

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**FROM:** Executive Office

October 14, 2003

**SUBJECT:** Response and Consultation - Tribal Environmental Study for Proposed Cogeneration Facility for the Morongo Casino-Hotel project

**RECOMMENDED MOTION:** That the Board authorize the Chairman to sign the attached letter to the Morongo Band of Mission Indians, in response to their Tribal Environmental Study for a gas-fired cogeneration facility to be located on tribal trust lands.

**BACKGROUND:** The Morongo Band of Mission Indians is proposing to construct a gas-fired cogeneration facility within the development footprint of the Casino-Hotel project, in an area that was previously designated for equipment that would have drawn electric power from the Southern California Edison Company. The cogeneration facility will provide a reliable source of energy to the multi-million dollar casino/hotel complex, and may serve other Tribal enterprises and developments, as well. Since the facility will primarily serve the Tribe's new casino/hotel project, the Class III Gaming Compact between the Tribe and State of California requires the Tribe to prepare and circulate a Tribal Environmental Study to identify any potential off-Reservation environmental impacts. Comments on the Study are due to the Tribe's Department of Planning and Economic Development by October 30, 2003.

The attached letter summarizes County comments on the proposed project and potential off-Reservation impacts.

*Jennifer L. Sargent*  
Jennifer L. Sargent, Senior Management Analyst

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2003/04

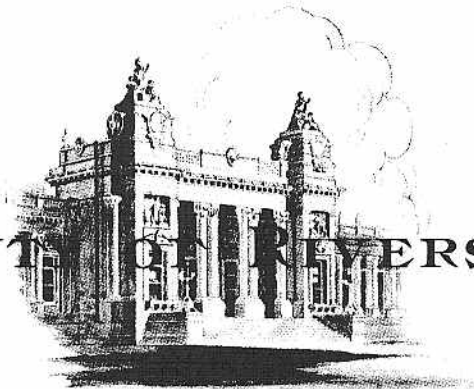
<b>SOURCE OF FUNDS:</b>	<b>Positions To Be Deleted Per A-30</b>	
	<b>Requires 4/5 Vote</b>	

**C.E.O. RECOMMENDATION:**  
**APPROVE**  
 County Executive Office Signature *Barbara Krumm*

Department Recommendation:  Consent  Policy  
 Per Executive Office  Consent  Policy

Departmental Concurrence

# COUNTY OF RIVERSIDE



## BOARD OF SUPERVISORS

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955-1050

October 16, 2003

Morongo Band of Mission Indians  
Dept. of Planning and Economic Development  
Attn: Thomas Linton, Director  
245 N. Murray Street, Ste. C  
Banning, CA 92220

Re: Tribal Environmental Study for Cogeneration Facility Project

Dear Mr. Linton,

The County is in receipt of the Tribal Environmental Study (TES) for the Morongo Cogeneration Facility, issued September 30, 2003. The TES was prepared and circulated in accordance with the Tribal-State Gaming Compact, Section(s) 10.8.1 and 10.8.2(a), to identify any potential off-Reservation environmental impacts from the project.

Based on a review of the TES by County departments, the County has several concerns that are not adequately addressed and/or identified in the document. The Attachment to this letter summarizes those concerns. Full comments from County departments are also attached.

As described, the Cogeneration Facility will, at least initially, primarily serve the Tribe's new Casino-Hotel project. It would be extremely helpful for the County to view the project within the context of a larger Master Plan for the Reservation. By considering the larger Master Plan, it is possible that some of the issues mentioned could be more fully understood and addressed.

The Board of Supervisors looks forward to receiving your response.

Sincerely,

John Tavaglione  
Chairman

cc: Board Members  
Clerk of the Board  
County Executive Officer

**SUMMARY OF OFF-RESERVATION IMPACTS AND CONCERNS  
RELATED TO THE MORONGO COGENERATION FACILITY**

The following summary of potential off-reservation impacts and concerns is submitted by the County of Riverside to the Morongo Band of Mission Indians, in response to the Tribal Environmental Study (TES) for the Morongo Gas Fired Cogeneration Plant issued on September 30, 2003. A more in-depth explanation of the impacts and concerns are presented in the attached departmental analyses. County staff is available for consultation and technical assistance on these and other mutual concerns.

**FIRE AND OTHER EMERGENCY SERVICES**

- Full compliance with California Fire Code requirements and California Fire Marshal's regulations is recommended.
- An effective notification process should be developed, in the event of a spill or gas release, and include on-site mitigation measures to contain related emergencies to the site.

**HEALTH AND SAFETY**

- Full plan check of underground tanks is recommended (through the Hazardous Materials Division of Environmental Health), to ensure the use of approved equipment and to protect groundwater.
- All hazardous wastes (e.g., used oils, fuels, and filters) should be transported offsite for recycling and/or proper disposal.
- All staff should be trained in procedures to follow in the event of a release of any hazardous materials, also in the health risks associated with the chemicals.

**BUILDING STANDARDS**

- Health and Safety Code requirements should be incorporated into all structures.
- Compliance with State of California Building Standards Commission Codes and Riverside County Ordinance 457, Section 4, is recommended.
- All of the proposed structures for this project should be plan reviewed and inspected by a recognized third party firm experienced in the above referenced codes.

**AIR QUALITY**

- Compliance with South Coast Air Quality Management District (SCAQMD) permitting requirements and the US Environmental Protection Agency is recommended.
- Source Review regulations established for new and modified facilities require compliance with Best Available Control Technology (BACT) or the lowest achievable emission reduction technology.

#### HAZARDS AND HAZARDOUS MATERIALS

- The Tribal Environmental Study (TES) should take into account the types of materials that will be used in conjunction with the selective catalytic reduction (SCR) and potential impacts as a result of their use.

#### CUMULATIVE IMPACTS

- The TES presents no evidence to support the "less than significant impact" identified of the potential cumulative impacts as a result of the proposed project.
- The TES states that future development on reservation land will occur on a project-by-project basis, since the Tribe has not adopted a land use plan. This makes it difficult to assess the overall project impacts on surrounding local areas and planned projects.
- A Master Plan Environmental Impact Statement (EIS) would be the appropriate document to address some of the broader environmental issues. Further, this would enable the Tribe to use the EIS as a tiering document for the proposed project, as well as future projects.



**COUNTY OF RIVERSIDE**  
*TRANSPORTATION AND LAND MANAGEMENT AGENCY*  
**BUILDING AND SAFETY DEPARTMENT**



*James J. Miller*  
**Director**

October 9, 2003

Morongo Band of Mission Indians  
Department of Planning and Economic Development  
245 North Murray Street, Suite C  
Banning, CA 92220

RE: Morongo Gas Fired Cogeneration Plant

Dear Morongo Band of Mission Indians:

Thank you for the opportunity to comment on your proposed gas fired cogeneration plant. Though the Riverside County Department of Building and Safety has no jurisdiction over Indian lands, minimum life and health safety code requirements should still be incorporated into all structures. It is highly recommended, therefore, that this facility follow the model codes adopted by the State of California Building Standards Commission and Riverside County Ordinance 457, Section 4, relating to grading and erosion control standards.

It is also highly recommended that all of the proposed structures for this project are plan reviewed and inspected by a recognized neutral third party firm experienced in the above referenced codes.

If you wish to discuss this further or need additional clarification, please feel free to contact me at (909) 955-2514. Thank you.

Respectfully,

James J. Miller, Director of Building and Safety  
County of Riverside



COUNTY OF RIVERSIDE • COMMUNITY HEALTH AGENCY  
**DEPARTMENT OF ENVIRONMENTAL HEALTH**

October 17, 2003

Morongo Band of Mission Indians  
Department of Planning and Economic Development  
245 North Murray Street, Suite C  
Banning, California 92220

The Department of Environmental Health, Hazardous Materials Management Division has received and reviewed the Supplemental Tribal Environmental Study for the Morongo Casino/Hotel dated September 29, 2003. The following is a list of recommendations for the Morongo Casino/Hotel project, specifically the gas-fired cogeneration plant.

1. Recommend full plan check if diesel fuels are to be stored in underground storage tanks. The review would be according to California Code of Regulation (CCR) Title 23 requirements. If aboveground tanks are to be used, the Division would like the opportunity to review the plans, although not to the level of detail required by Title 23. This review would ensure the use of approved equipment and protect groundwater. For detailed plan review of aboveground tank installation, contact Riverside County Fire Department.
2. Recommend including all hazardous wastes, including all used oils, spent catalysts, spilled fuels, used diesel filters, contaminated absorbent materials, waste coolants and any other hazardous wastes associated with the maintenance of the cogeneration plant, in the proper offsite transportation, recycling and or disposal of wastes. Temporary storage of hazardous wastes onsite shall be in accordance with CCR Title 22.
3. Recommend all staff in and around the hazardous materials be trained in the safe handling of hazardous materials stored, including familiarity with the characteristics and hazards of each material to protect themselves from chemical hazards, the proper use of personal protective equipment if needed, and who to call for immediate assistance or notification in the event of an accident involving hazardous materials. These regulations can be found in CCR Title 19.

Hazardous Materials staff are available for a more in-depth explanation of the plan check process and permit requirements. A fee will be required for plan check activities. If you have any questions, please contact Martha Bahia at (909) 358-5055.

Sincerely,

Earl Tuntland  
Deputy Director



# COUNTY OF RIVERSIDE

## TRANSPORTATION AND LAND MANAGEMENT AGENCY



Richard K. Lashbrook  
Agency Director

### Planning Department

Robert C. Johnson  
Planning Director

October 21, 2003

Morongo Band of Mission Indians  
Dept. of Planning & Economic Development  
Attn: Thomas Linton, Director  
245 North Murray Street, Ste. C  
Banning, CA 92220

**RE: SUPPLEMENTAL TRIBAL ENVIRONMENTAL STUDY (TES) FOR THE MORONGO CASINO/HOTEL (COGENERATION FACILITY)**

Dear Mr. Linton:

Thank you for providing the Riverside County Planning Department with the above environmental document. The Morongo Band of Mission Indians (hereafter cited as "Tribe") has prepared a supplemental TES to address changes to the original casino/hotel project, specifically the installation of a cogeneration plant in place of connecting with an electric power service provider. The supplemental document briefly described some of the components of the cogeneration plant under the project description. However, the environmental impact analysis checklist and discussion under Section 4 of the TES did not provide an adequate description of the installation of the plant and subsequent operations and, therefore, does not support the document's findings of no impacts or less than significant impacts. Please consider the following comments:

PROJECT DESCRIPTION

1. Section 2 of the TES should be expanded to discuss potential impacts related to installation of the facility (i.e., size, distance from the casino/hotel and public recreation areas, containment precautions, etc.). Potential operating impacts should also be discussed and include chemicals/materials used in the production of electrical power and by-products resulting from said production, training of personnel handling and/or storing potential hazardous materials, and emergency response procedures in the event of hazardous materials release.

AIR QUALITY

2. Although, most electricity generating plants use natural gas, which provides a relatively clean source of fuel (as compared to coal- or diesel-fueled plants), the emissions from these plants must also be controlled by local, state, and federal rules and regulations, minimizing overall air emissions. Compliance with South Coast Air Quality Management District (SCAQMD) permitting requirements, as stated in the Tribal Environmental Study (TES), as well as the United States Environmental Protection Agency is recommended.

3. New Source Review regulations established for new and modified facilities require compliance with BACT (Best Available Control Technology) or lowest achievable emission reduction technology.

#### HAZARDS AND HAZARDOUS MATERIALS

4. The discussion under this section of the TES does not support the findings. The TES discusses only the storage and handling of diesel fuel to be used in the event of power outage. Under the project description, a cursory overview of the emission reduction systems identify the use of selective catalytic reduction (SCR) for control of oxides of nitrogen and oxidation catalysts to control emissions of carbon monoxide and volatile organic compounds. The TES should take into account the types of materials that will be used in conjunction with the SCR and potential impacts as a result of their use. If ammonia is to be utilized in operations, the TES must address the potential of accidental spills which may occur during transport or on site, especially when it appears that the plant will be located adjacent to the casino/hotel and recreation areas.

#### CUMMULATIVE IMPACTS

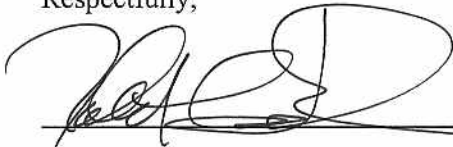
The checklist identifies potential cumulative impacts as a result of the proposed project as having a "less than significant impact." The TES presents no evidence to support this finding and staff, therefore, finds the analysis to be inadequate. The only "cumulative" projects identified in the environmental document are the Arrowhead Bottling Facility and the Morongo Wastewater Treatment System, both located on reservation land. NEPA clearly defines "cumulative impacts" as "impacts which result from the incremental impact of the action when added to other past, present, and reasonable foreseeable future actions regardless of what agency or person undertakes such other actions."

The TES states that future development on reservation land will occur on a project-by-project basis since the Tribe has not adopted a land use plan. This defeats the purpose of preparing an environmental document and conducting a cumulative effects analysis.

Staff finds preparation of the TES premature and that a Master Plan Environmental Impact Statement (EIS) would be the more appropriate document to address some of the more broader environmental issues. This would also enable the Tribe to use the EIS as a tiering document for the proposed project as well as future projects.

Thank you for considering our comments and for the opportunity to review the TES. If you should have any questions regarding these comments, please contact Kathleen Browne, Planning Department staff, at (909) 955-4949.

Respectfully,



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Robert C. Johnson, Planning Director

cc: Supervisor Ashley, 5<sup>th</sup> District  
Richard Lashbrook, TLMA Director  
Barbara Dunmore, Deputy County Executive Office  
Jennifer Sargent, Management Analyst  
Juan Perez, Deputy Director Transportation  
Frank Kawasaki, County Fire Department



Bob Doyle  
Sheriff-Coroner

October 9, 2003

Serving the  
County of Riverside  
AND CITIES OF:

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Moreno Valley

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Palm Desert

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★

Temecula

Mr. Thomas E. Linton  
Director, Planning & Economic Development  
Morongo Band of Mission Indians  
11581 Potrero Road  
Banning, CA 92220

Dear Mr. Linton:

Thank you for your letter of September 30, 2003 and supporting documents regarding the potential cogeneration facility at Morongo Casino and Resort Hotel.

Sheriff Doyle asks that I extend his best wishes for success on this venture. We will defer further analysis to our county planning department for environmental review. It appears that potential impacts are of a non-public safety nature.

Sincerely,

BOB DOYLE, SHERIFF-CORONER

Thomas L. Freeman  
Executive Officer  
Office of the Sheriff

BD: TLF:etp