



South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

May 10, 2019

Anna.Naimark@gov.ca.gov

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Office of Governor Gavin Newsom
State Capitol, Suite 1173
Sacramento, CA 95814

Initial Study for the Proposed Morongo Casino Expansion Project

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final Initial Study.

Project Summary

The Morongo Band of Mission Indians (Tribe) proposes to expand the existing Morongo Casino Resort Spa (MCRS) by constructing a 65,004-square-foot casino extension and a 264,222-square-foot parking garage on seven acres (Proposed Project). The Tribe will also refurbish and revive the original Casino Morongo for use while the MCRS is under construction, so that gaming operations are not disturbed. The Proposed Project is located on the Morongo Indian Reservation (Reservation) in the community of Cabazon, California.

Background

South Coast AQMD staff is providing technical support for the review of the Proposed Project's air quality impact analysis to the Tribal Negotiations Advisors in the Office's of Governor Gavin Newsom and Edmund G. Brown, Jr. To demonstrate compliance with the requirements of Section 11 of the Tribal-State Gaming Compact (Compact)¹, the Tribe is required to assess the Proposed Project's potential effects on the off-Reservation environment.

Between October 2018 and April 2019, three drafts of Initial Study were prepared. South Coast AQMD staff reviewed the initial air quality analysis in the draft Initial Study (dated October 16, 2018) and provided comments in an electronic email in lieu of a comment letter². South Coast AQMD staff recommended that the Tribe quantify emissions from overlapping operations of the expanded MCRS and the revived Casino Morongo, analyze the operational air quality and health risks impacts from a co-generation facility, quantify emissions reduction from air quality Mitigation Measures AQ-3 through AQ-5, and incorporate additional mitigation measures to further reduce the Proposed Project's construction and operational emissions (Attachment A).

Additionally, South Coast AQMD staff reviewed the draft Initial Study (dated December 21, 2018 and April 29, 2019). In the April 29, 2019 draft Initial Study, the Tribe quantified overlapping operational emissions from a combined MCRS and Casino Morongo scenario, clarified that the co-generation facility would include one emergency backup generator with a diesel engine, quantified emission reductions from air quality Mitigation Measures AQ-3 through AQ-5, and committed to additional construction and operational mitigation measures.

¹ Tribal-State Gaming Compact between the State of California and the Morongo Band of Mission Indians. Access at: https://www.gov.ca.gov/wp-content/uploads/2017/09/Morongo_Band_of_Mission_Indians_Compact.pdf.

² South Coast AQMD. November 30, 2018. E-mail correspondence between South Coast AQMD staff (Ms. Lijin Sun) and the Office of Governor Edmund G. Brown, Jr. (Mr. Joginder S. Dhillon).

While the Tribe provided responses to South Coast AQMD staff's comments on the October 16, 2018 draft Initial Study in the April 29, 2019 draft Initial Study, South Coast AQMD staff requests additional information regarding the less than significant finding for the Proposed Project's long-term air quality off-Reservation impacts. Please see below for more information.

Comments

In the April 29, 2019 draft Initial Study, the Tribe found that the anticipated maximum daily operational emissions for NOx at 226 pounds per day (lbs/day) and PM10 at 157 lbs/day would exceed South Coast AQMD's recommended regional air quality CEQA significance thresholds at 55 lbs/day and 150 lbs/day, respectively, and cannot be further mitigated because the Tribe does not control emissions from patron vehicle trips³. Based on this comparison, the Proposed Project's operational off-Reservation air quality impacts from NOx and PM10 would be significant. However, the Tribe stated that because the Proposed Project would not exceed the General Conformity de minimis thresholds, the Proposed Project's off-Reservation long-term air quality impacts would be less than significant⁴.

The General Conformity review and determination process is intended to demonstrate that emissions from a proposed federal action would not interfere with a state or tribal implementation plan (SIP/TIP) for an area that has been designated by the United States Environmental Protection Agency (U.S. EPA) as a nonattainment or maintenance area for a National Ambient Air Quality Standard (NAAQS). The conformity determination process is intended to demonstrate that a proposed federal action will not: (1) cause or contribute to new violations of a NAAQS; (2) interfere with provisions in the applicable SIP for maintenance of any NAAQS; (3) increase the frequency or severity of existing violations of any standard; or (4) delay the timely attainment of any standard⁵.

The South Coast Air Basin (Basin) is designated as extreme non-attainment for ozone and serious non-attainment for PM2.5. To accommodate projects subject to General Conformity requirements and to streamline the review process, General Conformity budgets for NOx and VOC emissions are established in the South Coast AQMD's Air Quality Management Plan (AQMP). Emissions from tribal areas in the South Coast Air Basin are not included in the General Conformity budgets established in the South Coast AQMD's AQMP. Additionally, the General Conformity de minimis emission levels are the minimum thresholds for which a conformity determination must be performed for various criteria pollutants (40 CFR 93 § 153(b)(1)). Since they are intended to guide the air quality analysis for federal actions as to whether the General Conformity review and determination process will be triggered, they should not be used to determine the level of significance for the Proposed Project's long-term air quality off-Reservation impacts. Therefore, South Coast AQMD staff recommends that the Tribe make a significance determination for the Proposed Project's operational air quality impacts based on the comparison to the South Coast AQMD's recommended regional air quality CEQA significance thresholds, or provide additional information to justify the finding that the Proposed Project's operational air quality impacts would be less than significant.

Conclusion

South Coast AQMD staff is available to work with the Tribe to address any air quality questions that may arise from this comment letter. Please contact Alina Mullins, Assistant Air Quality Specialist, at amullins@aqmd.gov or (909) 396-2402, should you have any questions.

³ Draft Initial Study (April 29, 2019). Air Quality Analysis. Page 11.

⁴ *Ibid.* Page 12.

⁵ United States Environmental Protection Agency. *General Conformity*. Accessed at: <https://www.epa.gov/general-conformity/what-general-conformity>.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment A
RVC190501-20
Control Number

ATTACHMENT A**Copy of the November 30, 2018 E-Mail from South Coast AQMD Staff Regarding Comments on the Draft Initial Study (Dated October 16, 2018) for the Proposed Project**

From: Lijin Sun
To: "[Joe Dhillon](#)"
Cc: "[Dilley, Shannon@ARB](#)"; "[Heather.King@arb.ca.gov](#)"; [Jillian Wong](#); [Veera Tyagi](#); [Alina Mullins](#); [Robert Dalbeck](#)
Subject: RE: Morongo Initial Study
Date: Friday, November 30, 2018 12:26:00 PM
Attachments: [image001.png](#)

Hi Joe,

I worked with Jillian for the review of the Morongo Casino Expansion project's draft Initial Study. We have similar comments on the project's operational air quality impact analysis and mitigation measures.

Here are the comments in details:

- **Combined Operations.** SCAQMD staff recommends that the Tribe analyze the air quality impacts from the combined MCRS and original Casino Morongo operations. The draft Initial Study stated that in the event that the Tribe decides to continue to operate the refurbished original Casino Morongo as a second Gaming Facility, the Tribe will conduct a separate analysis from the combined operations (*p. I-2*). It seems reasonably foreseeable that operation of the two Gaming Facilities may overlap, unless the Tribe includes additional information on the mechanisms to prevent the combined operations in this draft Initial Study. Therefore, a worst-case impact scenario from the combined operations should be analyzed.
- **Co-generation Facility.** SCAQMD staff recommends that the Tribe analyze and model the operational air quality impacts, both regional and localized emissions, and health risks impacts from the co-generation facility. While the co-generation facility is on-Reservation and will be covered by an air permit from the U.S. EPA, it contributes to the project's Off-Reservation impacts on criteria pollutants and health risks to nearby sensitive receptors.
- **Mitigation Measures.** The draft Initial Study did not quantify emissions reductions from Mitigation Measures AQ-3 through 5. Since the Off-Reservation operational air quality emissions from NO_x would exceed SCAQMD air quality significance threshold, SCAQMD staff recommends that the Tribe incorporate the following mitigation measures to further reduce the emissions.

Construction

- 1) Require zero-emissions or near-zero emission trucks, if and when feasible; at a minimum, require that the operator commit to utilizing 2010 model year trucks.
- 2) Require all off-road diesel construction equipment greater than 50 horsepower (hp) used to meet U.S. EPA Tier 4 off-road emission standards.

Operation

- 1) Implement an anti-idling program. Vendors should be instructed to advise drivers that trucks and other equipment shall not be left idling for more than 5 minutes. Signs informing truck drivers of the anti-idling policy should be posted in the loading docks of the Project.
- 2) Establish a purchasing policy to purchase electric vehicles for use by the project.
- 3) Establish a policy to select and use vendors that use clean vehicles and trucks. Include this policy in the vendor contracts and business agreements.

Do you want us to send you the comments via a letter or this e-mail can suffice?

Thank you,

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

South Coast Air Quality Management District

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Please note that the SCAQMD is closed on Mondays