calciner and the rotary kiln. There are other ancillary processes at the Plant, including clinker cooling, milling, blending, and crushing, as well as load-out via railcar and trucks.

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 mining of limestone or the production of cement. The Project would further assist in the processing of an important mineral resource at the existing Plant. 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 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 Plant. The Plant occurs within an unincorporated area of San Bernardino County in the community of Oro Grande, at the northeast corner of Mill Street and 1st Street. The nearest sensitive receptor is a single-family residence located approximately 0.66 miles south of the Project Site. The Project Site and surrounding area occur within the Regional Industrial (IR) Land Use Zoning District of the Countywide 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 Cement Plant and lack of sensitive receptors within the vicinity of the Project Site, existing operation noise is not an issue for the surrounding area. Workers employed at the Cement Plant are equipped with earplugs and other muffling devices in accordance with MSHA 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 be temporary and would not result in a notable increase in existing noise levels as construction would take place in an area surrounded by industrial activity. Ongoing operations at the Cement Plant 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 EMSW Conversion Facility would have truck trips associated with the delivery of EMSW. However, operational noise would not be in excess of current noise already experienced at the Cement Plant. Ear protection would continue to be provided to personnel to comply with state and federal regulations. Due to the location of the proposed EMSW Conversion Facility, which would occur on a portion of the existing Plant and approximately 0.66 miles northeast of the nearest sensitive receptor, 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. Vibration sensitive receivers are similar to noise sensitive receivers and include residences and institutional uses, such as schools, churches, and hospitals. Certain types of construction equipment can generate high levels of groundborne vibration. The Proposed EMSW Conversion Facility would be located on a portion of the existing Plant and located approximately 0.66 miles northeast of the nearest sensitive receptor. Therefore, 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 occurs approximately 2.5 miles northeast of the Southern California Logistics Airport, and according to San Bernardino County Hazard Overlay Map EH30B, occurs within Airport Safety Review Area 3²². The Proposed Project would allow for the use of EMSW at the existing kiln in operation at the Plant and 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.

²² http://www.sbcounty.gov/Uploads/lus/HazMaps/EH30B_20100309.pdf. Accessed June 11, 2021.

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 EMSW Conversion Facility would vary and would be provided by existing employees at the Oro Grande Cement Plant. 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 Plant would handle the receiving of EMSW for use at the Plant's existing kiln. 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 Plant. The Project Site does not support any existing housing. 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 EMSW Conversion Facility at the existing Plant, which is located within an unincorporated area of San Bernardino County within the community of Oro Grande at the northeast corner of Mill Street and 1st Street. Construction activities would be short term and would not require employees to relocate to the area. The Proposed Project would be monitored and manned by existing manpower and would not require additional employees.

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 15,000 square-foot AFSH/trailer storage area and fueling system 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 EMSW Conversion Facility would be regularly inspected by City of Victorville Fire Department. Current operations at the Cement 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 Cement Plant. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.
- ii. **No Impact.** The Proposed EMSW Conversion Facility would not be open to the public. Access at the existing Cement 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.** Construction activities would be short term and would not result in any long-term jobs. Operational activities would not result in new employees as existing employees that currently operate the kiln 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 any new roads. Delivery of the EMSW would occur on existing roadways 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 EMSW Conversion Facility at the existing Plant, which is located within an unincorporated area of San Bernardino County within the community of Oro Grande at the northeast corner of Mill Street and 1st Street. Construction activities would be short term and would not result in any long-term jobs. 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. Construction activities would be temporary and would not require workers to relocate to the area. Similarly, use of EMSW would be handled by existing employees at the Plant. 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 involves the permitting, construction and operation of a new EMSW Conversion Facility at the existing 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 Plant is served by existing roadways. Regional access is provided by I-15 Freeway. From the interstate system, Oro Grande Canyon Road via National Trails Highway provides access to the cement plant. Upon leaving the entry, internal, unpaved roads provide access around the cement 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 request for a SWFP and update to the Siting Element to allow for an EMSW Conversion Facility at the existing Plant. The Proposed SWFP would allow for the use of up to 500 tons per day of EMSW. The material would be delivered via a tractor trailer that can carry 15 to 17 tons of EMSW. Based on this range and a limited use of 500 tons per day, the Plant could accept 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 30 tractor trailer deliveries per day over a 24-hour period, an increase of less than two additional trucks per hour would result and will not significantly impact existing traffic for 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 the plant's existing kiln would be processed at an off-site MRF located approximately 70 miles from the Plant. The material would be weighed at a facility scalehouse. Once released from a scalehouse, the transfer trucks would proceed along Oro Grande Canyon Road toward the AFSH/trailer storage area.

EMSW will be delivered via a tractor trailer which can carry 15 to 17 tons of EMSW. Extrapolating from the 16.5-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. Senate Bill 743 (SB 743) approved in 2013, endeavors to change the way transportation impacts will be determined according to the CEQA. The Vehicle Miles Travelled (VMT) screening is based on County guidelines that identify screening criteria for certain types of projects that typically reduce VMT and may be presumed to result in a less than significant VMT impact.

The Proposed Project is forecast to result in fewer than 110 net new daily trips. Since the Proposed Project is forecast to result in fewer than 110 net new daily trips, the Project satisfies the County-established trip screening criteria and may be presumed to result in a less than significant VMT impact. Therefore, no significant 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 EMSW Conversion Facility would take place on a portion of the existing 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 Project would not result in a change to the existing entry and would utilize existing roadways and would not result in a change to existing emergency access at the cement 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 Plant. The area is relatively flat and minimal grading would be required.

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 if warranted.

Summary of AB 52 Consultation

On August 16, 2021, the County 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
- Twenty-Nine 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 September 16, 2021.

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

- An email was received on August 20, 2021 from San Manuel Band of Mission Indians requesting consultation and project specific technical reports. A Cultural Overview Report was provided to the tribe on November 22, 2021 with a request for concurrence to close AB52 with incidental finds conditions of approval also added to project.

On December 6, 2021, by mutual agreement with San Manuel, the AB52 consultation for the Project closed. No additional conditions or mitigation measures were requested from the Tribe.

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)?

Less Than Significant. The Project Site is within a highly disturbed area within the existing Plant and will be established in an area that is surrounded by existing buildings, equipment and roadways. As concluded in the November 2021 Cultural Overview Report, no significant cultural resources have been reported in this area and none are expected. No sites listed or eligible for listing in the California Register of Historical Resources were identified. The County has notified local Native American representatives requesting approval for incidental conditions. With implementation of Project Conditions/Standard Operating Procedures SOP-TCR-1 through SOP-TCR-4 , potential impacts would remain less than significant. No mitigation is warranted.

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. No significant Tribal Cultural Resources were identified during the AB52 consultation process. As a result of AB 52 consultation, general conditions as provided below shall be

included as part of Project approval to ensure that impacts to any unknown TCRs would remain less than significant.

Project Conditions/Standard Operating Procedures:

SOP-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 may change to reflect Project-Specific needs and requirements.

SOP-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 and State Health and Safety Code §7050.5 and that code shall be enforced for the duration of the project.

SOP-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-enter 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).

SOP-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 general conditions SOP-TCR-1 through SOP-TCR-4 would ensure potential impacts to any TCRs remain less than significant. No mitigation measures are warranted.

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

CalPortland's Plant is an existing cement plant with a limestone quarry that has been in operation since the late 1800s and is composed of several quarries that occur within an approximate 971-acre industrial site located at 19409 National Trails Highway in Oro Grande, San Bernardino County. The Oro Grande Quarry is a vested operation and has an approved reclamation plan. CalPortland is permitted to mine from several limestone quarries on site. Limestone is transported to the primary crusher, which is the start of the cement process. The Plant is a modern portland cement manufacturing facility. The basic process of the Plant is the calcining of limestone, which is mixed with other raw materials. Clinker is produced from calcining the limestone and raw materials in a pre-calciner and the rotary kiln. There are other ancillary processes at the Plant, including clinker cooling, milling, blending, and crushing, as well as load-out via railcar and trucks.

The Plant is currently served by electric power, natural gas, and telecommunication facilities. No expansion or changes to these systems is proposed. The Cement Plant currently has its own storm water drainage system and water wells.

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 cooling during operations and would be supplied by CalPortland'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. Existing roadways would provide access to the EMSW 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. 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 result in an additional water demand and therefore, 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 use of EMSW as an alternative fuel and identification within the County's Siting Element. The Proposed Project does not include any uses that require wastewater treatment and therefore would not 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 Cement Plant. EMSW fuel material received at the Cement Plant would typically be used within a 24-hour period and in no instances would fuel in excess of a seven-day supply or 3,500 tons (7 days times 500 tons per day) be stored onsite 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 EMSW Conversion Facility.

All EMSW would be completely consumed as fuel for the Plant's existing kiln. Only preprocessed EMSW fuel material will be utilized as fuel for the kiln. 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 EMSW delivered to the Plant 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 that would result in excess of State or local standards, or in excess of the capacity of a local system. 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 would be completely consumed and would not generate residual. All materials used within the cement kiln process would be consumed or converted into the material utilized in the production of cement. Since all EMSW delivered to the Cement Plant 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 Plant and is suited in an industrial area and does not occur within a fire safety overlay district. The existing Cement 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 Plant and within an area that is void of vegetation. The Plant has been in operation since the 1800s and currently provides adequate access from Oro Grande Canyon Road. No proposed changes to the existing site access or roadways would result. In addition, the proposed EMSW Conversion Facility would be incorporated into CalPortland’s Emergency Response 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 AFSH or fuel system would be equipped with hand-held fire extinguishers. In addition, all heavy equipment and on-site vehicles at the Cement Plant are also equipped with extinguishers. 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 Plant, which has been in operation since the 1800s and currently provides adequate access from Oro Grande Canyon 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 EH30B, 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 delivery, storage and use of EMSW and update to the Siting Element. The Project would be constructed in an area that has been disturbed by current cement production operations. Due to the existing site conditions (e.g., no vegetation or food sources), on-going mining activities, and existing on-site parameters that limit the site as a wildlife corridor (i.e., onsite roadways, industrial structures, heavy equipment 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 CDFW or USFWS. Existing conditions that are practiced at the Plant include employee/driver awareness (through desert tortoise training) and posting of desert tortoise awareness signs at the facility gate. Continued implementation of said conditions would ensure that potential impacts to this species is reduced to the extent feasible.

No historic structures would be removed with implementation of the Proposed Project. The Project would occur on a disturbed 15,000 square-foot portion of the existing Cement Plant. Since the area is relatively flat, no significant amount of earthwork is anticipated, and therefore the Project would not result in the elimination of any known important examples of the major periods of California history or prehistory. Implementation of Project Conditions/Standard Operating Procedures TCR-1 through 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 GEO-1 would ensure potential impacts to paleontological resources are reduced to a less than significant level. Similarly, implementation of Project Conditions/Standard Operating Procedures would ensure potential impacts to tribal cultural resources are reduced to a less than significant level. Therefore, with implementation of these conditions 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 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 CONDITIONS

SOP-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:

- D. 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.
- E. 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.
- F. 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.

SOP-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.

SOP-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.

SOP-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 may change to reflect Project-Specific needs and requirements.

SOP-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 and State Health and Safety Code §7050.5 and that code shall be enforced for the duration of the project.

SOP-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).

SOP-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.