



Department of Toxic Substances Control



Alan C. Lloyd, Ph.D.
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Arnold Schwarzenegger
Governor

September 28, 2005

Margaret Park
Aqua Caliente Band of Cahuilla Indians
600 East Tahquitz Canyon Way
Palm Springs, CA 92262

AGUA CALIENTE CASINO EXPANSION, PALM SPRINGS, CALIFORNIA; TRIBAL ENVIRONMENTAL IMPACT STATEMENT (SCH #2005081138)

Dear Ms. Park:

The Department of Toxic Substances Control (DTSC) has received from the Governor's Office of Planning and Research, a Tribal Environmental Impact Statement (TEIS) for the above referenced project. The TEIS describes the project as "expansion of the existing Agua Caliente Casino complex in two phases, Phase I and Phase II. Phase I of the expansion would include the construction of additional casino-related facilities including a showroom, hotel, and parking areas. Phase II would include the construction of a 350,000 SF retail area."

The DTSC has reviewed the TEIS to ensure issues germane to the responsibilities of the DTSC are addressed in the document.

Based on our review of the project description provided in the TEIS, DTSC has prepared the following comments for your consideration:

- 1) The TEIS should determine and identify whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances.
- 2) Proper investigation and remedial actions, if necessary, should be conducted at the site prior to the new development.
- 3) The TEIS should identify any known or potentially contaminated sites within the proposed project area. For all identified sites, the TEIS should evaluate whether conditions at the site pose a threat to human health or the environment. A Phase I or II Assessment may be sufficient to identify these sites. The following databases may be consulted to identify potentially contaminated sites:
 - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S. EPA).
 - Site Mitigation Program Property Database (formerly CalSites): A DTSC database.
 - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities maintained by U.S. EPA.

- **Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS):** A database of CERCLA sites maintained by U.S. EPA.
 - **Solid Waste Information System (SWIS):** A California Integrated Waste Management Board database, which consists of open, closed and inactive solid waste disposal facilities and transfer stations.
 - **Leaking underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC):** A list that maintained by Regional Water Quality Control Boards.
 - **Lists of hazardous substances cleanup sites and leaking underground storage tanks** maintained by counties and cities in the affected area of the project.
 - **Formerly Used Defense Sites (FUDS):** The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017. (213) 452-3908.
- 4) All environmental characterization and/or cleanup should be conducted under a Workplan approved by a regulatory agency that has jurisdiction to oversee hazardous waste cleanup. The findings and sampling results from the subsequent report should be clearly summarized in the TEIS.
 - 5) If any property adjacent to the project site is contaminated with hazardous chemicals, and if the proposed project is within 2,000 feet from a contaminated site, then the proposed development may fall within the "Border Zone of a Contaminated Property." Appropriate precautions should be taken prior to construction if the proposed project is within a "Border Zone Property."
 - 6) If building structures, asphalt or concrete-paved surface areas or transportation structures, are planned to be demolished, an investigation should be conducted for the presence of lead-based paints or products and asbestos containing materials (ACMs). If lead-based paints or products or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.
 - 7) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site might have to be conducted to determine if there are, have been, or will be, any threatening releases of hazardous materials that may pose a risk to human health or the environment.
 - 8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, title 22, division 4.5).
 - 9) If it is determined that hazardous wastes are or will be generated, then the generator should contact DTSC for generator standards.
 - 10) If it is determined that hazardous wastes will be generated, the facility should obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942.
 - 11) Certain hazardous waste treatment processes may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

- 12) If during project construction/ demolition activities, soil and/or groundwater contamination is encountered, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the TEIS should identify how any required investigation and/or remediation will be conducted.
- 13) The addresses, locations, cross streets and street boundaries included in the TEIS should be clearly stated and easily identified. Most projects are identified in our database by street address, city, and zip code or cross streets, if possible.
- 14) If the site was used for dairy and cattle industry operations, the soil could contain related dairy, animal or hazardous waste. If so, the site may have contributed to soil and groundwater contamination. Proper investigation and remedial actions should be conducted at the site prior to any construction or replacement of the project.

As a reminder, DTSC can assist in overseeing characterization and cleanup oversight activities through our Voluntary Cleanup Program (VCP). For additional information on the VCP, please visit the DTSC web site at www.dtsc.ca.gov.

For all questions relating to our review of the TEIS, please contact Ken Tison of my staff at (916) 322-5266. Thank you for allowing DTSC the opportunity to provide this information on the TEIS for your consideration.

Sincerely,

Guenter W Moskat, Chief
Planning and Environmental Analysis Section
Office of Environmental Analysis, Regulations, and Audits

cc: Mr. Ken Tison
Planning and Environmental Analysis Section
Office of Environmental Analysis, Regulations & Audits