

## 4.4 Air Quality

Subsection 3.4 described the air quality of the Study Area in detail. This section addresses potential direct, indirect, and cumulative effects to air quality associated with the implementation of the Proposed Action or any of the alternatives including the No Action Alternative, described in Section 2.0 Alternatives. Section 4.1 Introduction established the context for defining criteria to determine the potential for a significant effect within any resource category. Specific significance criteria for evaluating potential air quality effects are presented below. Section 2.0 Alternatives and Section 4.1 Introduction establish and define the range of possible taxation and jurisdictional scenarios that would apply to lands not conveyed into trust.

### **Significance Criteria**

For the purposes of defining whether the Proposed Action or the alternatives (including the No Action Alternative) would have a potentially significant adverse effect to air quality, several criteria are considered. Potentially significant adverse effects may occur directly, indirectly, or cumulatively if the action is likely to:

- Violate the New York State Ambient Air Quality Standards (NYSAAQS) short-term and annual guideline concentrations or National Ambient Air Quality Standards (NAAQS) or contribute to an existing or projected air quality violation;
- Conflict with the New York State Implementation Plan;
- Result in a cumulative net increase in emissions of any criteria pollutant for which the project region is nonattainment under applicable New York State or federal air quality standards;
- Expose sensitive receptors to unhealthy air pollutant concentrations;
- Create objectionable odors affecting a large population.

### **4.4.1 Direct Effects**

The proposed federal action does not involve construction (which could have short-term effects to air quality), the addition of new stationary sources, or a significant expansion of existing facilities that would increase the number of visitors. Implementation of the Proposed Action (Alternative A) or any of the alternatives described in Section 2.0 would not result in the introduction, or modification of any air emission sources on Nation lands, adjacent non-Nation lands or on any lands within the Study Area. As such, implementation of the Proposed Action or any of the trust alternatives would not result in any direct effects to air quality in the local area, towns, counties or surrounding region.

#### 4.4.2 Indirect Effects

There are no ongoing or planned development projects or facility expansions that are contingent on the implementation of the Proposed Action or the trust alternatives. However, implementation of the proposed action or any of the trust alternatives would allow the continued operation of the Turning Stone Resort & Casino thereby indirectly allowing projected growth associated with casino operations to occur over time. This growth is realized as an increase in casino visits and an associated increase in casino employment which would result in the introduction of additional mobile source emissions within the Study Area. As such, implementation of the Proposed Action or the trust alternatives would result in an increase in mobile source emissions. Table 4.4-1 shows the projected incremental increase in mobile source emissions associated with casino growth (including both patrons and employees) between 2006 and 2011 for each of the criteria pollutants associated with mobile sources.

**Table 4.4-1  
Projected Incremental Increase in Mobile Source Emissions (tons per year)  
Between 2006 through 2011**

USEPA Criteria Pollutants	Increased Emissions (tons per year)	Percent Increase
CO	5,794	42%
NOx	107	29%
VOCs	116	29%
PM <sub>10</sub>	6	35%
PM <sub>2.5</sub>	4.5	53%

This increase in mobile source emissions is not expected to have an effect to regional air quality due to total volume of trips that occurs within the region.

Alternatives C, D, E, F and G would exclude various parcels from conveyance into trust. The indirect effects associated with these alternatives vary according to the various taxation scenarios. Under the **Property Taxes Paid** scenario, current activities would presumably continue and emission sources or total emissions would change as described above. The Nation would submit to regulation of air emission sources under applicable State laws including 6 NYCRR Parts 201, 212, 231, and 257, and the permitting requirements for process and combustion sources. Under the **Property Taxes Not Paid—Dispute Continues** scenario the collection of New York State and local taxes and the applicability of New York State and local regulations would remain in dispute. The requirements of the Federal Clean Air Act (40 CFR Parts 71, 60 and 109) would continue to apply. Current activities and future growth would presumably continue as described above.

A range of indirect effects could occur under the **Property Taxes Not Paid—Foreclosure** scenario, and they would vary according to the particular alternative. In general it is assumed that current economic activities and uses of the properties not conveyed into trust

would not continue following foreclosure. In most instances this would result in the closure of stationary emission sources and a reduction in vehicle trips (mobile source emissions) associated with these activities. The following discussion summarizes these potential effects.

**Alternative C.** No lands in Group 3 would be conveyed into trust. As described in Subsection 3.4, there are very few emissions sources on these properties and no activities that generate significant mobile source emissions. Overall, air emissions associated with these activities are low and are consistent with current emissions from similar activities on non-Nation lands. Other emissions include odors, gases, and dust from production agriculture including livestock operations (poultry and pig shelters, open cattle feedlots), manure storage facilities, and land application of manure. These types of emissions are consistent with the surrounding agricultural land uses that occur on non-Nation lands as well as Nation lands. The reduction in emissions, while beneficial, would be limited given the small area on which these activities occur when compared to the total area of land in the Study Area that supports similar activities.

**Alternative D.** Lands in Group 2 and Group 3 would not be conveyed into trust. Activities on lands in Group 2 that are potential sources of air emissions include the 12 SavOn gas stations and convenience stores and the sand and gravel quarry. Air emissions from the gas stations include hydrocarbon emissions or evaporative emissions that emanate from motor vehicle fuel tanks and fuel spillage during refueling operations. Operation of the sand and gravel quarry is a potential source of fugitive dust, similar to other sand and gravel quarries in the region. Other land uses in Group 2 do not represent significant air emissions sources. It is assumed that these activities would cease following foreclosure. Air emissions associated with the gas station operation would likely relocate to nearby non-Nation stations. Monitored ambient air quality levels have not exceeded the corresponding federal and New York State standards over the past three-year monitoring period. Oneida and Madison Counties are currently in attainment for all NAAQS with the exception of ozone (New York and other northeastern states are part of the Northeast Ozone Transport Region, defined by the U.S. Congress as a nonattainment area for ozone precursors and as a result, the Central AQCR is also designated as nonattainment for ozone). Elimination of emission sources associated with Alternative D would result in a beneficial reduction in air emissions in the region. These effects would be in addition to the effects associated with Alternative C (described above).

**Alternative E.** Only the casino parcel would be conveyed into trust. The remaining properties in Group 1 as well as those in Group 2 and Group 3 would not be conveyed into trust. The Group 1 properties not conveyed into trust would include the recently constructed cogeneration plant which has the following combustion sources:

- 1 natural gas-fired turbine generator with a heat recovery steam generator (59.86 MMBtu/hr);

- 1 natural gas-fired package boiler (33.48 MMBtu/hr);
- 1 natural gas/distillate oil fired package boiler (33.48 MMBtu/hr); and
- 1 emergency diesel generator (3.62 MMBtu/hr).

Combustion sources such as boilers, gas turbines, and generators emit criteria pollutants, VOCs, and air toxics. Other emission sources that would not be conveyed into trust include:

- Emissions associated with golf course operations and related resort, casino, and golf club maintenance, parking and warehouse facilities;
- Mobile source emissions associated with vehicular trips related to the Inn at Turning Stone, the RV campground, and the Nation's five golf courses.

Following foreclosure, the activities on these properties would likely cease and the air emissions associated with these activities would be eliminated. This would include the cogeneration plant. The Nation would obtain power for the Turning Stone Resort & Casino from the National Grid. Shutting down the cogeneration plant, a major emission source would result in a net reduction in air emissions in the region. This reduction may be offset by an increase in the National Grid's power generation emissions; however, these emissions could occur over a wide area as the Grid has the ability to import electricity from a variety of energy pools. The Nation's cogeneration plant has a NO<sub>x</sub> emission potential of 60 tons/year. As described above, monitored ambient air quality levels have not exceeded the corresponding federal and New York State standards over the past three-year monitoring period and Oneida and Madison Counties are in attainment for all NAAQS with the exception of ozone. Regardless, this reduction in emissions would have a beneficial effect to local air quality.

**Alternative F.** Lands in Group 1 and most of the lands in Group 2 would be conveyed into trust, as well as Group 3 lands that are contiguous to Group 1 and 2 lands. Activities on lands not transferred into trust under Alternative F are similar to those included under Alternative C. These activities include agricultural land uses and the Nation's sand and gravel quarry. Assuming these activities would cease following foreclosure, the effects of this alternative would be similar to those of Alternative C.

**Alternative G.** None of the Nation's lands would be conveyed into trust. Under the **Property Taxes Not Paid—Foreclosure and Casino Closes—All Enterprises Close** scenarios, activities that are associated with air emissions would cease. In addition to the indirect effects identified above for Alternatives C, D, and E (above) would be the following:

- Reduction of mobile source emissions associated with vehicular traffic to the Turning Stone Resort & Casino (casino, spa and salon, the Lodge, the Tower, the hotel, and events and conference centers);

- Elimination of hydrocarbon emissions associated with all of the Nation’s SavOn gas stations and convenience stores;
- Elimination of criteria pollutant emissions associated with two natural gas boilers (20.4 MMBtu/hr each) and six emergency diesel generators (about 2 MMBtu/hr to 15 MMBtu/hr).

Table 4.4-2 shows the stationary source emissions associated with the operation of the Turning Stone Resort & Casino. Closing of the casino would eliminate the associated emission sources and would have a beneficial effect to local and regional air quality.

**Table 4.4-2  
Facility-wide Emissions in Tons per Year, 2005**

USEPA Criteria Pollutants	Facility Emissions (tons per year)
CO	89
NO <sub>x</sub>	154
VOCs	14.3
PM <sub>10</sub>	22.5
SO <sub>2</sub>	88

Similarly, elimination of visitor and employee vehicle trips to the casino would reduce the amount of associated mobile source emissions. Many of the trips that contribute to these emissions would not be wholly eliminated if the casino were to close, as many of these trips may be multi-purpose and not solely related to the casino. Single destination trips to the casino would be eliminated. Some of these trips could be redirected to other casinos in the Northeast. Mobile source emissions from redirected trips could have an effect to air quality in other parts of the Northeast. It would be speculative to attempt to quantitatively evaluate the effect that these emissions might have. Employee trips would also be eliminated if the casino were to close; however, it is possible that some individuals would seek employment elsewhere in the region and emissions associated with their travel to and from work would still occur. Others may seek employment outside the region and emissions associated with those trips would be relocated.

#### **4.4.3 Cumulative Effects**

The Nation’s ongoing and reasonably foreseeable plans (described in Subsection 4.1.4) include development projects that would result in a relatively small increase in air emissions.

With the exception of Alternatives E (Turning Stone Casino Gaming Floor Tax Lot) and Alternative G (No Action), there is only a nominal difference between the potential cumulative air quality effects of each of the alternatives. Alternative E and G could result in the closure of the cogeneration plant and/or the entire Turning Stone Resort & Casino and all associated facilities. This would result in a potential net reduction in both stationary and mobile source air emissions in the region. When taken cumulatively with ongoing and planned non-Nation projects, implementation of the Proposed Action or the

alternatives would result in a modest overall increase in air emissions. Implementation of Alternatives E or G along with the non-Nation projects would have a lower total contribution of air emissions than implementation of the Proposed Action or Alternatives B, C, D and F.