

Appendix B
NOP Responses

Appendices

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Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630



Edmund G. Brown Jr.
Governor

April 18, 2012

Mr. Barry Curtis, Manager of Planning Services
City of Irvine
Community Development Department
1 Civic Center Plaza
PO Box 19575
Irvine, California 92623

**NOTICE OF PREPARATION (NOP) OF A SECOND SUPPLEMENTAL
ENVIRONMENTAL REPORT FOR THE HERITAGE FIELDS 2012 – GENERAL PLAN
AMENDMENT AND ZONE CHANGE PROJECT, (SCH#2002101020), ORANGE
COUNTY**

Dear Mr. Curtis:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Preparation for a Second Supplemental Environmental Impact Report (SSEIR) for the above-mentioned project. The following project description is stated in your document: "The Project proposes to combine Planning Areas 30 and 51 into a single Planning Area, Planning Area 51, and include the approximately 11 acres between the current western boundary of Planning Area 51, and SR-133 between Trabuco Road and Irvine Boulevard, currently in Planning Area 9, in Planning Area 51 so that the Project will be a cohesive development governed by a unified set of land use and development regulations. The Project is located in portions of the City of Irvine Planning Area 51 and in Planning Area 30, part of the former Marine Corps Air Station (MCAS), El Toro, now closed and subject to civilian use. The Project site is generally bordered on the south by Interstate 5 (Santa Ana Freeway) and the Southern California Regional Road Authority (SCRRA) rail lines; on the north generally by Irvine Boulevard, Portola Parkway, the Foothill Transportation Corridor, and Planning Area 6; on the east by Irvine Spectrum 2 – Planning Area 32. Additionally, the Project also proposes to amend the General Plan and Zoning Ordinance to allow 3,412 multi-use residential units within Planning Area 51; modify non-residential uses; and grant up to 1,194 additional Density Bonus units. The Proposed Project Site contains hazardous waste materials and is on the list of sites enumerated under California Government Code section 65962.5".

Based on the review of the submitted document DTSC has the following comments:

- 1) According to DTSC's EnviroStor database, MCAS, El Toro was added to the National Priority List in 1990 due to a trichloroethene (TCE) plume in regional groundwater extending three miles off-station. A total of 24 Installation Restoration Program sites are grouped into three Operable Units (OUs). OU-1 is the regional groundwater contaminated with volatile organic compounds (VOCs). OU-2 includes the VOC source area (soil and shallow groundwater) and the former landfill sites. OU-3 includes sites with potential sources for a variety of contaminants such as VOCs, semi-volatile organic compounds (SVOCs), pesticides, herbicides and polychlorinated biphenyls (PCBs). Since the Proposed Project Site contains hazardous waste materials and is on the list of sites enumerated under California Government Code section 65962.5, the SSEIR should evaluate whether conditions within the Project area may pose a threat to human health or the environment.

Following are the databases of some of the regulatory agencies:

- EnviroStor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
- 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 stations.
- GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- 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).

- 2) The SSEIR should identify the mechanism to initiate any required investigation and/or remediation for any site within the proposed Project area 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.
- 3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the SSEIR.
- 4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) 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.
- 5) Future 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.
- 6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor 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.
- 7) 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.
- 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,

Mr. Barry Curtis
April 18, 2012
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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 United States Environmental Protection Agency 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 Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

- 9) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.
- 10) Also, in future CEQA documents, please provide your e-mail address, so DTSC can send you the comments both electronically and by mail.

If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491.

Sincerely,



Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov.

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
Attn: Nancy Ritter
nritter@dtsc.ca.gov

CEQA # 3505



April 20, 2012

City of Irvine
ATTN: Barry Curtis
One Civic Center Plaza
P.O. Box 19575
Irvine, CA 92623-9575

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Mayor Pro Tem
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Council Members
Peter Herzog
Marcia Rudolph
Mark Tettemer

City Manager
Robert C. Dunek

SUBJECT: Notice of Preparation of a Second Supplemental Environmental Impact Report for Heritage Fields 2012 – General Plan Amendment Zone Change

Dear Barry Curtis:

The City of Lake Forest received your Notice of Preparation of a Second Supplemental Environmental Impact Report for Heritage Fields 2012 – General Plan Amendment Zone Change. We have no comments at this time, but look forward to reviewing the Draft EIR when it becomes available. Please send a copy to me at the following address.

City of Lake Forest
Attn: Cheryl Kuta, Planning Manager
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

Sincerely,

CITY OF LAKE FOREST

Cheryl Kuta, AICP
Planning Manager

cc: Gayle Ackerman, Director of Development Services
Tom Wheeler, Director of Public Works/City Engineer





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Chief Executive Officer

May 8, 2012

Mr. Barry Curtis
Manager of Planning Services
City of Irvine
Community Development Department
P.O. Box 19575
Irvine, CA 92623

Subject: Notice of Preparation of a Second Supplemental Environmental Impact Report for Heritage Fields 2012- General Plan Amendment and Zone Change

Dear Mr. Curtis:

The Orange County Transportation Authority (OCTA) has reviewed the above referenced document. The following comments are provided for your consideration:

- If the City of Irvine is considering any potential changes to the Master Plan of Arterial Highways (MPAH) facility, please reference the OCTA MPAH Guidance document for appropriate amendment procedures. (http://www.octa.net/pdf/mpah_guidlines.pdf),

If you have any questions or comments, please contact Joe Alcock at (714) 560-5372 or by email at jalcock@octa.net.

Sincerely,

Charlie Larwood
Manager, Transportation Planning

c: Joseph Alcock, OCTA

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Claudia C. Alvarez

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(714) 667-2700 • Fax (714) 973-1461

www.santa-ana.org

April 24, 2012

Barry Curtis, Manager of Planning Services

City of Irvine

Community Development Department

PO Box 19575

Irvine, CA 92623

BCURTIS@ci.irvine.ca.us

RE: Heritage Fields Project 2012 – General Plan Amendment and Zone Change

Dear Ms. Fitzsimons:

Thank you for the opportunity to comment on the Second Supplemental Environmental Impact Report for the General Plan Amendment and Zone Change of the Heritage Fields 2012 project. The City of Santa Ana has no comments at this time.

We look forward to the review of the Response to Comments. If you have any questions or need additional information, please contact me at (714) 647- 5842.

Sincerely,

A handwritten signature in dark ink, appearing to read "Hally Soboleske", with a long, sweeping horizontal line extending to the right.

Hally Soboleske

Associate Planner

HS:

Hs:\\correspondence\\nop-5144Michelson_Irvine_031812.docx

c: Sergio Klotz, Principal Planner



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

April 25, 2012

Barry Curtis, Manager of Planning Services
City of Irvine
Community Development Department
PO Box 19575
Irvine, CA 92623

Notice of Preparation of a CEQA Document for the Heritage Fields Project 2012 – General Plan Amendment and Zone Change

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the draft CEQA document. Please send the SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to the SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. **In addition, please send with the draft EIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. The lead agency may wish to consider using land use emissions estimating software such as the recently released CalEEMod. This model is available on the SCAQMD Website at: <http://www.aqmd.gov/ceqa/models.html>.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has developed a methodology for calculating PM_{2.5} emissions from construction and operational activities and processes. In connection with developing PM_{2.5} calculation methodologies, the SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD requests that the lead agency quantify PM_{2.5} emissions and compare the results to the recommended PM_{2.5} significance thresholds. Guidance for calculating PM_{2.5} emissions and PM_{2.5} significance thresholds can be found at the following internet address: http://www.aqmd.gov/ceqa/handbook/PM2_5/PM2_5.html.

In addition to analyzing regional air quality impacts the SCAQMD recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized significance analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis") can be found on the SCAQMD's CEQA web pages at the following internet address: http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additional mitigation measures can be found on the SCAQMD's CEQA web pages at the following internet address: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html. Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: <http://www.aqmd.gov/prdas/aqguide/aqguide.html>. In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board's Air Quality and Land Use Handbook: A Community Perspective, which can be found at the following internet address: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (<http://www.aqmd.gov>).

The SCAQMD staff is available to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. If you have any questions regarding this letter, please call Ian MacMillan, Program Supervisor, CEQA Section, at (909) 396-3244.

Sincerely,



Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

IM
ORC120405-03
Control Number



Environmental Planning and Sustainability

750 University Tower
Irvine, CA 92697-2325
(949) 824-6316
(949) 824-1213 Fax

May 4, 2012

Mr. Barry Curtis
Manager of Planning Services
City of Irvine
Community Development Department
PO Box 19575
Irvine, CA 92623-9575

Dear Mr. Curtis:

Thank you for providing UC Irvine the opportunity to comment on the Notice of Preparation of a Second Supplemental Environmental Impact Report for the Heritage Fields 2012 – General Plan Amendment and Zone Change project. As stated in previous project-related correspondence, the Heritage Fields/Great Park Neighborhoods site is adjacent to the University of California's 200-acre South Coast Research and Extension Center (SCREC), located at 7601 Irvine Boulevard. The SCREC is managed by the University's Division of Agriculture and Natural Resources (ANR) who are responding to the NOP on behalf of the University in a separate comment letter to address environmental issues related to ANR operations at the center. UC Irvine provides the following comments on the NOP regarding local and regional planning issues in addition to, and in support of, the ANR letter.

The SEIR's land use compatibility, transportation/traffic, and other environmental analyses should rely on a full and accurate description of current and potential future institutional uses at the SCREC. Planning assumptions should reflect continued University institutional use of the SCREC facility to serve a broad mission of University research, teaching, and public service needs. Vehicle trip generation factors should reflect University institutional use generally consistent with the UC Irvine main campus.

We recognize that a significant opportunity exists for collaborative planning between the University and the City of Irvine regarding this area of the city and the project, which further emphasizes the importance of an accurate reflection of the SCREC within the SEIR.

Please contact me at (949) 824-8692 if you require additional information or have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Marks", with a long horizontal flourish extending to the right.

Alex Marks,
Senior Planner

cc: Darren Haver, Director SCREC