



NEWPORT CREST  
NEWPORT BEACH

Patrick J. Alford, Planning Manager  
City of Newport Beach, Community Development Dept.  
3300 Newport Blvd.  
P.O. Box 1768  
Newport Beach, CA 92658-8915

RECEIVED BY  
COMMUNITY  
NOV 08 2011  
DEVELOPMENT  
CITY OF NEWPORT BEACH

November 4, 2011

Dear Mr. Alford:

The Newport Crest Homeowners Association's Board of Directors has several concerns regarding the adequacy of the Draft EIR for the Banning Ranch development. Newport Crest is the residential condominium project adjoining the eastern perimeter of the proposed development.

The DEIR Air Quality section (4.10) describes the history of air, soil and water sampling and various clean-up operations of the oil field. It appears that no soil or water sampling has been done since 2001, and in the Hazards and Hazardous Materials section (4.5.) there is no mention of a radiation survey ever having been done. If there was such a survey, please advise as to when it was done, the results of the survey and why wasn't it covered in either the Banning Ranch DEIR or the Banning Ranch Draft Remedial Action Plan (DRAP), prepared by Geosyntec for the Project Applicants in 2009? Do the Project Applicants plan to do a current radiation survey of the oil field operations to determine the level of radioactive wastes? If so, what is the remediation plan to deal with these wastes? Does the Project Applicant plan to test the current disposal areas being used for toxic oil wastes for leaks or fugitive emissions? Do any of the original oil sumps shown on the "Historic Oil Fields Impact Map" (Figure 3, DRAP), still exist and will they be tested?

Ambient air analyses have been done for the DEIR criteria pollutants, with the exception of nitrogen oxide (NOx). Also, such an analysis could not be found for benzene, a known carcinogen and highly toxic air contaminant (TAC). Why weren't analyses done for NOx and benzene and why is there no mention in with the Air Quality section or the Hazards and Hazardous Materials section of the known health hazards associated with benzene and the other criteria pollutants? Any environmental impact report should include impacts to human health.

Up-to-date and comprehensive testing for TAC pollutants, oil waste toxins and radioactive wastes must be done before any DEIR can be considered complete and certainly before it can be approved. Please advise as to what testing will be done and which independent consultants will be used that have no prior or current contractual relationship with either the Project Applicants or the City, in order to verify the reliability and accuracy of the results. Also, please provide a list of city or country experts who have independently reviewed each section of the Project Applicant's DEIR.

HOMEOWNERS ASSOCIATION

201 Intrepid Street • Newport Beach, CA 92663 • 949.631.0925 • Fax 949.631.5433  
[www.NewportCrest.org](http://www.NewportCrest.org)

The document speaks in section (4.10-5) of 'fugitive dust' during grading and of measures to minimize fugitive dust that will include not grading in wind gusts exceeding 15 miles per hour, applying water and/or chemical suppressants to ensure that emissions do not extend to residences. In section (4.10-10) "Sensitive Air Quality Receptors" are identified as structures/residences where people including children, elderly persons, persons with pre-existing respiratory or cardiovascular illness, athletes and others who engage in frequent exercise. Further that some members of the general population are especially sensitive to air pollutant emissions and should be given special consideration when evaluating air quality impacts from projects.

What effect could these emissions have on pets?

What mitigation measures should residents and their pets take to minimize the impact of emissions?

Should persons with respiratory conditions, cancer, immune deficiencies, etc. consult with their physicians regarding exposure to the emissions?

Should these people plan to be out of their homes during this time?

Should the various vendors for Newport Crest, including landscapers and construction workers or others take special precautions during this time?

**The Draft DEIR must be revised to consider the above and to consider alternative mitigations that might include:**

- 1. Installing filtering devices in homes to protect residents and pets.**
- 2. Cleaning the homes, decks and common areas of Newport Crest of any contaminated debris.**
- 3. Relocating "Sensitive Air Quality Receptors" during the mass grading phase.**
- 4. Constructing fencing or other structures to help contain and deflect the contaminated air and toxic particles from Newport Crest.**

We hereby object to approval of the project in its present form. We respectfully request that a revised Environmental Impact Report be prepared to adequately address the deficiencies and comments discussed above, and to adequately address the deficiencies discussed in the comments raised by others.

Thank you.

ON BEHALF OF THE BOARD OF DIRECTORS

NEWPORT CREST HOMEOWNERS ASSOCIATION



Sharon Boles, Member-At-Large

cc: Board of Directors