



Save the Air in Nevada County

January 20, 2009

Tom Last
Planning Director, City of Grass Valley
Grass Valley City Hall
125 E. Main Street
Grass Valley, CA 95945

Dear Mr. Last,

Save the Air in Nevada County (STA in NC) is pleased to provide formal comments on the Draft Environmental Impact Report (DEIR) for the proposed Idaho-Maryland Mine (IMM) Project, SCH No. 2007092017, dated October 2008.

As a 501(c)(3) non-profit corporation dedicated to promoting clean air in the Sierra Nevada foothills, our comments specifically address the air-quality portions of the IMM DEIR and associated relevant documentation. Comments on the DEIR prepared by *Tamura Environmental, Inc.*, a nationally respected consulting firm on air-quality matters, are attached to this letter. This review was conducted by Todd Tamura, President of *Tamura Environmental*, whose resume is also attached to demonstrate his outstanding qualifications to perform a technical review of the air quality portions of the DEIR. This review identifies twenty-three specific areas where the air quality parts of the DEIR are incomplete or inaccurate. Among many other problems, the DEIR fails to quantify the emissions of, and assess the associated risks from, a number of Hazardous Air Pollutants and Toxic Air Contaminants that will be used by the proposed project and are known to cause cancer. The DEIR also incorrectly assesses, or fails to assess at all, the emissions of criteria pollutants and their precursors from specific sources, including nitrogen oxides and particulate matter, and in several instances fails to identify appropriate mitigation measures.

According to *Tamura Environmental's* assessment of the air quality portions of the DEIR: "There are numerous serious deficiencies in this portion of the DEIR. To the extent that a description of the project has been provided, the EIR fails to identify (or incorrectly quantifies) important emissions from the project, has deficient analyses of the emissions impacts, fails to identify significant applicable air regulations, and fails to identify mitigation measures that will comply with those regulations. We also find that the DEIR is inadequate with regard to providing a complete project description... In summary, the DEIR is incomplete and therefore inadequate with respect to air quality issues."

Our organization is also highly concerned about several aspects of the DEIR that collectively have the effect of minimizing the severity of our community's ongoing ozone air pollution problem and its impact on our health. In order for the planning commission, the city council and the public to make an informed decision regarding the proposed project, that takes into account its potential impact on the health of our community's citizens, the EIR must provide an accurate accounting of our ozone air pollution problem and describe the known impacts of ozone on public health. We therefore believe that the following aspects of the DEIR must be corrected:

- 1) The DEIR contains a very brief and incomplete description of the health impacts caused by ozone air pollution (see Page 4.2-3). The discussion focuses only on the short-term impacts of exposure to ozone, and even here it is incomplete. Additional symptoms of short-term exposure to ozone include inflammation of the lungs and reduced lung function, coughing, wheezing, sore throat, chest pain, headaches and fatigue. The discussion in the DEIR does not address the significant long-term hazards of breathing air with elevated ozone levels, such as we currently experience in Western Nevada County. According to the U.S. Environmental Protection Agency, the California Air Resources Board and the American Lung Association, repeated exposure to elevated levels of ozone can lead to long-term health effects such as increased incidence of childhood asthma, accelerated lung aging and reduced lung function, lung cancer, increased hospitalizations and elevated premature mortality rates. There is mounting evidence that the damage ozone causes to children's respiratory systems may be lasting and permanent. The "Pollutant Health and Atmospheric Effects" discussion for ozone in Table 4.2-2 should also be expanded accordingly.
- 2) The section entitled "Existing Air Quality in the Project Vicinity" on page 4.2-1 of the DEIR, gives a brief description of the air quality monitoring currently taking place in Grass Valley and summarizes the air quality data in Table 4.2-1. However, this section does not explicitly state the facts that Grass Valley and Western Nevada County are currently in non-attainment of both State and Federal ozone standards established for the protection of public health, and have been continuously in non-attainment of these standards since the early 1990's. These important facts must be stated explicitly in this description to properly inform the reader of the true state of the Grass Valley area's air quality situation.
- 3) Table 4.2-1, "Air Quality Data Summary (2002-2006)," presents the number of days that ozone concentrations measured at Grass Valley exceed government health standards. The two ozone standards shown in this table are the California 1-hour average standard (0.09 ppm) and the old Federal 8-hour ozone standard (0.08 ppm). However, California also has an 8-hour average ozone standard (0.070 ppm) and in May 2008 the EPA issued a new and more protective Federal 8-hour ozone standard (0.075 ppm), as correctly indicated in Table 4.2-2. These ozone standards have been established for the protection of public health based on the latest scientific research. Data on the number of exceedance days in Grass Valley for the California 8-hour standard needs to be added to Table 4.2-1, and the data for the old 8-hour Federal standard needs to be replaced by the new Federal standard. This will make Table 4.2-1 consistent with the standards listed in Table 4.2-2. As presented now, Table 4.2-1 makes Grass Valley's ozone air pollution

problem appear to be less severe than it actual is. For example, the number of exceedance days of the old Federal 8-hour standard, as currently shown in Table 4.2-1, varies between **13 and 25 days** for the years 2002 to 2006. However, for these same years, the number of days exceeding the California 8-hour standard (not currently shown in the table) varies between **66 and 87 days**. Lastly, footnote (a) in this table incorrectly states that State standards are not to be exceeded more than once per year, when in fact the State standards are not to be exceeded.

- 4) Table 4.2-3, "Nevada County Attainment Status," incorrectly states that Nevada County is "Unclassified" with respect to the State 8-hour average ozone standard, when in fact Nevada County is in **non-attainment** of the State 8-hour standard (see http://www.arb.ca.gov/desig/adm/2006/state_ozone.pdf). The language in the section describing California State standards on page 4.2-10 also needs to be corrected to reflect the fact that Nevada County is in non-attainment of the State 8-hour ozone standard.
- 5) In Table 4.2-6, "Project Construction and Operation Emissions," total emissions from the project are estimated in pounds per day and are not broken down between stationary and mobile sources. As noted in the attached letter by Tamura Environmental Inc., the annual emissions from all stationary and mobile sources must be known in terms of tons per year to determine whether certain regulations would apply. Data on the project's estimated annual emissions in tons per year is also needed to compare the emissions from this project with other emissions sources contained within the California Air Resources Board emissions inventory. Such a comparison is necessary to give the public and government officials a true picture of the relative magnitude of the emissions expected to occur from the project in relation to other emissions sources in Nevada County and upwind areas that impact our ozone levels through transport.

In view of the above comments and more especially the attached technical review by *Tamura Environmental*, it is our firm opinion that the deficiencies in the DEIR are so serious and widespread that it must be rejected in its present form, and a new DEIR must be prepared and undergo further public scrutiny with opportunities for review and comment.

Upon carefully reviewing the Draft Environmental Impact Report, the Board of Directors and members of STA in NC strongly oppose the proposed Idaho-Maryland Mine Project for the following reasons:

- 1) As explicitly stated in the DEIR, the proposed project's adverse impact on our community's already-poor air quality will be "significant", "unavoidable" and "unmitigable".
- 2) When fully operational, the proposed mine and ceramics factory's projected emissions of nitrogen oxide, an ozone precursor, are **nine times greater** than the threshold determined by the Northern Sierra Air Quality Management District for an emissions source to potentially have a significant adverse impact on local air quality.

- 3) The numerous and significant flaws and omissions that characterize the Idaho-Maryland Mine DEIR, as described above and in the attached comments by *Tamura Environmental*, make it impossible to accurately judge the full extent of the adverse impacts the project would have on our community's air quality.
- 4) The proposed project clearly and directly violates the Clean Air Resolution unanimously adopted by the City of Grass Valley just last year, which affirmed the City's commitment to "reduce ozone pollution in Nevada County and create a clean, healthy environment for all of our county's residents, including children and senior citizens."

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report for the proposed Idaho-Maryland Mine Project. If approved, we believe this project would have an enormous negative impact on the health and future of our children and our community. We urge the City Council to reject this proposed project and instead pursue alternatives with greater promise of long-term economic benefits and which pose fewer risks to our environment, for it is our belief that our community has the resources, knowledge, wisdom, and capacity to develop sustainable projects that enhance rather than harm our community's health and economic future.

Marina Bernheimer
Director,
Save the Air in Nevada County
Post Office Box 441
Grass Valley, CA 95945

Attachments:

- 1) *Comments on Draft EIR for Proposed Idaho Maryland Mine Project*, by Tamura Environmental, Inc., dated January 20, 2009.
- 2) Resume for Todd M. Tamura, QEP, Principal, Tamura Environmental, Inc.