

Stop the Casino 101 Coalition

From: "Gregory Tholen" <GTholen@baaqmd.gov>
To: [REDACTED]
Sent: Wednesday, January 23, 2008 11:26 AM
Attach: Graton Rancheria EIS May 2007 v4.doc
Subject: Graton Rancheria Comment Letter

Here's our comment letter. If you have any questions, please call.

Thank you,

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May 14, 2007

Brad Mehaffy
NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, D.C. 20005

Subject: Graton Rancheria Casino and Hotel Project Draft Environmental Impact Statement and Draft Conformity Determination

Dear Mr. Mehaffy:

Bay Area Air Quality Management District (District) staff have reviewed your agency's Draft Environmental Impact Statement (DEIS) and Draft Conformity Determination (DCD) for the Graton Rancheria Casino and Hotel Project (Project). We understand that approval of the preferred Project alternative would allow development of a casino and hotel resort that would also include restaurants, an entertainment venue, banquet and meeting space, a pool and spa, and possibly an on-site wastewater treatment plant. Site alternatives are located in Sonoma County and the preferred alternative site is located west of the City of Rohnert Park.

We agree with the DEIS conclusions that the Project will create significant adverse air quality impacts. The Bay Area is currently classified as nonattainment for state and federal ozone standards and the state PM₁₀ and PM_{2.5} standards. The Project will adversely impact the region's ability to attain or maintain these standards. In addition, new federal PM_{2.5} standards may result in the Bay Area being classified as nonattainment, possibly requiring the District to prepare a PM_{2.5} attainment plan by 2013.

The DCD states (page six) that the District is expected to attain the federal 8-hour ozone standard in April 2007 and request redesignation to attainment of the standard at that time. This statement should be revised as the District's attainment date is June 15, 2007. In addition, the District must formally petition the U.S. Environmental Protection Agency (USEPA) to request redesignation to attainment, which would also require the District to prepare a maintenance plan that demonstrates continued attainment of the standard for the next ten years. The USEPA must also make a finding of attainment before they could act on any request for redesignation. The District has not initiated the redesignation process.

The DEIS fails to discuss greenhouse gas emissions generated by the project. With passage of AB32, the Global Warming Solutions Act, California now has a mandate to significantly reduce greenhouse gas emissions. We recommend that the final environmental impact statement (FEIS) include a discussion and quantification of the greenhouse gas emissions for each of the alternatives and identify measures to reduce these emissions.

The URBEMIS modeling files included in Appendix W indicate that some mitigation measure switches in the model were changed from “off” to “on,” and therefore the Project’s estimated emissions were reduced in anticipation of these mitigation measures being implemented. However, none of these measures are reflected in the recommended mitigation measures of the DEIS or included as part of the Project description. The model was run with the mitigation measure for an increase in efficiency beyond Title 24 building standards changed to “on.” The mitigation measure included in the DEIS reads “...*meets* or exceeds Title 24 requirements,” (emphasis added). It is not mitigation if it merely “meets” Title 24 requirements. We recommend that the mitigation language in the DEIS be changed to “...*shall exceed* Title 24 requirements,” and that implementation of this measure be required as a condition of project approval.

The model was also run with the electric landscape maintenance equipment mitigation measure changed to “on,” yet the DEIS does not contain any mitigation measures that require the Project proponents to use electric landscape maintenance equipment. We recommend that Project approval be conditioned so that only electric landscape maintenance equipment may be used at the site.

The DEIS includes a number of “recommended” mitigation measures to reduce operational emissions, including motor vehicle emissions, and support transit use, vehicle trip reductions, and energy efficiency. To ensure that these mitigation measures are fully implemented to achieve emission reductions, we recommend that all operational emission mitigation measures be required as a condition of project approval.

Mitigation measures for impacts from exposure to toxic air contaminants (TAC) propose to locate receptors “...as far away as feasibly possible...” from sources of TAC. We recommend additional mitigation measures to further reduce exposure to TAC, including electrification of all loading docks and a prohibition of diesel truck idling.

We note that the Project proponents propose to obtain emission reduction credits (ERCs) to offset up to 284 tons per year of reactive organic gases, 149 tons per year of nitrogen oxides, 121 tons per year of particulate matter (PM₁₀) and 35 tons per year of PM_{2.5}. (The amount of ERCs may change due to our comments above on the URBEMIS assumptions.) We also note that without the ERCs for nitrogen oxides, the National Indian Gaming Commission will not be able to make a positive conformity finding. Our recommendation is to first reduce emissions as much as possible on-site before purchasing ERCs. In addition, the origination of any credits purchased should be from facilities as close as possible to the Project. All ERCs obtained by the Project proponents must be certified by the District and processed through the District’s emissions bank in accordance with our Regulation 2, Rule 4 – Emissions Banking.

If you have any questions regarding these comments, please contact Greg Tholen, Senior Environmental Planner, at (415) 749-4954.

Sincerely,

Jean Roggenkamp
Deputy Air Pollution Control Officer

CC: BAAQMD Director Tim Smith
BAAQMD Director Pamela Torliatt