

Permitting & Assistance Branch Staff Report
 New Solid Waste Facilities Permit for the
 Cemex Black Mountain Quarry Plant K2 EMSW Conversion Facility
 SWIS No. 36-AA-0506
 August 13, 2024

Background Information, Analysis, and Findings:

This report was developed in response to the San Bernardino County Division of Environmental Health Services, Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed new Solid Waste Facilities Permit (SWFP) for the Cemex Black Mountain Quarry Plant K2 EMSW Conversion Facility, SWIS No. 36-AA-0506, located in the City of Apple Valley and owned and operated by Cemex Construction Materials Pacific, LLC. A copy of the proposed SWFP is attached. This report contains Permitting & Assistance Branch (PAB) staff's analysis, findings, and recommendations.

The proposed SWFP was initially received on May 14, 2024. New proposed SWFPs were received on July 10, 2024, August 6, 2024, and August 13, 2024. Action must be taken on this SWFP no later than October 12, 2024. If no action is taken by October 12, 2024, the Department will be deemed to have concurred with the issuance of the proposed new SWFP.

The following are the key design parameters of the proposed project:

Parameter	Proposed SWFP
Name and Street Address of Facility	Cemex Black Mountain Quarry Plant K2 EMSW Conversion Facility 25220 Black Mountain Quarry Road Apple Valley, CA 92307
Name and Mailing Address of Operator	Cemex Construction Materials Pacific, LLC 16888 "E" Street Victorville, CA 92394
Name and Mailing Address of Owner	Cemex Construction Materials Pacific, LLC 16888 "E" Street Victorville, CA 92394
Permitted Operations	Engineered Municipal Solid Waste (EMSW) Conversion Facility, Kiln 2
Permitted Hours of Operation	Receipt of Refuse/Waste: 24 Hours a day, 7 Days per week
Permitted Maximum Tonnage	500 Tons per Day of EMSW

Parameter	Proposed SWFP
Permitted Traffic Volume	20 Vehicles per day
Storage Limit	2,500 tons
Permitted Area	3.5 acres
Waste Types	EMSW, Biomass, and Waste Tires.

Background:

The operator proposes to operate an Engineered Municipal Solid Waste (EMSW) Conversion facility at the CEMEX Black Mountain Quarry Plant, (CBMQP) Kiln 2 (K2). CBMQP is applying for a permit to operate the K2 EMSW Conversion Facility in order to reduce its carbon footprint by reducing its use of coal, pet coke and natural gas in the manufacturing of cement. The proposed permit includes the EMSW Conversion Facility for Kiln 2 consisting of a prefabricated 3-sided screening docking system, belt conveyor, and hopper/feed system located on the southern portion of the plant area, in order to use EMSW as a fuel to reduce the use of fossil fuels and reduce carbon dioxide emissions to the atmosphere. The cement plant currently utilizes waste tires and biomass as alternative fuels to manufacture cement.

Findings:

Staff recommends concurrence in the issuance of the proposed new SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Finding
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	Acceptable: The LEA provided the required certification in their permit submittal letter dated May 14, 2024.
21685(b)(2) EA Five Year Permit Review	Acceptable: This is a new facility and a Permit Review Report (PRR) is not required.
21685(b)(3) Solid Waste Facilities Permit	Acceptable: Staff received a proposed Solid Waste Facilities Permit on August 13, 2024.

27 CCR Sections	Finding
21685(b)(4)(A) Consistency with Public Resources Code (PRC) 50001	Acceptable: The LEA provided a finding in the proposed SWFP received on August 13, 2024 that the facility is consistent with PRC 50001. Permitting & Assistance Branch (PAB) staff found the facility is identified in the Countywide Siting Element.
21685(b)(8) Operations Consistent with State Minimum Standards	Acceptable: PAB staff have determined that the design and operations described in the submitted Transfer/Processing Report (TPR) will allow the proposed facility to comply with State Minimum Standards. See Compliance History below for details.
21685(b)(9) LEA CEQA Finding	Acceptable: The LEA provided a finding in their permit submittal package received on May 14, 2024, that the proposed SWFP is consistent with and supported by the existing CEQA documentation. See Environmental Analysis below for details.
21650(g)(5) Public Notice and/or Meeting, Comments	Acceptable: A Public Informational Meeting was held by the LEA on April 11, 2024. No comments were received by the LEA or operator. See Public Comments below for details.
21570(g) Disadvantage Community Public Meeting	Acceptable: PAB staff determined that the facility is not located within 1 mile of a disadvantaged community as defined pursuant to Section 39711 of the Health and Safety Code.
CEQA Determination to Support Responsible Agency's Findings	Acceptable: The Department is a responsible agency under CEQA with respect to this project. PAB staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new SWFP.

Compliance History:

PAB staff have determined that the design and operations described in the submitted TPR will allow the proposed facility to comply with State Minimum Standards.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the San Bernardino County Department of Public Works, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The proposed parameters that will be authorized by the issuance of the proposed SWFP include: operating an EMSW conversion facility; permitted hours of operation of 24 hours a day, seven days a week; permitted maximum tonnage of 500 tons per day; permitted traffic volume of 20 vehicles per day; storage limit of 2,500 tons; and a permitted area of 3.5 acres. These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2020110438, was circulated for a 30 day comment period from November 25, 2020 to December 24, 2020. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring and Reporting Program, was approved by the San Bernardino County Board of Supervisors on December 14, 2021.

The LEA has provided a finding that the proposed new SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed new SWFP. Department staff has reviewed and considered the CEQA record and recommends the MND is adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed new SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed new SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA and operator held a public informational meeting on April 11, 2024, from 5:00 PM - 6:00 PM at the Apple Valley Park and Recreation Conference Center, 14975 Dale Evans Parkway, in the City of Apple Valley. A virtual option (Microsoft Teams) was also available for those who could not attend in person. No members of the public were in attendance in person or virtually. No comments were received by the LEA or operator.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on May 21, 2024, June 18, 2024 and July 16, 2024. No comments were received by Department staff.

Attachment: Proposed New SWFP