

November 7, 2011

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



Dear Mr. Alford:

Please let the following comments be recorded in the public record, along with my objection to the approval of the Banning Ranch DEIR in its current form. With that in mind, I have several questions regarding the Air Quality Section of the DEIR:

On page 1, under the heading "Toxic Air Contaminants" (4.10-1, Introduction):

"Toxic air contaminants (TACs) are a diverse group of air pollutants that may cause or contribute to an increase in deaths, that may cause serious illness, or that may pose a present or potential hazard to human health. TACs include both organic and inorganic chemical substances that may be emitted from a variety of common sources, including gasoline stations, motor vehicles, dry cleaners, industrial operations, painting operations, and research and testing facilities. TACs are different from the "criteria" pollutants in that ambient air quality standards have not been established for TACs. TACs occurring at extremely low levels may still cause adverse health effects, and it is typically difficult to identify levels of exposure that do not produce adverse health effects.

"Extremely low levels" isn't clear. What are these levels and what adverse health effects are being referred to?

Also, please clarify why ambient air quality standards haven't been established for TACs, given how dangerous they appear to be.

Can TACs affect the environment as well as humans? What impact do TACs have on the biological resources of Banning Ranch, especially ESHA and critical habitat? If they contaminant the soil and groundwater, what is the impact on endangered species on Banning Ranch and the habitat they need to survive? What is the danger to all plants and animals on Banning Ranch?

Page 4.10-22 refers to Table 4.10-9 and mentions the maximum area of daily disturbance:

“Table 4.10-9 identifies the emissions thresholds for local pollutants with receptors at a distance of 25 meters for 1-, 2-, and 5-acre sites. The table shows that emissions thresholds increase with the size of the site. Therefore, thresholds for sites larger than 5 acres, if they were developed, would be greater than the 5-acre SCAQMD thresholds. Although the Project site is much larger than 5 acres, the maximum area of daily disturbance during concurrent remediation and grading operations would be approximately 7 acres.”

Where has it been established in this DEIR or some other document that the concurrent remediation and grading operations will never create a maximum area of daily disturbance over 7 acres? Who provides the supervision and accountability for containing the daily disturbance within that range? What kind of supervision and inspections are employed? How will the public at risk be able to verify their level of exposure, because if the maximum amount of daily disturbance is greater than 7 acres, then SCAQMD thresholds will be exceeded and all sensitive receptors within the 25-meter range will be exposed to pollutants, including school children, the elderly, the infirm and those with respiratory vulnerabilities

Also in the Methodology section on page 4.1-6, it states:

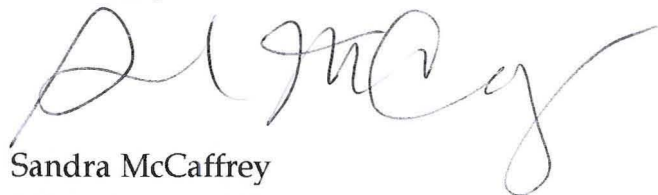
*“Local Concentrations of Criteria Pollutants from On-Site Sources*

As part of the SCAQMD’s environmental justice program, attention has focused on local air quality impacts from nearby sources. The SCAQMD developed the localized significance threshold (LST) look-up tables to allow the evaluation of localized impacts for many projects and scenarios without the complex task of dispersion modeling. The tables show the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable federal or State ambient air quality standard. The LST methodology is recommended for project sites that are five acres or less. However, the method may be used for construction on larger sites if it is demonstrated that the area of daily disturbance is not substantially larger than five acres and calculated project emissions for the larger site would not exceed the five acre site emissions limits; For the Newport Banning Ranch Project site, this methodology is used for the analysis in Section 4.10.7.”

“Area of daily disturbance” is listed as five acres here, not seven. Is this a contradiction with the reference on 4.10-22? How is the area of daily disturbance determined and by whom? What does “substantially larger than five acres” mean? Does seven acres qualify? How would raising the acreage by two acres affect the level of emissions?

These questions and areas of concern haven't been fully covered by the DEIR. Thank you for your attention to this matter and when can I expect a response to my questions?

Yours truly,

A handwritten signature in black ink, appearing to read 'S. McCaffrey', written in a cursive style.

Sandra McCaffrey

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