

NCL 11-039

November 8, 2011

Patrick Alford
City of Newport Beach
3300 Newport Boulevard
Newport Beach, California 92663

SUBJECT: Draft Environmental Impact Report for the Newport Banning Ranch Project

Dear Mr. Alford:

The County of Orange has reviewed the Draft Environmental Impact Report for the Newport Banning Ranch Project Draft located in the City of Newport Beach and offers the following comments:

Environmental Health:

Thank you for the opportunity to review the above-referenced project document. The following comment is being submitted, and is limited to the issues relevant to the interests and mandated responsibilities of the Hazardous Materials Management Section of the Health Care Agency, Environmental Health Division.

In Section 4.5.2 of the above-referenced document it is stated that “both the California Regional Water Quality Control Board – Santa Ana Region (SA RWQCB) and the Orange County Health Care Agency (OCHCA) have had environmental regulatory oversight of this Project, and currently the SA RWQCB is the lead regulatory agency and has approved a Remedial Action Plan.” This information is correct and the SA RWQCB remains the lead regulatory agency and is overseeing remediation efforts.

Since there are no hazardous wastes or levels of contaminants, and since the groundwater levels in the lowlands are shallow and of prime importance to the State, it is expected that the SA RWQCB will continue to be the lead agency until the Project Site receives closure.

Should you have questions regarding these comments please contact Christine Lane at (714) 433-6243.

Environmental Resources:

In response to your request for input on the subject project, Environmental Resources has reviewed the document, and offers the following comments:

1. Section 4.4 has many references to the "third term" NPDES stormwater permits, the 2003 DAMP, and treatment control BMPs. Under the current Fourth Term Permits, the recently approved Model WQMP and Technical Guidance Document dated August 17, 2011 represent the current standards for managing water quality impacts for new development and significant redevelopment projects. These documents require a structured assessment of tiered feasibility for infiltration, evapotranspiration, and harvest and use "LID" BMPs, prior to the consideration of biotreatment options. Treatment control BMPs are limited significantly in their application compared to the "third term" NPDES stormwater permit. Section 4.4 should be updated to be consistent with these new requirements. Particularly, the proposed water quality detention basins will need to be validated based on their ability to retain runoff as a priority over treating runoff.

EIR Appendix C does appear to have been updated already along these lines.

2. The Fourth Term Permits and updated Model WQMP require preparation of a preliminary or conceptual WQMP at the earliest phase of the project. For a project of this size, location and density, it would seem appropriate for the decision-makers to review as an EIR appendix a preliminary or conceptual WQMP prior to final EIR certification, to allow a more thorough evaluation of the proposed water quality management approach. Within the EIR at present, Appendix C (and Appendix E thereto) begin to approach the requirements for a formal separate document.
3. On Pages (1-7) Executive Summary and (3-9) Project Description (3-9) there is reference to "existing natural treatment systems". It should be clarified whether water quality treatment systems currently exist or are proposed as new project water quality features. To the extent they do exist, more information should be provided.
4. On Page 3-36 (Project Description) there is reference to disposing of contaminated soil that cannot be properly remediated for re-use on site. However, there is no discussion of where this disposal might occur. This issue should be addressed.
5. On Page 4.4-16 (Hydrology and Water Quality), it is noted that the Newport Slough was recommended to be recognized by EPA as an officially impaired water body. Since that text was written, it has in fact been so recognized. The closest other officially listed impaired water body ["303(d) list"] to the project would probably now be the Santa Ana River, Reach 2, above 17th Street, which EPA itself recently added.

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See <http://www.epa.gov/region9/mediacenter/impaired-waters>

If you require any additional information, please contact Grant Sharp at (714) 955-0674.

Sincerely,



Michael Balsamo

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MB/mmc

cc: Mehdi Sobhani, Flood Programs
Chris Crompton, Environmental Resources