

November 8, 2011

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

Attention: Patrick Alford
palford@newportbeachca.gov



Dear Mr. Alford:

On page 4.10-21 and 4.10-22 of the Air Quality section of the Banning Ranch DEIR, local significance thresholds for ambient air quality are discussed. On page 22 it describes the “closest sensitive receptors” to the Project’s construction activities:

“The closest sensitive receptors to the Project site are the Newport Crest residences adjacent to the southeastern boundary of the site in the City of Newport Beach; the Carden Hall School, adjacent to the site on the east at 16th Street in the City of Newport Beach; and the California Seabreeze community, located generally between 19th Street and 18th Street contiguous to the Project site in the City of Costa Mesa. Each of these receptors is within 25 meters (82 feet) of a part of the Project site that would have construction activity.”

This confirms that school children, while they are playing outside in the school yard or engaging in sports activities, will be exposed to and in breathing air pollutants that exceed CEQA significance thresholds over the ten-year period of the remediation and construction. Also, the elderly, infirm and otherwise vulnerable residents of the communities within 25 meters will be exposed. What plan is in place to bring these pollutants to safe levels that is not dependent on assumptions that Tier 4 construction equipment will be used and not based on mitigation measures that are not quantifiable in the model?

On page 4.10-27, under *Ambient Air Quality – Local Significance Threshold*, there is an ambient air quality analysis for CO emissions, but no analysis has been done for NOx, PM10, PM2.5 or other criteria air pollutants. As was pointed out in the EQAC draft comment to the BR DEIR, Air Quality, ambient air quality analyses for all criteria pollutants during project operations should be provided.

On page 4.10-21, the DEIR describes the “complaint resolution process”:

“MMs 4.10-8 and 4.10-9 provide notices to nearby residents of planned grading work and a complaint resolution process.”

A complaint resolution process for issues like noise is understandable, but is that the only recourse for those who health is adversely impacted by the health hazards associated with the Project?

Under MM 4.10-9, it says that “upon receipt of a complaint, the designated contact person shall investigate the complaint and shall develop corrective action, if needed. The designated contact person shall respond to the complainant within two working days to describe the results of the investigation, and submit a report of the complaint and action taken to the City of Newport Beach. The designated contact person shall maintain a log of all complaints and resolutions.”

What recourse does the complainant have if action isn't taken to resolve the problem—or if the resolution isn't satisfactory?

If possible, I'd like a response by email and could you give me some idea how long that might take?

Thank you,



Mr. and Mrs. Don Bruner
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