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U.S. DEPARTMENT OF ENERGY
OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY
NEPA DETERMINATION

RECIPIENT: Rialto Bioenergy Facility, LLC **STATE:** CA

PROJECT TITLE : Rialto Advanced Pyrolysis Integrated Biorefinery

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0001232	DE-EE0007968	GFO-0007968-002	GO7968

Based on my review of the information concerning the proposed action, as NEPA Compliance Officer (authorized under DOE Order 451.1A), I have made the following determination:

CX, EA, EIS APPENDIX AND NUMBER:
Description:

A9 Information gathering, analysis, and dissemination	Information gathering (including, but not limited to, literature surveys, inventories, site visits, and audits), data analysis (including, but not limited to, computer modeling), document preparation (including, but not limited to, conceptual design, feasibility studies, and analytical energy supply and demand studies), and information dissemination (including, but not limited to, document publication and distribution, and classroom training and informational programs), but not including site characterization or environmental monitoring. (See also B3.1 of appendix B to this subpart.)
B1.3 Routine maintenance	Routine maintenance activities and custodial services for buildings, structures, rights-of-way, infrastructures (including, but not limited to, pathways, roads, and railroads), vehicles and equipment, and localized vegetation and pest control, during which operations may be suspended and resumed, provided that the activities would be conducted in a manner in accordance with applicable requirements. Custodial services are activities to preserve facility appearance, working conditions, and sanitation (such as cleaning, window washing, lawn mowing, trash collection, painting, and snow removal). Routine maintenance activities, corrective (that is, repair), preventive, and predictive, are required to maintain and preserve buildings, structures, infrastructures, and equipment in a condition suitable for a facility to be used for its designated purpose. Such maintenance may occur as a result of severe weather (such as hurricanes, floods, and tornados), wildfires, and other such events. Routine maintenance may result in replacement to the extent that replacement is in-kind and is not a substantial upgrade or improvement. In-kind replacement includes installation of new components to replace outmoded components, provided that the replacement does not result in a significant change in the expected useful life, design capacity, or function of the facility. Routine maintenance does not include replacement of a major component that significantly extends the originally intended useful life of a facility (for example, it does not include the replacement of a reactor vessel near the end of its useful life). Routine maintenance activities include, but are not limited to: (a) Repair or replacement of facility equipment, such as lathes, mills, pumps, and presses; (b) Door and window repair or replacement; (c) Wall, ceiling, or floor repair or replacement; (d) Reroofing; (e) Plumbing, electrical utility, lighting, and telephone service repair or replacement; (f) Routine replacement of high-efficiency particulate air filters; (g) Inspection and/or treatment of currently installed utility poles; (h) Repair of road embankments; (i) Repair or replacement of fire protection sprinkler systems; (j) Road and parking area resurfacing, including construction of temporary access to facilitate resurfacing, and scraping and grading of unpaved surfaces; (k) Erosion control and soil stabilization measures (such as reseeding, gabions, grading, and revegetation); (l) Surveillance and maintenance of surplus facilities in accordance with DOE Order 435.1, "Radioactive Waste Management," or its successor; (m) Repair and maintenance of transmission facilities, such as replacement of conductors of the same nominal voltage, poles, circuit breakers, transformers, capacitors,crossarms, insulators, and downed powerlines, in accordance, where appropriate, with 40 CFR part 761 (Polychlorinated Biphenyls Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions) or its successor; (n) Routine testing and calibration of facility components, subsystems, or portable equipment (such as control valves, in-core monitoring devices, transformers, capacitors, monitoring wells, lysimeters, weather stations, and flumes); (o) Routine decontamination of the surfaces of equipment, rooms, hot cells, or other interior surfaces of buildings (by such activities as wiping with rags, using strippable latex, and minor vacuuming), and removal of contaminated intact equipment and other material (not including spent nuclear fuel or special nuclear material in nuclear reactors); and (p) Removal of debris.
B3.1 Site characterization and environmental monitoring	Site characterization and environmental monitoring (including, but not limited to, siting, construction, modification, operation, and dismantlement and removal or otherwise proper closure (such as of a well) of characterization and monitoring devices, and siting, construction, and associated operation of a small-scale laboratory building or renovation of a room in an existing building for sample analysis). Such activities would be designed in conformance with applicable requirements and use best management practices to limit the potential effects of any resultant ground disturbance. Covered activities include, but are not limited

to, site characterization and environmental monitoring under CERCLA and RCRA. (This class of actions excludes activities in aquatic environments. See B3.16 of this appendix for such activities.) Specific activities include, but are not limited to: (a) Geological, geophysical (such as gravity, magnetic, electrical, seismic, radar, and temperature gradient), geochemical, and engineering surveys and mapping, and the establishment of survey marks. Seismic techniques would not include large-scale reflection or refraction testing; (b) Installation and operation of field instruments (such as stream-gauging stations or flow-measuring devices, telemetry systems, geochemical monitoring tools, and geophysical exploration tools); (c) Drilling of wells for sampling or monitoring of groundwater or the vadose (unsaturated) zone, well logging, and installation of water-level recording devices in wells; (d) Aquifer and underground reservoir response testing; (e) Installation and operation of ambient air monitoring equipment; (f) Sampling and characterization of water, soil, rock, or contaminants (such as drilling using truck- or mobile-scale equipment, and modification, use, and plugging of boreholes); (g) Sampling and characterization of water effluents, air emissions, or solid waste streams; (h) Installation and operation of meteorological towers and associated activities (such as assessment of potential wind energy resources); (i) Sampling of flora or fauna; and (j) Archeological, historic, and cultural resource identification in compliance with 36 CFR part 800 and 43 CFR part 7.

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide federal funding to Rialto Bioenergy Facility, LLC to validate unit processes and develop a project plan for the currently mothballed Rialto Bioenergy Facility, which would be redesigned to convert municipal solid waste into biogas.

A previous NEPA determination (GFO-0007968-001; CX A9, B3.6; 04/06/17) reviewed Phase 1 Budget Period (BP) 1. This NEPA determination reviews all tasks and subtasks associated with Phase 1 BP2 (Tasks 2, 3, and 4 in the Statement of Project Objectives). The primary objective of BP2 is to produce a basic front-end engineering design (FEL-3) suitable to use as a bid package for potential Phase 2 funding. If the recipient is selected to move forward into Phase 2, further NEPA review will be necessary once Phase 2 tasks are defined.

Activities associated with BP2 of the proposed project would include: project planning and reporting; process and financial modeling; emission calculations; engineering drawings and preliminary design of the proposed facility and unit operations; business development (permitting, utility agreements, contract negotiations, and market analysis); the inspection, repair, and/or removal of previously installed, nonoperational equipment; and site characterization to include water infiltration testing and geotechnical boring.

Office-based planning, reporting, computer modeling, design, and development activities would take place at Anaergia Services, LLC (Carlsbad, CA) as well as the private offices of various subcontractors and subconsultants (Carlsbad, CA; Irvine, CA; Sacramento, CA; and other unspecified locations within the country). Not all subconsultants have been selected at this time; however, these project-related tasks would be limited to strictly desktop work in existing workplaces. Business trips associated with contract negotiations and meetings would occur as needed throughout BP2. No change in the use, mission or operation of existing office facilities would arise out of these efforts.

Site visits to the Rialto Bioenergy Facility (Bloomington, CA) would be conducted periodically to assess the condition of existing equipment and the potential usefulness of onsite machinery for the redesign package. Such work would involve obtaining recommendations from 3rd party engineers regarding equipment refurbishment, and may include minor repairs in situ and/or removal for offsite testing by the original manufacturer at a commercial facility. No equipment purchases, installations, new construction, or physical modifications beyond the aforementioned maintenance of mothballed equipment would take place at this site during Phase 1 BP2.

In addition to equipment inspections, proposed site-based activities during BP2 include two types of minimally intrusive subsurface investigations to support permitting requirements and inform the preliminary design being developed. Infiltration testing would be performed on the developed grounds of the existing facility to determine stormwater infiltration rates as part of the regulatory compliance process. Approximately 1000-2000 gallons of water would be used during the course of this short-term test, which would be performed per the continuous (falling-head) method in accordance with California Test 750. No siting or expansion of wastewater storage, disposal, recovery, or treatment actions/facilities would be required. Ground disturbing activities would also include geotechnical borings to determine earthwork and foundation design requirements. Based on current test plans, it is anticipated that no more than 10 borings between 25-65 ft. deep would be required to provide adequate soil information. Samples would be taken at 5 ft. intervals (using a typical 8" bore) and analyzed according to standard industry techniques. Final boring locations and the number of tests to be completed have yet to be finalized, and would depend on future direction from structural and geotechnical engineers contracted by the proposed project to carry out these activities. However, the location of all borings, access routes, and work required to complete testing would be on previously disturbed land within the brownfield industrial site.

During the infiltration test and geotechnical borings, if cultural or archeological artifacts are encountered, the recipient must stop the subsurface work immediately and inform the DOE Project Officer of the finding. The affected test and/or

boring must be relocated to another nearby site.

The proposed BP2 activities at the Rialto Bioenergy Facility site would involve health and saftey risks inherent to industrial facilities, such as rotating machinery and exposure to underground utilities. All project participants would be required to follow the existing site safety plan and/or respective contractors' safety policies and procedures. Only properly trained and certified technicians would perform equipment inspections. A DigAlert ticket would be obtained for notifications of any underground utilities prior to geotechnical boring activities.

No products or materials would be produced or consumed during BP2 other than standard quantities of office wastes from the creation of reports, drawings, models, etc. There are no planned equipment decommissioning activities for BP2. Emissions as a result of BP2 activities would be limited to those generated from site visits and business travel by personal and commercial vehicles.

Based on the review of the proposal, DOE has determined the tasks in Phase 1 Budget Period 2 fit within the class of action(s) and the integral elements of Appendix B to Subpart D of 10 CFR 1021 outlined in the DOE categorical exclusion(s) selected above. DOE has also determined that: (1) there are no extraordinary circumstances (as defined by 10 CFR 1021.410(2)) related to the proposal that may affect the significance of the environmental effects of the proposal; (2) the proposal has not been segmented to meet the definition of a categorical exclusion; and (3) the proposal is not connected to other actions with potentially significant impacts, related to other proposals with cumulatively significant actions, or an improper interim action. Budget Period 2 tasks are categorically excluded from further NEPA review.

NEPA PROVISION

DOE has made a conditional NEPA determination for this award, and funding for certain tasks under this award is contingent upon the final NEPA determination.

Insert the following language in the award:

You are restricted from taking any action using federal funds, which would have an adverse affect on the environment or limit the choice of reasonable alternatives prior to DOE/NNSA providing either a NEPA clearance or a final NEPA decision regarding the project.

Prohibited actions include:
Phase 2
This restriction does not preclude you from:
Phase 1 Budget Period 1 (Task 1)
Phase 1 Budget Period 2 (Tasks 2, 3, and 4)
If you move forward with activities that are not authorized for federal funding by the DOE Contracting Officer in advance of the final NEPA decision, you are doing so at risk of not receiving federal funding and such costs may not be recognized as allowable cost share.

Insert the following language in the award:

You are required to:
During the infiltration test and geotechnical borings, if cultural or archeological artifacts are encountered, the recipient must stop the subsurface work immediately and inform the DOE Project Officer of the finding. The affected test and/or boring must be relocated to another nearby site.

Note to Specialist :

Bioenergy Technologies Office
This NEPA determination requires a tailored NEPA Provision.
NEPA review completed by Whitney Doss, 11/17/2017

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: Electronically Signed By: Casey Strickland Date: 11/22/2017
NEPA Compliance Officer

FIELD OFFICE MANAGER DETERMINATION

☐ Field Office Manager review required

NCO REQUESTS THE FIELD OFFICE MANAGER REVIEW FOR THE FOLLOWING REASON:

- ☐ Proposed action fits within a categorical exclusion but involves a high profile or controversial issue that warrants Field Office Manager's attention.
- ☐ Proposed action falls within an EA or EIS category and therefore requires Field Office Manager's review and determination.

BASED ON MY REVIEW I CONCUR WITH THE DETERMINATION OF THE NCO :

Field Office Manager's Signature: _____ Date: _____

Field Office Manager