
County of San Bernardino

NOTICE OF PREPARATION



DATE: March 9, 2009

FROM: San Bernardino County Land Use Services Department, Advance Planning Division,
385 N. Arrowhead Avenue, First Floor, San Bernardino, CA 92415-0182

TO: Interested Agencies, Organizations, and Individuals

SUBJECT: Notice of Preparation of a Supplemental Environmental Impact Report

PROJECT TITLE: Nursery Products Hawes Composting Facility

A supplemental environmental review of the project must be conducted under the California Environmental Quality Act ("CEQA"). Implementation of the project will require discretionary approvals from state and local agencies, and therefore, San Bernardino County ("County") has determined that this project is subject to the environmental review requirements of CEQA. As Lead Agency for CEQA for the preparation of the Supplemental Environmental Impact Report ("SEIR"), the County issues this Notice of Preparation ("NOP") for the proposed Nursery Products Hawes Composting Facility project ("Project") in unincorporated San Bernardino County, California.

In the SEIR, the County will only evaluate whether potentially significant environmental effects will result from the Project in three (3) specific areas. The SEIR will assess the effects of the Project on global climate change, assess the water supply and provide additional economic analysis of proposed alternatives, including an enclosed facility, identify potentially significant impacts, identify feasible mitigation measures to reduce or eliminate potentially significant environmental impacts, and discuss potentially feasible alternatives to the Project that may accomplish basic Project objectives, while lessening or eliminating any potentially significant Project impacts in these three areas.

This NOP provides a description of the Project and solicits comments from responsible agencies, trustee agencies, federal, state, and local agencies and the general public, on the scope and content of the SEIR, in these three (3) specific areas as described above. Comments received in response to this Notice will be reviewed and considered by the County in preparation of the SEIR. Due to time limits, as defined by CEQA, responses should be sent at the earliest possible date, but no later than thirty (30) days after publication of this NOP.

The County needs to know the views of interested agencies as to the environmental information that is germane to those agencies' statutory responsibilities in connection with the Project.

Comments and questions may be directed to Carrie Hyke, Principal Planner, Land Use Services Department, Advance Planning Division, 385 North Arrowhead Avenue, San Bernardino, CA 92415-0182. Please include in your response the name, phone number, and address of the contact person for the responding agency.

PROJECT BACKGROUND

In December, 2005, Nursery Products LLC ("Nursery Products") filed a discretionary application with the County seeking approval of the Project. A Draft Environmental Impact Report was prepared for the Project and circulated in September, 2006 for public review. The public review period extended through November, 2006. A Final Environmental Impact Report ("FEIR") was issued November 21, 2006, and certified by the County Planning Commission on November 30, 2006. This approval of the Project was appealed to the County Board of Supervisors ("Board"), which denied the appeal, approved the Project, and certified the FEIR on February 27, 2007.

The Center for Biological Diversity and HelpHinkley.Org (jointly, "Petitioners") filed a lawsuit titled *Center for Biological Diversity, etc. et al. vs. County of San Bernardino (Nursery Products, LLC)*, San Bernardino County Superior Court Case No. BCV 09950, alleging that the County had violated CEQA in certifying the FEIR. The Court heard the case on February 8, 2008. On April 11, 2008, the Court issued its Statement of Decision and Order Thereon, which identified five (5) issues for consideration. The first three (3) issues identified below were those on which the County prevailed; and the remaining two (2) were issues on which the Petitioners prevailed.

- **Air Quality:** The Court ruled that the County adequately analyzed the Project's air quality impacts, including greenhouse gas emissions.
- **Endangered Species:** The Petitioners alleged that the FEIR did not adequately address Project impact on endangered species, including the desert tortoise and the Mohave ground squirrel. The Court did not agree and found the analysis adequate under CEQA.
- **Recirculation:** As mitigation, the Board reduced the Project size from 160 acres to 80 acres. The Petitioners alleged that this change was so significant as to require re-analysis and recirculation of the FEIR. The Court disagreed.
- **Economic Feasibility:** The Petitioners challenged the adequacy of County's analysis of alternatives, including the analysis of an enclosed facility. The Court agreed and directed the County to further analyze the enclosed facility alternative as mitigation to the Project as pertaining to economic feasibility and infrastructure availability.

- **Water Supply:** The Court directed that the County should have more completely analyzed Project water supply and directed the County to identify a single water source and conduct an assessment thereof.

Thus, consistent with the Court Statement of Decision and Order Thereon, the SEIR will analyze water supply and the economic feasibility of Project alternatives (including an enclosed facility). In addition, the SEIR will present analyses pertaining to Project greenhouse gas emissions and global climate change.

PROJECT DESCRIPTION

Environmental Setting

The Project site occupies 80 acres of a 160 acre vacant parcel that was evaluated in the FEIR. The site is located one (1) mile south of State Route 58 and one (1) mile west of Helendale Road, approximately 12.3 miles east of Kramer Junction and eight (8) miles west of Hinkley, in unincorporated San Bernardino County (reference Figure 1, Project Location Map).

The Project includes compost and feedstock storage areas, retention basins (impoundments), drainage features, composting windrows, screening area, finished product storage area, equipment storage area, scale, office space (approximately 720 square feet), parking, and a 2,000 gallon double-walled, above-ground diesel fuel tank. In addition, Project development will include signage, including a sign at the entrance to the composting facility that will contain the facility name, operator name, facility hours of operation, emergency telephone number, and a list of accepted materials. Equipment that will be used at the Project will include the following: four (4) front end loaders each with capacity of three (3) to eight (8) cubic yards; one (1) tub grinder with 75 tons per hour capacity; one (1) windrow turner with 10,000 feet per day capacity, one (1) screen with 70 tons per hour capacity; and, one (1) water truck with 2,000 gallons per day capacity.

Design and Operations

The Project will receive an average of 1,100 wet tons of biosolids and green material daily (approximately 400,000 wet tons yearly). This material will be delivered via 48 daily truck loads, on average. The maximum material quantity the Project will receive on any day is 2,000 wet tons, which equates to 87 truck loads.

Clean soil or other inert materials, such as gypsum or sawdust, will be used as a bulking agent or amendment and delivery will not exceed 200 tons or up to 10 truck loads per day. Compost and soil amendments provide a source of organic matter (humus), nitrogen, phosphate and potassium, as well as calcium, magnesium, sulfur and other important trace elements. Finished compost is manufactured specifically for each customer and the technical requirements for each individual application. Golf courses, agriculture, nurseries and homeowners require different blends of finished compost. Soil treated with compost increases

retention and conservation of nutrients and water, is more capable of resisting pests and diseases, and produces healthier crops and increased yields. In addition, adding humus-rich compost improves soil structure and texture, enhances moisture retention and drainage, and reduces soil compaction.

The Project will produce a maximum annual volume of 400,000 cubic yards of finished compost. Non-recoverable or non-marketable residues are placed in a trash receptacle for transport and disposal at a permitted solid waste landfill. Finished compost will be stored temporarily on the Project site and will be used on site for erosion control or further processing, or will be transported off site via trucks.

Hours of Operation/Staffing

The Project will operate daily, year-round. Normal delivery and sales operations will occur between 6:00 a.m. and 8:00 p.m. A 24-hour contact telephone number will be posted at the Project site prior to its operation.

Potential Environmental Impacts

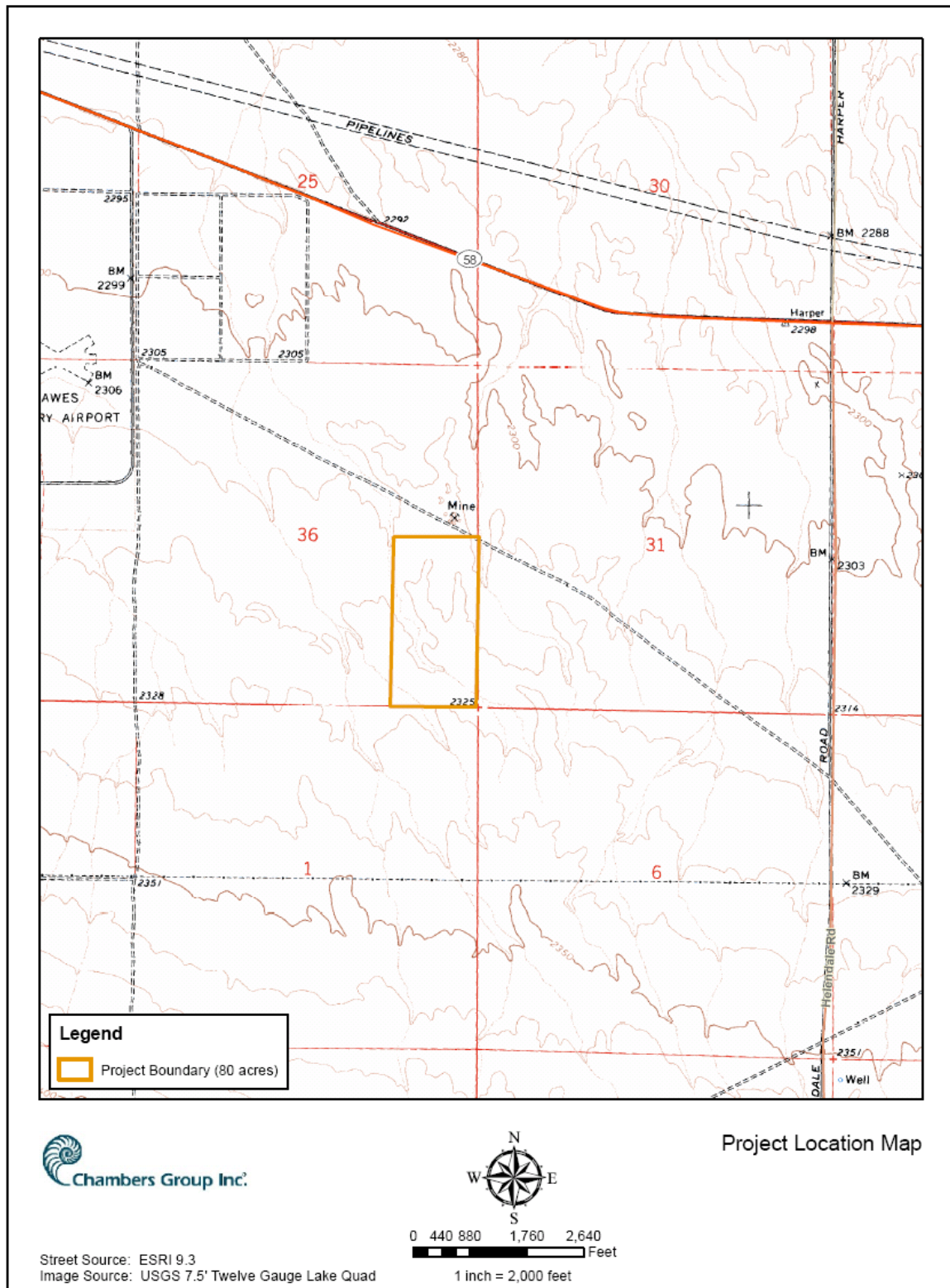
The County, as CEQA Lead Agency, has determined, after review of the Court's Statement of Decision, that this project could result in significant environmental impacts and/or have a significant impact on the environment. As such, preparation of a SEIR is required to address the Court's findings of the FEIR related to the following:

- Water Supply
- Economic Feasibility of an Enclosed Facility

In addition, the County has determined that because of significant developments in this area of the law, that it would be prudent to provide additional analysis of:

- Global Climate Change

Figure 1 – Project Location



Comment Due Date

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than **April 13, 2009**.

Comments should be sent to:

Carrie Hyke, Principal Planner
San Bernardino County Land Use Services Department
Advance Planning Division
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

Please be advised that the 2006 Draft and Final EIRs are available for reference on the County's website at www.sbcounty.gov/landuseservices. Click on "Draft /Final EIRs/EISs" and then scroll down to Nursery Products Hawes Composting Facility.

Sincerely,



Carrie Hyke, AICP, Principal Planner
Environmental & Mining Section
Advance Planning Division
Land Use Services Department
County of San Bernardino