



August 4, 2009

Mr. Jaime Murillo
Associate Planner
City of Newport Beach
3300 Newport Boulevard
Newport Beach, California 92658-8915

Re: Response to DTSC Comments to Notice of Preparation of a Draft Environmental Impact Report for Newport Beach City Hall and Park Development Plan Project Newport Beach, Orange County

Dear Mr. Murillo:

This letter has been prepared at the request of LSA Associates, Inc. (LSA), for the City of Newport Beach (City) to respond to comments presented in the California Department of Toxic Substances Control's (DTSC's) April 23, 2009, letter to the City. In the April 23, 2009, letter, the DTSC presented comments based on its review of the City's project-level environmental impact report (EIR) for the proposed subject project. This letter provides our suggested responses to the comments made by the DTSC.

Comments by DTSC

1. *The EIR should identify the current or historic uses at the project site that may have resulted in a release of hazardous wastes/substances, and any known or potentially contaminated sites within proposed Project area. For all identified sites, the EIR should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the pertinent regulatory agencies:*

- *National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S. EPA)*

This database was researched as part of AMEC's Phase I Environmental Site Assessment (ESA) reported under separate cover. The site and adjoining properties were not listed in the NPL database.

- *Envirostor: A database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website.*

This database was researched as part of AMEC's Phase I ESA. The site and adjoining properties were not listed in the Envirostor database.

- *Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.*

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This database was researched as part of AMEC's Phase I ESA. The site and adjoining properties were not listed in the RCRIS database.

- *Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S. EPA.*

This database was researched as part of AMEC's Phase I ESA. The site and adjoining properties were not listed in the CERCLIS database.

- *Solid Waste Information System (SWIS): A database provided by the California integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer station.*

This database was researched as part of AMEC's Phase I ESA. The site and adjoining properties were not listed in the SWIS database.

- *Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigation and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.*

This database was researched as part of AMEC's Phase I ESA. The site and adjoining properties were not listed in the LUST/SLIC databases.

- *Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.*

Orange County Health Care Agency (OCHCA) was contacted as part of AMEC's Phase I ESA. The site and adjoining properties were not listed in the OCHCA database.

- *The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).*

The site and adjoining properties were not listed in the FUDS database (https://environment.usace.army.mil/downloadbfile.cfm?file_id=B27F1E80-188B-313F-1BB77030A9E4761F).

2. *The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents. Please see comment No. 11 below for more information.*

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AMEC did not identify any Recognized Environmental Conditions (RECs) or other environmental concerns warranting subsurface investigation during its Phase I ESA.

- 3. All environmental investigations, sampling and/or remediation for the site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substances cleanup. The findings of any investigations, including any Phase I or Phase II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found should be clearly summarized in a table.*

The Phase I ESA findings will be summarized in the EIR.

- 4. Proper investigation, sampling and remedial actions overseen by the respective regulatory agencies, if necessary, should be conducted at the site prior to the new development or any construction. All closure, certification or remediation approval reports by these agencies should be included in the EIR.*

AMEC did not identify any RECs or other environmental concerns warranting subsurface investigation or remediation during its Phase I ESA.

- 5. If buildings or other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals, lead-based paints or products, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints or products, mercury 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.*

A hazardous building materials survey will be performed prior to demolition or building modification, if any, to comply with building/demolition permit requirements. Hazardous building materials will be properly managed, if present, and if disturbed.

- 6. Project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.*

AMEC did not identify any RECs or other environmental concerns warranting subsurface investigation during its Phase I ESA, therefore, environmental soil sampling is not planned before beginning project construction. If potential environmental impacts

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are identified during site earthwork, field screening and potentially soil sampling will be performed. If impacted soil is encountered, it will be properly managed for off-site disposal. Impacted soils, if encountered, will not be used for fill onsite. If import soil is needed for the project, a controlled fill source that will be evaluated prior to import will be utilized.

7. *Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. If it is found necessary, a study of the site and a health risk assessment overseen and approved by the appropriate government agency and a qualified health risk assessor should be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.*

AMEC did not identify any RECs or other environmental concerns warranting subsurface investigation during its Phase I ESA, therefore, environmental soil sampling is not planned before beginning project construction. If potential environmental impacts are identified during site earthwork, field screening and potentially soil sampling will be performed. If warranted based on results of soil sampling, if any, a health risk assessment will be conducted. The proposed project does not include working in any areas of known or suspected releases of hazardous materials.

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). If it is determined that hazardous wastes will be generated, the facility should also obtain a U.S. EPA Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified United Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.*

During future construction and/or demolition activities, if hazardous wastes are generated they will be managed in accordance with applicable federal, state, and local regulations.

9. *If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented.*

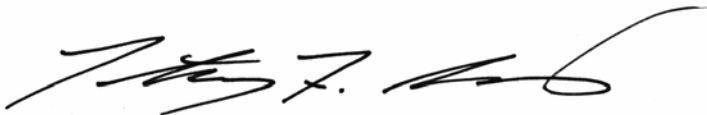
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During future construction and/or demolition activities, if potential environmental impacts are identified, field screening and potentially soil and/or groundwater sampling will be performed and appropriate health and safety procedures will be implemented.

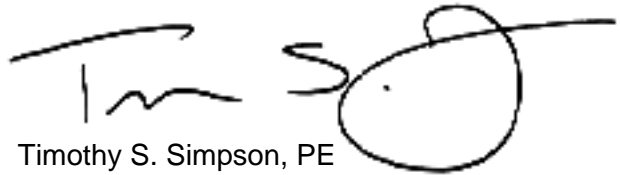
10. *If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.*

Based on the Phase I ESA findings, the site has not been used for agricultural, livestock, or related purposes.

Sincerely yours,
AMEC Geomatrix, Inc.,



Timothy F. Wood, PG
Senior Geologist



Timothy S. Simpson, PE
Principal Engineer