

Attachment No. PC 6

Response to ABJ&C Comment Letter

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TECHNICAL MEMORANDUM

DATE July 9, 2025

TO Joselyn Perez, Senior Planner

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FROM Dina El Chammas Gass, Senior Associate

SUBJECT Response to Adams, Broadwell, Joseph & Cardozo 5/21/25 Comment Letter Regarding the Initial Study and Mitigated Negative Declaration for the Coyote Canyon Landfill Gas to Energy Plant Project

PROJECT NUMBER CNB-25.0

This memorandum has been prepared to address the comment letter dated May 21, 2025, from Adams, Broadwell, Joseph, and Cardozo (ABJ&C) regarding the Coyote Canyon Landfill Gas to Energy Plant project (proposed project). This letter was submitted outside the public review period for the Initial Study and Mitigated Negative Declaration (IS/MND) (SCH No. 2024120012), and therefore, the responses were not included in the formal Response to Comments (RTC) dated May 2025. This firm submitted two previous letters dated December 23, 2024, and January 13, 2025, within the IS/MND public review period, which was between November 27, 2024, and January 13, 2025. The majority of the issues raised in the May 21, 2025, letter were already raised in the previous letters for which responses have already been prepared. As applicable, the following responses refer to the original responses in the RTC as available on the City's website at <https://www.newportbeachca.gov/government/departments/community-development/planning-division/projects-environmental-document-download-page/environmental-document-download-page>.

Availability of MND Reference Documents

ABJ&C noted that a Preliminary Site Consequence Assessment was referenced in the IS/MND and that the City did not provide the Preliminary Site Consequence Assessment in response to ABJ&C's reference document request or its Public Records Act request thus violating both the California Environmental Quality Act (CEQA) and Public Records Act disclosure requirements. The Preliminary Site Consequence Analysis has since been uploaded to the City's website and is available for public review at the following link: <https://www.newportbeachca.gov/government/departments/community-development/planning-division/projects-environmental-document-download-page/environmental-document-download-page>.

Project Revisions in the Response to Comments

ABJ&C stated that the original IS/MND included a Permit to Construct dated December 11, 2023, and that the RTC included a revised permit, dated July 22, 2024, with new information that substantially revises the proposed project. ABJ&C notes that the new Permit to Construct includes information related to the proposed generators and other equipment that demonstrates that the proposed project's emissions of nitrogen oxides (NOx) are significant and exceed 4 tons per year. The 2024 Permit to Construct does not include new information that substantially revises the proposed project and impacts related to air quality emissions from permitted equipment remain less than significant.

ABJ&C also asserts that the 2024 Permit to Construct Application was not made available on CEQA.net, as required by law. CEQA does not require that the Permit to Construct be posted on CEQA.net. This permit was included in the RTC and was made available for public review.

Requirement for an Environmental Impact Report

ABJ&C once again asserts that an Environmental Impact Report (EIR) is required for the proposed project but does not specify the reasons in this letter. The IS/MND fully discloses potential environmental impacts and mitigation, as appropriate to reduce impacts to below significance. ABJ&C's January 13, 2025, letter also asserted that an EIR was required. Responses to ABJ&C comments O2-6 through O2-24 included in the RTC address this issue.

Substantial Evidence Supporting Significant and Unmitigated Air Quality Impacts

ABJ&C notes that the NOx emissions for permitted equipment were underestimated and would result in an exceedance of South Coast Air Quality Management District's (AQMD) offset trigger levels requiring offsets. ABJ&C asserts that there are discrepancies between the daily emissions values and the corresponding annual totals raising concerns about conversion factors. The daily emissions were calculated for 24 hours; however the annual emissions are not calculated based on 24 hour operations for 365 days per year. The annual emissions for the thermal oxidizer were estimated at 24 hours for a full year, the emissions from the enclosed flare were estimated at 600 hours per calendar year, and the emissions from the emergency generator were estimated at 200 hours per year.

It should also be noted that South Coast AQMD reviewed the IS/MND and the associated 2023 Permit to Construct and did not raise this issue in their comment letter dated January 16, 2025 (included and responded to in the RTC). The analysis presented in Tables 8 through 10 of the 2023 Permit to Construct is identical to the tables presented in the 2024 Permit to Construct.

ABJ&C also notes that based on new information included in the 2024 Permit to Construct, the emergency generators would result in NOx emissions that exceed the 4 tons per year threshold. The calculations included to substantiate this point used a manufacturer certified emission factor of 1.5 grams per brake horsepower-hour (g/bhp-hr). The 1.5 g/bhp-hr rate is the Best Available Control Technology Guidelines (BACT) level noted in South Coast AQMD's BACT Guidelines for Non-Major Polluting Facilities. As shown in Appendix B of the 2024 Permit to Construct the manufacturer's NOx emission factor for the proposed emergency generator is 0.12 g/bhp-hr. The proposed emergency generator meets the requirements of South Coast AQMD's BACT Guidelines for Non-Major Polluting Facilities and the permitted equipment under the proposed project would not exceed the offset trigger levels even under worse case scenarios.

ABJ&C states that the existing flares were not adequately quantified and may have a significant impact. This comment was addressed in the response to comment O2-13 in the RTC, and no additional issues were raised or substantiated in the most recent letter.

Substantial Evidence Supporting Significant and Unmitigated Greenhouse Gas Impacts

ABJ&C once again notes that the proposed project would result in significant impacts from fugitive greenhouse gas emissions. This comment was addressed in the response to comment O2-18 in the RTC, and no additional issues were raised or substantiated.

Substantial Evidence Supporting Significant and Unmitigated Hazard Impacts

The issue raised regarding unmitigated hazard impacts is the same issue related to the Preliminary Site Consequence Assessment. As noted above, this document has now been made part of the public record. ABJ&C also notes that the Preliminary Site Consequence Assessment does not include residential receptors. The Preliminary Site Consequence Assessment addresses impacts to the Sage Hill Highschool, car passengers on Newport Coast Drive, and car passengers on State Route (SR) 73. Car passengers on SR-37 are closer to the project site than the closest residential receptors. Since there would be no impacts to car passengers on SR-37 there would be no impacts to residential receptors.

Substantial Evidence Supporting Significant and Unmitigated Noise Impacts

ABJ&C once again notes that the proposed project would result in excessive noise levels to nearby sensitive receptors. This comment was addressed in the response to comment O2-24 in the RTC, and no additional issues were raised or substantiated in the most recent letter.

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