

Public Comments Not Uploaded Item 12, PLUM Agenda for September 17, 2020; La Brea Bliss Project

1 message

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Reply-To: clerk.plumcommittee@lacity.org
To: clerk.plumcommittee@lacity.org
Cc: gk@gideonlaw.net

Thu, Sep 17, 2020 at 9:39 AM

Dear Honorable Planning Land Use Management Committee:

This Office respectfully writes on behalf of UNITE HERE Local 11 and its members (collectively "Local 11") to provide the City of Los Angeles ("City") the following supplemental comments regarding the Sustainable Communities Project Exemption ("SCPE") for the eight-story, 201,123 square foot mixed-use project including 121 residential units and 125 guest rooms ("Project") on a 12-lot site at [623-671 South La Brea Avenue](#) ("Site"). Specifically, these comments are in response to the Department of City Planning ("DCP") letter dated September 15, 2020 ("DCP Letter") uploaded to the Project's Council File No. 19-1533.

First, the DCP Letter states that the hotel units are not considered residential under LAMC § 12.03. Yet, just this week, DCP went to great lengths in taking the position that another hotel project absent kitchen (like the case here) was residential under LAMC § 12.03 (see Venice Place Hotel, DCP Case Nos. ZA-2012-3354, ENV-2016-4321 and Council File No. 20-1024 [http://archive-media.granicus.com:443/OnDemand/la/la_5602404f-2ef4-4f8d-bd0d-af6fc4916d52.mp3; http://archive-media.granicus.com:443/OnDemand/la/la_1c7bc8d2-221b-44bd-a4a3-f8d0aed6edd0.mp3]; see also https://clkrep.lacity.org/online/docs/2020/20-1024_misc_1_08-26-2020.0001.pdf; https://clkrep.lacity.org/online/docs/2020/20-1024_misc_2_08-26-2020.0001.pdf; https://clkrep.lacity.org/online/docs/2020/20-1024_misc_08-26-2020.pdf; https://clkrep.lacity.org/online/docs/2020/20-1024_misc_a_09-15-20.pdf). Hence, DCP has inconsistently applied LAMC § 12.03 to define hotels and guest rooms as residential and nonresidential when it suits the project proponents' purposes.

Second, the DCP Letter double-downs on the claims that the Project will exceed energy and water efficiencies required for the SCPE. Yet, the attached expert report demonstrates that the SCPE (including the Energy and Water Performance Report) are fundamentally lacking to show the efficiency levels will be met. Hence, the SCPE provides merely conclusory statements, absent substantial evidence, that the Project will meet the necessary efficiency levels required for SCPEs.

Third, the DCP Letter double-downs on the claim that the Project is consistent with the RTP/SCS in reducing air quality and GHG emissions. Yet, the attached expert report demonstrates that the Project is inconsistent with numerous qualitative standards under the RTP/SCS. So too, the expert letter indicates that the Project's GHG emissions not only exceed SCAQMD proposed thresholds but also exceed performance metrics contained in the RTP/SCS. Hence, the Project is inconsistent with the RTP/SCS—both qualitatively and quantitatively—and is not eligible for a SCPE.

Fourth, DCP does not address the numerous land use arguments already presented in the Project's record, demonstrating land use consistency impacts.

Fifth, Local 11 maintains that the Project's underlying land use entitlements and SCPE should be considered together by Council.

Respectfully,

Jordan R. Sisson, Attorney

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2 attachments

 **Title 24 Comments.pdf**
172K

 **SWAPE Comments.pdf**
3311K



September 16, 2020

sent via email: jordan@gideonlaw.net
Office: 213-629-2071 ext. 1102

Jordan R. Sisson, Attorney
Law Office of Gideon Kracov
801 S. Grand Ave., 11th Floor
Los Angeles, CA 90017

Dear Jordan:

RE: CEQA Exemption – 639 South La Brea Blvd.

In review of the following named document, please note our findings:

The SCPE, Energy Report, and Water Report fail to demonstrate that the project would be 15 percent more energy efficient than required by Chapter 6 of Title 24 of the California Code of Regulations or that the buildings and landscaping are designed to achieve 25 percent less water usage than the average household use in the region (see Pub. Res. Code sec. 21155.1(a)(8)). The SCPE's claim that the Project would exceed Title 24 standards by 15.40 percent (see [SCPE](#), p. 35; see also Title 24 Energy Performance Report, p. 10) is suspect given the following reasons:

1. The only mention of the two cooling towers to be included in this project is under the Characteristics of the HVAC (page 7): "Heat Rejection: Annual TDV energy used for cooling tower operation". No other specifics are included about this energy consuming equipment and no mention is made to specify that the VRF systems are in fact water cooled, which is why you would need a cooling tower. The fact that the specifications of the planned two cooling towers are ignored significantly reduces the energy consumption of the property.
2. Opaque Assemblies: External Wall – All Levels – Current code requires Metal walls to have a U-Factor of .062, not .065. The lower the better in this rating.
3. Domestic Hot Water: Solar Collectors: The report states it would use a solar hot water factor of .1, in that 10% of the hot water system will be provided from the solar collectors. Per the 2019 code, the standard design requires a minimum solar savings fraction of 0.20 in [Climate Zones](#) 1-9. The proposed design does not meet 2019 code requirements.
4. Lighting: Since the model used the 2016 Title 24 baseline for interior lighting modeling, it is needs to be noted that changes to lighting power density (LPD) values have been updated on Tables 140.6-B, 140.6-C, 140.6-D, 140.7-A and 140.7-B of the 2019 code. We do not see any confirmation of these updated LPD calculations in the report.
5. Mechanical – Energy Management Control Systems (EMCS) must be included in the HVAC control system (120.2(f)). No mention of any thermostat control system is included in the report.
6. Domestic Water Heating: Centralized Water System: Per the new code, a continuous monitoring system must be in place. There is no mention of this system existing on the report.



The SCPE’s claim that the Project would result in a 73 percent reduction from baseline levels (see SCPE, p. 37; see also Total Water Use Reduction Report, p. 10) is also suspect given the following reasons:

Some of the items noted are:

1. Item 6. COOLING TOWER (page 8) “Based on 26 gpm evaporation for the two (2) cooling towers with operation at 8 hours per day, 7 days per week and 65% load capacity. Water usage of cooling towers is 8,112 gallons.” Considering the hotel and residential portion of this project will be operating 24/7, there would be no reason for the cooling tower to be modeled at only 8 hours per day and at 65% load capacity. The assumptions for the water usage by the building, specifically by the cooling towers are considerably understated.
2. Per page 9: “Based on full-time equivalency (FTE) from LEED calculation method, in residential units/ hotel, occupants are using water closet 5 times a day/person; in retail space employees are using water closet /urinal 3 times a day/person, and visitors are using 0.5 time a day/person.” This information also does not tie completely to Table 5 on page 5, where it is referencing the same information.
Per the LEED v4.1 Indoor Water Use Reduction Calculator assumption, employees are using the water/closet 2 times per day/person and visitors are using .4 times a day/person. No mention is made of Retail Customers at .1 per the table below.

Assumptions

Fixture Type	Maximum Installed Flush/Flow Rate		Duration (sec)	Default Uses per Day				
	IP	SI		Employees (FTE)	Visitors	Retail Customers	Students (K-12)	Residential
Toilet (male)	1.60 gpf	6.00 lpf	n/a	1	0.1	0.1	1	5
Toilet (female)	1.60 gpf	6.00 lpf	n/a	3	0.5	0.2	3	5
Urinal	1.00 gpf	3.80 lpf	n/a	2	0.4	0.1	2	0
Public lavatory (restroom) faucet	0.50 gpm	1.90 lpm	30	3	0.5	0.2	3	0
Private (residential) lavatory faucet	2.20 gpm	8.30 lpm	60	0	0	0	0	5
Kitchen faucet	2.20 gpm	8.30 lpm	15	1	0	0	0	0
Residential kitchen faucet	2.20 gpm	8.30 lpm	60	0	0	0	0	4
Showerhead	2.50 gpm	9.50 lpm	300	0.1	0	0	0	0
Residential showerhead	2.50 gpm	9.50 lpm	480	0	0	0	0	1

Regards,

Marika Erdely

Marika Erdely, MBA, LEED AP BD+C, CEA, fitwel Ambassador
CEO

Marika Erdely

A Strong Green Building and Financial Executive. Innovative, energetic, versatile and loves a challenge. Works efficiently to get to the bottom line. Strong team leader and developer. Impeccably honest.

Professional Experience:

LEED by ME, Inc. dba Green EconoME (www.GreeneconoME.com)

Chief Executive Officer/Founder, March 2009 – present

- Founder of this full service energy consulting and construction co, located in Santa Monica.
- LEED Consulting: [LEED AP](#): BD + C (Building Design and Construction) and CI (Commercial Interiors). Title 24 Consultant.
- Certified Energy Auditor (CEA).
- EPA Energy Star Partner (#1123677) for Benchmarking, Energy Certification and ASHRAE Energy Audits for compliance with LA's EBEWE and CA's AB 802.
- Providing analysis of building energy consumption and recommendations to reduce and control energy usage and demand. Provide retrofit services, lighting, energy monitoring, EV Charging stations and HVAC control systems.
- Clients include commercial and industrial buildings and public schools.

New Millennium Homes, LLC (www.NewMillenniumHomesllc.com)

Chief Financial Officer, Vice President, February 2003 – June 2013

Corporate Controller, February 2002 – 2003

Accomplishments:

- Instrumental in providing financial costing analysis to the Board of Directors resulting in a net gain of \$235M in cash flow for a master planned community called "The Oaks of Calabasas", (annual home completions over 100 homes).
- Implemented financial controls, product and offsite cost budgets, variance analysis and metrics.
- Developed cash flow model to drive business strategies, borrowing levels and performance goals.
- Managed cash investments of up to \$100M.
- Successful in negotiating construction defect claims with homeowners, two layers of General Liability insurance (OCIP) and two HOA's.
- Oversaw expansion of company's Timberline software system to integrate into three other programs.
- Established HR department and played a significant role in growing the company from 11 to 50+ employees, including hiring, training, firing and layoffs.
- Supervised Accounting, Purchasing and Internal Sales and Escrow departments.
- Managed and resolved Operational, Customer Service and Sales issues with sub-contractors, home buyers and homeowners.
- Developed additional sources of revenue via "Participation Agreements" and 3rd party relationships_ Assisted CEO in the development of the marketing campaign.

Responsibilities:

- Reported directly to the CEO and the Chairman of the Board.
- Responsible for all interface with insurance companies, counsel and homeowners in regards to construction defect claims.
- Responsible for preparation of monthly Board financial package and year end audited financials.
- Negotiated the transition of common areas from Developer to the HOA of The Oaks.

Marika Erdely

Xavient Technologies (www.xavient.com/eindia.com)

Director of Operations, October 2000 – December 2001

- Responsible for all administrative, operating and sales functions of this IT consulting firm.
- Prepared monthly and annual operating plans.
- Established all policies and procedures, including review and formatting of all contracts.
- Improved relationship with twenty consultants, including establishing user-friendly intranet site.
- Coordinated recruitment and point of contact for forty Indian IT recruits.

Director of Finance, October 1999 – October 2000, eIndia.com

- Founding team member of this dot.com start-up which focused on the Indian NRI market.
- Involved in strategic decision making as the company grew and as it was later dismantled.
- Set up all financial and accounting systems on Quick books.
- Established and maintained all bank, audit and insurance relationships.
- Prepared financial forecasts and budgets.

Wiley & Associates

Director of Finance, July 1994-May 1998

- Responsible for all accounting functions of this leading edge advertising agency.
- Created monthly analytical financial package by improving Clients and Profits software usage.
- Instrumental in substantially improving the profitability of the Co. through financial analysis.
- Improved banking relationships and negotiated release of guarantee on Line of Credit.
- Negotiated refunds of substantial sums from prior quarterly sales tax payments during audit.
- Instrumental in producing policies and procedure manuals for all departments.

Contractors Wardrobe

Corporate Controller/Vice President Administration, March 1989-July 1994

- Oversaw accounting, personnel, MIS departments for this medium-size manufacturer of mirrored wardrobe doors.
- Involved in management, policy and strategic decision making with President.
- Primary interface with Auditors, Consultants, Bankers and Insurance Broker.
- Developed comprehensive monthly financial reporting and budgeting package.
- Developed policies and procedure manuals for all departments within the Company.

Tandon Corporation

Director of Finance, Director of Plans & Controls, Controller Domestic Operations, General Accounting Manager, Plant Accountant, March 1983 - March 1989

Licenses:

Contractors License B and C-10 #1001368

[LEED-AP BD&C](#) (Building Design and Construction) – March 3, 2009

Certified Energy Auditor - July 2015

Education and Other Professional Activities:

Pepperdine University, MBA

University of California, Santa Barbara, B.A. Business Economics

Past Instructor – UC Riverside Extension – Economics of Sustainability, Spring 2010, 2011 and 2012

Treasurer, Member Board of Directors – Mountains Restoration Trust (www.mountainstrust.org)

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September 15, 2020

Jordan Sisson
Law Office of Gideon Kracov
801 S. Grand Ave., 11th Floor
Los Angeles, CA 90017

Subject: Comments on the 639 La Brea Project (ENV-2019-1736-SCPE)

Dear Mr. Sisson,

We have reviewed the November 2019 Sustainable Communities Project CEQA Exemption (“SPCE”) for the 639 La Brea Project (“Project”) located in the City of Los Angeles (“City”). The Project proposes to demolish 34,268-SF of existing commercial buildings and construct an 8-story mixed-use building, including 121 residential multi-family dwelling units, 125 hotel rooms, approximately 13,037-SF of restaurant space, 10,256-SF of open space, 192 vehicle parking spaces, and 139 bicycle parking spaces, on the 1.08-acre Project site.

Our review concludes that the SPCE fails to adequately evaluate the Project’s greenhouse gas impacts. As a result, emissions associated with construction and operation of the proposed Project are underestimated and inadequately addressed. An updated CEQA analysis should be prepared to adequately assess and mitigate the potential greenhouse gas impacts that the project may have on the surrounding environment.

As a result of our findings, the proposed Project does not qualify for a Sustainability Communities Strategy Exemption under the California Environmental Quality Act (“CEQA”) and California Public Resources Code § 21155 and, therefore, a full CEQA analysis must be prepared to adequately assess and mitigate the potential air quality and health risk impacts that the Project may have on the surrounding environment. We recommend that the City prepare an updated CEQA analysis with a health risk assessment (“HRA”) and quantified greenhouse gas emissions as required under the Public Resources Code and CEQA Guidelines.

Greenhouse Gas

Failure to Evaluate Impacts from Project Emissions

The SPCE concludes that the Project satisfies the requirements to be considered a Transit Priority Project (“TPP”) under Public Resources Code (“PRC”) § 21155(b), the Sustainable Communities Strategy. As a result, the SPCE concludes that the Project is exempt from CEQA and fails to quantify or evaluate the proposed Project’s construction and operational criteria air pollutant and greenhouse gas (“GHG”) emissions. However, review of the SPCE demonstrates that the Project fails to qualify as a TPP for the following three (3) reasons:

- (1) The SPCE fails to incorporate all applicable mitigation measures included in SCAG’s 2016-2040 RTP/SCS;
- (2) The SPCE fails to demonstrate that the Project would not result in a public health exposure at a level that would exceed federal and state standards;
- (3) Screening-level analysis indicates a potentially significant GHG impact; and
- (4) The SPCE fails to consider performance-based standards under SCAG’s 2016-2040 RTP/SCS.

1) Failure to Incorporate Applicable Mitigation Measures Included in SCAG’s 2016-2040 RTP/SCS

Review of SCAG’s *SB 375 and CEQA Streamlining* guidance demonstrates that Projects must comply with California PRC § 21155.1(b)(5), which states:

“Any applicable mitigation measures or performance standards or criteria set forth in the prior environmental impact reports, and adopted in findings, have been or will be incorporated into the transit priority project.”¹

As such, the SPCE concludes that the Project would be consistent with the mitigation measures included in SCAG’s 2016-2040 RTP/SCS Mitigation Monitoring and Reporting Program (“MMRP”), stating:

“The SCAG MMRP provides a list of mitigation measures that SCAG determined a lead agency can and should consider, as applicable and feasible, where the agency has identified that a project has the potential for significant effects. The SCAG’s measures are not prescriptive on the Proposed Project, but nonetheless, the mitigation measures to be incorporated as conditions of approval for the Proposed Project are consistent with those applicable measures suggested in SCAG’s MMRP, detailed below (refer to Section 4.0, Project Consistency with SCAG 2016-2040 RTP/SCS Mitigation Measures for a full discussion of the Proposed Project’s consistency with SCAG’s MMRP). As noted therein, many of the mitigation measures identified by SCAG, beyond those discussed below, would not apply to the Proposed Project” (pp. 39).

¹ “SB 375 and CEQA Streamlining.” Southern California Association of Governments (“SCAG”), available at: <http://rtpsc.scag.ca.gov/Documents/scs/CEQAstreamliningChart.pdf>.

However, review of SCAG’s 2016-2040 RTP/SCS demonstrates that the proposed Project is inconsistent with several measures that are, in fact, applicable to the proposed Project, including but not limited to the analysis below:

SCAG RTP/SCS 2016-2040 Mitigation Monitoring and Reporting Program (“MMRP”) Measures ²	
<p>Air Quality Project Level Mitigation Measures – MM-AIR-2(b): Consistent with the provisions of Section 15091 of the State CEQA Guidelines, SCAG has identified mitigation measures that are within the jurisdiction and authority of the CARB, air quality management districts, and other regulatory agencies. Where the Lead Agency has identified that a project has the potential to violate an air quality standard or contribute substantially to an existing air quality violation, the Lead Agency can and should consider the measures that have been identified by CARB and air district(s) and other agencies as set forth below, or other comparable measures, to facilitate consistency with plans for attainment of the NAAQS and CAAQS, as applicable and feasible. CARB, South Coast AQMD, Antelope Valley AQMD, Imperial County APCD, Mojave Desert AQMD, Ventura County APCD, and Caltrans have identified project-level feasible measures to reduce construction emissions:</p>	
<p>Minimize land disturbance.</p>	<p>Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention minimizing land disturbance whatsoever (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>Stabilize the surface of dirt piles if not removed immediately.</p>	<p>Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention stabilizing the surface of dirt piles whatsoever (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable</p>

²“Mitigation Monitoring and Reporting Program.” Southern California Association of Governments (“SCAG”), April 2016, available at: http://scaartpscs.net/Documents/2016/peir/final/2016fPEIR_ ExhibitB_MMRP.pdf.

	mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.
Limit vehicular paths on unpaved surfaces and stabilize any temporary roads.	Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies” the SPCE fails to mention limiting vehicular paths of unpaved surfaces and stabilizing temporary roads whatsoever (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.
Minimize unnecessary vehicular and machinery activities.	Here, while the SPCE claims that the Project would “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to state that the Project will minimize unnecessary vehicular and machinery activities, as required (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.
Revegetate disturbed land, including vehicular paths created during construction to avoid future off-road vehicular activities.	Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention revegetating disturbed land whatsoever (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation

	measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.
<p>Require contractors to assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that could be used an aggregate of 40 or more hours for the construction project. Prepare a plan for approval by the applicable air district demonstrating achievement of the applicable percent reduction for a CARB-approved fleet.</p>	<p>Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention requiring contractors to assemble a comprehensive inventory list whatsoever (p. 53). Rather, just because the proposed Project <u>is subject to regulatory compliance measures</u> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>Provide an operational water truck on-site at all times. Use watering trucks to minimize dust; watering should be sufficient to confine dust plumes to the project work areas. Sweep paved streets at least once per day where there is evidence of dirt that has been carried on to the roadway.</p>	<p>Here, while the SPCE claims that the Project would comply with SCAQMD Rule 403, which includes that: “[a]ll unpaved demolition and construction areas shall be wetted at least twice daily,” the SPCE fails to demonstrate that an operational water truck will be <u>on-site at all times</u>, as is required (p. 53). Furthermore, the SPCE fails to demonstrate that complying with SCAQMD Rule 403 will guarantee that watering will “confine dust plumes to the project work areas.” Finally, the SPCE fails to mention sweeping paved streets whatsoever, or determining whether dirt has been carried onto the roadway. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>Project sponsors should ensure to the extent possible that construction activities utilize grid-based electricity and/or onsite renewable electricity generation rather than diesel and/or gasoline powered generators.</p>	<p>Here, regarding this measure, the SPCE states that “[t]he Project would use energy from the Los Angeles Department of Water and Power (LADWP), which has goals to diversify its portfolio of energy sources to increase the use of renewable energy” (p. 78). However, just because the <u>LADWP</u> has these <u>goals</u> to diversify its energy portfolio to increase the use of renewable energy does not mean that the <u>proposed Project</u> will utilize <u>on-site renewable electricity generation</u> whatsoever. Furthermore, the SPCE fails to substantiate this claim or provide any sources to prove that the LADWP is actually accomplishing this goal locally</p>

	<p>on the Project site. Finally, this measure addresses Project-level “onsite renewable electricity generation,” and as such, the LADWP’s goals are irrelevant here. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.</p>	<p>Here, while the SPCE acknowledges that this mitigation measure is included in the RTP/SCS’s required Project-level measures, the SPCE fails to mention or indicate that the proposed Project will develop a traffic plan whatsoever (p. 54). By failing to address this measure, the SPCE fails to address minimizing traffic flow interference from construction activities, as is required. Specifically, the SPCE fails to mention or discuss including advance public notice of routing, use of public transportation, satellite parking areas with a shuttle service; scheduling operations affecting traffic for off-peak hours; minimizing obstruction of through-traffic lanes; and providing a flag person to guide traffic properly and ensure safety. As such, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>As appropriate require that portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, obtain CARB Portable Equipment Registration with the state or a local district permit. Arrange appropriate consultations with the CARB or the District to determine registration and permitting requirements prior to equipment operation at the site.</p>	<p>Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention or require CARB Portable Equipment Registration on-site (p. 54). Furthermore, the SPCE fails to mention or indicate that the proposed Project will arrange appropriate consultations with the CARB or the District to determine registration and permitting requirements prior to equipment operation at the site. As such, we are unable to verify that the CARB Portable Equipment Registration will be obtained on-site, as required. Thus, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>

<p>Implement EPA’s National Clean Diesel Program.</p>	<p>Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies” the SPCE fails to mention the EPA’s National Clean Diesel Program or its implementation on the Project site whatsoever (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>Diesel- or gasoline-powered equipment shall be replaced by lowest emitting feasible for each piece of equipment from among these options: electric equipment whenever feasible, gasoline-powered equipment if electric infeasible.</p>	<p>Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention replacing diesel- or gasoline-powered equipment with the lowest emitting feasible equipment whatsoever (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>On-site electricity shall be used in all construction areas that are demonstrated to be served by electricity.</p>	<p>Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention the use of on-site electricity in all construction areas that are served by electricity on the Project site (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable</p>

	mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.
If cranes are required for construction, they shall be rated at 200 hp or greater equipped with Tier 4 or equivalent engines.	Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention the use of cranes equipped with Tier 4 or equivalent engines on the Project site (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.
Use alternative diesel fuels, such as Clean Fuels Technology (water emulsified diesel fuel) or O2 diesel ethanol-diesel fuel (O2 Diesel) in existing engines	Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies” the SPCE fails to mention the use of alternative diesel fuels (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.
Convert part of the construction truck fleet to natural gas.	Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention converting part of the construction truck fleet to natural gas for the proposed Project (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation

	measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.
Include “clean construction equipment fleet”, defined as a fleet mix cleaner than the state average, in all construction contracts.	Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies” the SPCE fails to mention including a “clean construction equipment fleet” for the proposed Project (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.
Fuel all off-road and portable diesel powered equipment with ARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).	Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention fueling off-road and portable diesel equipment with ARB-certified motor vehicle diesel fuel for the proposed Project (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.
Use electric fleet or alternative fueled vehicles where feasible including methanol, propane, and compressed natural gas	Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention using an electric fleet or alternative fueled vehicles for the proposed Project whatsoever (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and

	<p>the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>Use diesel construction equipment meeting ARB’s Tier 4 certified engines or cleaner offroad heavy-duty diesel engines and comply with State off-road regulation.</p>	<p>Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention or indicate that the proposed Project will use diesel construction equipment that meet ARB’s Tier 4 certified engines (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. Furthermore, as this equipment has more recently been adopted, the proposed Project should evaluate the feasibility of including this equipment on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>Use on-road, heavy-duty trucks that meet the ARB’s 2007 or cleaner certification standard for on-road diesel engines, and comply with the State on-road regulation.</p>	<p>Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention the use of on-road, heavy-duty trucks that meet ARB’s 2007 or cleaner certification standard for on-road diesel engines whatsoever (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>Use idle reduction technology, defined as a device that is installed on the vehicle that automatically reduces main engine idling and/or is designed to provide services, e.g., heat, air conditioning, and/or electricity to the vehicle or equipment that would otherwise require the operation of the main drive engine while the vehicle or equipment is temporarily parked or is</p>	<p>Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention the use of idle reduction technology whatsoever for the proposed Project (p. 53). Rather, just because the proposed Project <i>is</i></p>

stationary	<i>subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.
Minimize idling time either by shutting off equipment when not in use or limit idling time to 3 minutes Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the 3 minute idling limit. The construction contractor shall maintain a written idling policy and distribute it to all employees and subcontractors. The on-site construction manager shall enforce this limit.	Here, the SPCE claims that the Project would comply with SCAQMD Rule 403, which requires that: “Trucks having no current hauling activity shall not idle but be turned off” (p. 54). However, the SPCE fails to mention a 3-minute idling limit or the posting of signs in designated queuing areas, as is required for this measure. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.
Prohibit diesel idling within 1,000 feet of sensitive receptors.	Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention prohibiting diesel idling within 1,000 feet of sensitive receptors on the Project site (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.
Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors.	Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention avoiding locating staging and queuing areas within 1,000 feet of sensitive receptors whatsoever (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with

	<p>this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.</p>	<p>Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention minimizing the number of construction equipment operating simultaneously on the Project site (p. 53). Rather, just because the proposed Project <u>is subject to regulatory compliance measures</u> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>The engine size of construction equipment shall be the minimum practical size.</p>	<p>Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention that the proposed Project will ensure that the engine size of construction equipment would be the minimum practical size (p. 53). Rather, just because the proposed Project <u>is subject to regulatory compliance measures</u> does not mean that this measure would be implemented, monitored, and enforced on the Project site. The SPCE also fails to evaluate or define what a practical size would be. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>Catalytic converters shall be installed on gasoline-powered equipment.</p>	<p>Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention installing catalytic converters on gasoline-power equipment on the Project site whatsoever (p. 53). Rather, just because the proposed Project <u>is subject to regulatory compliance measures</u> does not mean that this measure would be implemented, monitored, and enforced on the</p>

	<p>Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE's claim that applicable mitigation measures from SCAG's 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>Signs shall be posted in designated queuing areas and job sites to remind drivers and operators of the idling limit.</p>	<p>Here, the SPCE claims that the Project would comply with SCAQMD Rule 403, which requires that: "Trucks having no current hauling activity shall not idle but be turned off" (p. 54). However, the SPCE fails to mention that signs will be posted in designated queuing areas and job sites for the proposed Project. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE's claim that applicable mitigation measures from SCAG's 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>Construction worker trips shall be minimized by providing options for carpooling and by providing for lunch onsite.</p>	<p>Here, while the SPCE claims that the Project "substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies," the SPCE fails to mention minimizing construction worker trips by providing options for carpooling and onsite lunch for the proposed Project (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE's claim that applicable mitigation measures from SCAG's 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>Use new or rebuilt equipment.</p>	<p>Here, while the SPCE claims that the Project "substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies," the SPCE fails to mention using new or rebuilt equipment whatsoever on the Project site (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE's claim that applicable mitigation measures from SCAG's</p>

	2016-2040 RTP/SCS have been incorporated is unsupported.
Maintain all construction equipment in proper working order, according to manufacturer’s specifications. The equipment must be check by an ASE-certified mechanic and determined to be running in proper condition before it is operated.	Here, the SPCE claims that the Project would comply with SCAQMD Rule 403, which requires that: “General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions” (p. 53-54). However, the SPCE fails to mention that the proposed Project will require the equipment to be checked by an ASE-certified mechanic and determined to be running in proper condition before being operated. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.
Use low rolling resistance tires on long haul class 8 tractor-trailers.	Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention that the Project will use low rolling resistance tires on long haul class 8 tractor-trailers (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.
Suspend all construction activities that generate air pollutant emissions during air alerts.	Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention that the proposed Project will suspend construction activities that generate air pollutant emissions during alerts (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-

	2040 RTP/SCS have been incorporated is unsupported.
Install a CARB-verified, Level 3 emission control device, e.g., diesel particulate filters, on all diesel engines.	Here, while the SPCE claims that the Project “substantially conforms with this Mitigation Measure as it is subject to regulatory compliance measures that have been identified by CARB and air district(s) and other agencies,” the SPCE fails to mention that the proposed Project will install Level 3 emission control devices on the Project site (p. 53). Rather, just because the proposed Project <i>is subject to regulatory compliance measures</i> does not mean that this measure would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.
<p>Greenhouse Gas Project Level Mitigation Measures – PMM-GHG-3: Consistent with the provisions of Section 15091 of the State CEQA Guidelines, SCAG has identified mitigation measures capable of avoiding or reducing the potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases that are within the jurisdiction and authority of California Air Resources Board, local air districts, and/or Lead Agencies. Where the Lead Agency has identified that a project has the potential to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases, the Lead Agency can and should consider mitigation measures to mitigate the significant effects of greenhouse gas impacts to ensure compliance with all applicable laws, regulations, governing CAPs, general plans, adopted policies and plans of local agencies, and standards set forth by responsible public agencies for the purpose of reducing emissions of greenhouse gases, as applicable and feasible. Consistent with Section 15126.4(c) of the State CEQA Guidelines, compliance can be achieved through adopting greenhouse gas mitigation measures that have been used for projects in the SCAG region as set forth below, or through comparable measures identified by Lead Agency:</p>	
Reduction in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in Appendix F of the State CEQA Guidelines.	Here, the SPCE states that, “[t]he Project already substantially complies with this Mitigation Measure because it incorporates project design features, or is subject to regulatory compliance measures, that are capable of avoiding or reducing the potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases that are within the jurisdiction and authority of California Air Resources Board, local air districts, and/or Lead Agencies” (p. 77). However, just because the proposed Project is <i>subject</i> to these measures does not mean that they will be implemented, monitored, and enforced on the Project site. Furthermore, the SPCE fails to mention Appendix F of the State CEQA Guidelines whatsoever. This

	<p>presents an issue, as Appendix F presents Energy Conservation Measures applicable to land use Projects, as is stated in the measure. Thus, by failing to mention or comply with Appendix F, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>Off-site measures to mitigate a project’s emissions.</p>	<p>Here, the SPCE fails to mention the use of off-site measures to mitigated the Project’s emissions whatsoever. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>Measures that consider incorporation of Best Available Control Technology (“BACT”) during design, construction and operation of projects to minimize GHG emissions, including but not limited to:</p> <ul style="list-style-type: none"> • Use energy and fuel-efficient vehicles and equipment. Project proponents are encouraged to meet and exceed all EPA/NHTSA/CARB standards relating to fuel efficiency and emission reduction; • Use alternative (non-petroleum based) fuels; • Deployment of zero- and/or near zero emission technologies as defined by CARB; • Use lighting systems that are energy efficient, such as LED technology; • Use the minimum feasible amount of GHG-emitting construction materials that is feasible; • Use cement blended with the maximum feasible amount of fly ash or other materials that reduce GHG emissions from cement production; • Incorporate design measures to reduce GHG emissions from solid waste management through encouraging solid waste reduction, recycling, and reuse; • Incorporate passive solar and other design measures to reduce energy consumption 	<p>Here, the SPCE states that, “[t]he Project already substantially complies with this Mitigation Measure because it incorporates project design features, or is subject to regulatory compliance measures, that are capable of avoiding or reducing the potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases that are within the jurisdiction and authority of California Air Resources Board, local air districts, and/or Lead Agencies” (p. 77). However, just because the proposed Project is <i>subject</i> to these measures does not mean that they will be implemented, monitored, and enforced on the Project site. Furthermore, the SPCE fails to mention the use of energy and fuel-efficient vehicles and equipment; the use of alternative fuels; the deployment of zero- and/or near zero emission technologies; the use of the minimum feasible amount of GHG-emitting construction materials; the use of cement blended with maximum feasible amount of materials that reduced GHG emission from cement production; the incorporation of design measures encouraging waste reduction and reuse; the incorporation of passive solar and other design measures to reduce energy consumption and increase renewable energy use; the incorporation of WaterSense fixtures; the use of lighter-colored pavement; the recycling of construction debris; the planting of shade trees; or a solicitation of bids that</p>

<p>and increase production and use of renewable energy;</p> <ul style="list-style-type: none"> • Incorporate design measures like WaterSense fixtures and water capture to reduce water consumption; • Use lighter-colored pavement where feasible; • Recycle construction debris to maximum extent feasible; • Protect and plant shade trees in or near construction projects where feasible; and • Solicit bids that include concepts listed above. 	<p>include the above-listed concepts. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>Measures that encourage transit use, carpooling, bike-share and car-share programs, active transportation, and parking strategies, including, but not limited to, transit-active transportation coordinated strategies, increased bicycle carrying capacity on transit and rail vehicles.</p>	<p>Here, the SPCE states that, “[t]he Project already substantially complies with this Mitigation Measure because it incorporates project design features, or is subject to regulatory compliance measures, that are capable of avoiding or reducing the potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases that are within the jurisdiction and authority of California Air Resources Board, local air districts, and/or Lead Agencies” (p. 77). However, just because the proposed Project is <u>subject</u> to these measures does not mean that they will be implemented, monitored, and enforced on the Project site. Furthermore, the SPCE fails to mention encouraging transit use, carpooling, bike-share and car-share programs, and parking strategies. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>Incorporating bicycle and pedestrian facilities into project designs, maintaining these facilities, and providing amenities incentivizing their use; providing adequate bicycle parking and planning for and building local bicycle projects that connect with the regional network.</p>	<p>Here, the SPCE states that, “[t]he Project already substantially complies with this Mitigation Measure because it incorporates project design features, or is subject to regulatory compliance measures, that are capable of avoiding or reducing the potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases that are within the jurisdiction and authority of California Air Resources Board, local air districts, and/or Lead Agencies” (p. 77). However, just because the proposed Project is <u>subject</u> to these measures does</p>

	<p>not mean that they will be implemented, monitored, and enforced on the Project site. Furthermore, while the SPCE claims that the Project would include on-site bicycle storage and maintenance, as well as sidewalks and pedestrian amenity improvements, the SPCE fails to mention the maintenance of these facilities or how the bicycle facilities would connect with the regional network (p. 107-108). As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>Improving transit access to rail and bus routes by incentives for construction of transit facilities within developments, and/or providing dedicated shuttle service to transit stations.</p>	<p>Here, the SPCE states that, “[t]he Project already substantially complies with this Mitigation Measure because it incorporates project design features, or is subject to regulatory compliance measures, that are capable of avoiding or reducing the potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases that are within the jurisdiction and authority of California Air Resources Board, local air districts, and/or Lead Agencies” (p. 77). However, just because the proposed Project is <i>subject</i> to these measures does not mean that they will be implemented, monitored, and enforced on the Project site. Furthermore, while the SPCE indicates that the Project would be within a quarter mile of major transit stops, the SPCE fails to demonstrate how the Project would improve transit access by providing shuttle service to transit stations (p. 28). As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>Adopting employer trip reduction measures to reduce employee trips such as vanpool and carpool programs, providing end-of-trip facilities, and telecommuting programs.</p>	<p>Here, the SPCE states that, “[t]he Project already substantially complies with this Mitigation Measure because it incorporates project design features, or is subject to regulatory compliance measures, that are capable of avoiding or reducing the potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases that are within the jurisdiction and authority of California</p>

	<p>Air Resources Board, local air districts, and/or Lead Agencies” (p. 77). However, just because the proposed Project is <i>subject</i> to these measures does not mean that they will be implemented, monitored, and enforced on the Project site. Furthermore, the SPCE fails to demonstrate how the Project would reduce employee trips through vanpool and carpool programs, providing end-of-trip facilities, or telecommuting programs. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>Designate a percentage of parking spaces for ride-sharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles.</p>	<p>Here, the SPCE states that, “[t]he Project already substantially complies with this Mitigation Measure because it incorporates project design features, or is subject to regulatory compliance measures, that are capable of avoiding or reducing the potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases that are within the jurisdiction and authority of California Air Resources Board, local air districts, and/or Lead Agencies” (p. 77). However, just because the proposed Project is <i>subject</i> to these measures does not mean that they will be implemented, monitored, and enforced on the Project site. Furthermore, the SPCE fails to indicate that <i>any</i> parking spaces will be designated specifically for ride-sharing or high-occupancy vehicles, as is required. The SPCE also fails to mention or demonstrate that adequate passenger loading and unloading would be provided as required. Thus, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
<p>Land use siting and design measures that reduce GHG emissions, including:</p> <ul style="list-style-type: none"> • Developing on infill and brownfields sites; • Building high density and mixed use developments near transit; • Retaining on-site mature trees and vegetation, and planting new canopy trees; 	<p>Here, the SPCE states that, “[t]he Project already substantially complies with this Mitigation Measure because it incorporates project design features, or is subject to regulatory compliance measures, that are capable of avoiding or reducing the potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of</p>

<ul style="list-style-type: none"> • Measures that increase vehicle efficiency, encourage use of zero and low emissions vehicles, or reduce the carbon content of fuels, including constructing or encouraging construction of electric vehicle charging stations or neighborhood electric vehicle networks, or charging for electric bicycles; and • Measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse. 	<p>reducing the emission of greenhouse gases that are within the jurisdiction and authority of California Air Resources Board, local air districts, and/or Lead Agencies” (p. 77). However, just because the proposed Project is <i>subject</i> to these measures does not mean that they will be implemented, monitored, and enforced on the Project site. Furthermore, the SPCE fails to demonstrate that the project would retain on-site mature trees, plant new canopy trees, or provide charging for electric bicycles. As a result, we cannot verify that the Project would be consistent with this measure, and the SPCE’s claim that applicable mitigation measures from SCAG’s 2016-2040 RTP/SCS have been incorporated is unsupported.</p>
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As you can see in the table above, the SPCE fails to demonstrate that the Project would be consistent with several of the applicable mitigation measures included in SCAG’s RTP/SCS 2016-2040 MMRP, as claimed in the SPCE. As a result, the SPCE fails to comply with SCAG’s 2016-2040 RTP/SCS and the Sustainable Communities Project exemption should not be relied upon to determine Project significance.

2) *Failure to Demonstrate Less-than-Significant Public Health Exposure*

Review of SCAG’s SB 375 and CEQA Streamlining guidance demonstrates that Projects must comply with California PRC § 21155.1(a)(6)(C), which states that a TPP must not be subject to:

“[r]isk of a public health exposure at a level that would exceed the standards established by any state or federal agency.”³

Regarding this requirement, the SPCE concludes:

“[T]he Phase I ESA found no reported releases of hazardous materials have occurred from the surrounding properties, with one exception. The Phase I ESA identified one site of concern: the property approximately 300 feet north of the Project Site at 5436 West 6th Street. This property reported a release of gasoline in 2007, which reportedly impacted groundwater. Therefore, the Proposed Project shall implement a dewatering and groundwater management plan and treat and confirm sampling of any effluent generated at the Project Site during construction” (p. 33).

However, this response fails to address the potential for construction-related and operational emissions of toxic air contaminants (“TACs”), which could result in significant public health exposures. In February of 2015, the Office of Environmental Health Hazard Assessment (“OEHHA”), the organization responsible for providing guidance on conducting HRAs in California, released its most recent *Risk Assessment*

³ “SB 375 and CEQA Streamlining.” Southern California Association of Governments (“SCAG”), available at: <http://rtpscsc.scag.ca.gov/Documents/scs/CEQASTreamliningChart.pdf>.

*Guidelines: Guidance Manual for Preparation of Health Risk Assessments.*⁴ This guidance document describes the types of projects that warrant the preparation of an HRA. Construction of the Project will produce emissions of diesel particulate matter (“DPM”), a human carcinogen, through the exhaust stacks of construction equipment throughout the construction period. The OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors.⁵ Therefore, per OEHHA guidelines, we recommend that an updated CEQA analysis be prepared to evaluate health risk impacts from Project construction. Furthermore, once construction of the Project is complete, the Project will operate for a long period of time. Project operation will generate daily vehicle trips, which will generate additional exhaust emissions and continue to expose nearby sensitive receptors to DPM emissions. OEHHA’s *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments* recommends that exposure from projects lasting more than 6 months be evaluated for the duration of the project, and recommends that an exposure duration of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident (“MEIR”).⁶ Even though we were not provided with the expected lifetime of the Project, we can reasonably assume that the Project will operate for at least 30 years, if not more. Therefore, we recommend that health risks from Project operation also should have been evaluated, as a 30-year exposure duration vastly exceeds the 2-month and 6-month requirements set forth by OEHHA. This guidance reflects the most recent health risk policy. We recommend that an assessment of health risks in accordance with OEHHA guidelines to nearby sensitive receptors from Project construction and operation be included in an updated CEQA evaluation for the Project.

Furthermore, the SPCE fails to compare the excess health risk to the SCAQMD’s specific numeric threshold of 10 in one million.⁷ Thus, the SPCE should not conclude that the Project would not result in a level of public health exposure that exceeds state or federal standards, without quantifying emissions to compare to the proper threshold. In the absence of an evaluation of the Project’s potential health risk impacts associated with construction-related and operational DPM, we cannot verify that the Project would comply with California PRC § 21155.1(a)(6)(C) and the SPCE’s claim that the Project qualifies for an SCS CEQA exemption is unsubstantiated. Until an updated CEQA analysis quantifies and evaluates the proposed Project’s health risk impacts, the proposed Project should not be approved.

3) Screening-Level Analysis Indicates Potentially Significant GHG Impacts

As discussed above, the SPCE incorrectly claims that the Project qualifies for an SCS CEQA exemption and subsequently fails to evaluate the Project’s construction-related and operational GHG emissions. As a result, we have prepared a screening-level analysis of the Project’s greenhouse gas (“GHG”) emissions

⁴ “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/hotspots2015.html

⁵ “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, p. 8-18

⁶ “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, p. 8-6, 8-15

⁷ “South Coast AQMD Air Quality Significance Thresholds.” SCAQMD, April 2019, available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

that indicates a potentially significant GHG impact, as shown below. An updated CEQA analysis should be prepared to evaluate the Project’s potential GHG emissions and implement mitigation, if necessary.

Applicable thresholds and site-specific modeling demonstrate that the proposed Project would result in a significant GHG impact not previously mitigated by the SPCE. The CalEEMod output files, modeled by SWAPE with Project-specific information, disclose the Project’s mitigated emissions, which include approximately 669 MT CO₂e of total construction emissions (sum of 2020 through 2021) and approximately 4,563 MT CO₂e/year of net annual operational emissions (sum of area, energy, mobile, waste, and water-related emissions). When we compare the Project’s GHG emissions to the 3,000 MT CO₂e/year mixed-use threshold (SCAQMD Tier 3 Option #1), we find that the Project’s GHG emissions exceed the threshold (see table below).

SWAPE Annual Greenhouse Gas Emissions	
Project Phase	Proposed Project (MT CO₂e/year)
Construction (amortized over 30 years)	22.31
Area	40.87
Energy	1380.59
Mobile	2907.27
Waste	68.40
Water	165.87
Total	4,585.31
SCAQMD Mixed-Use Threshold	3,000
Exceed?	Yes

As demonstrated in the table above, the proposed Project would exceed the SCAQMD’s 3,000 MT CO₂e/year mixed-use threshold. Hence, a service population analysis is warranted. According to CAPCOA’s *CEQA & Climate Change* report, service population is defined as “the sum of the number of residents and the number of jobs supported by the project.”⁸ However, the SPCE fails to provide the estimated number of residents and jobs supported by the Project. As such, we estimated the proposed Project’s service population based on SCAG’s *Employment Density Study Summary Report* and the CalEEMod default residential population. According to SCAG’s *Employment Density Study Summary Report*, the median Square Feet/Employee (“SF/Employee”) values for “Hotel/Motel” and “Other Retail/Svc.” are 1,179- and 730-SF/Employee, respectively.⁹ As such, we estimate that the Project would create approximately 67 new employees.¹⁰ Furthermore, the CalEEMod default population for 121-units

⁸ CAPCOA (Jan. 2008) *CEQA & Climate Change*, p. 71-72, <http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf>.

⁹ “EMPLOYMENT DENSITY STUDY SUMMARY REPORT.” Southern California Association of Governments (“SCAG”), October 2001, available at: <http://www.mwcog.org/file.aspx?A=QTTITR24POOOUlw5mPNzK8F4d8djdJe4LF9Exj6IXOU%3D>, p. 17, Table 3A.

¹⁰ Calculated: (67,948-SF of hotel land use * 1,179 SF/Employee) + (13,037-SF of restaurant land use * 730-SF/Employee) = 67 employees.

of “Apartments Mid Rise” is 346 people. Thus, we estimate that the Project’s total service population would be approximately 413 people.¹¹ When dividing the Project’s GHG emissions (amortized construction + operational) by a service population value of 413 people, we find that the Project would emit approximately 11 MT CO₂e/SP/year.¹² This exceeds the SCAQMD 2035 efficiency target of 3.0 MT CO₂e/SP/year and the outdated SCAQMD 2020 threshold of 4.8 MT CO₂e/SP/year (see table below).¹³

SWAPE Service Population Efficiency	
Project Phase	Proposed Project (MT CO₂e/year)
Total	4,585.31
Service Population	413
Service Population Efficiency	11.10
Threshold	3
Exceed?	Yes

As the above table indicates, the Project’s GHG emissions exceed the SCAQMD’s 2035 service population efficiency threshold of 3.0 MT CO₂e/SP/year, thus resulting in a significant impact not previously mitigated in the SPCE. Thus, an updated GHG analysis should be prepared in an updated CEQA evaluation and additional mitigation should be incorporated accordingly. According to CEQA Guidelines § 15064.4(b), if there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, a full CEQA analysis must be prepared for the project. Therefore, an updated CEQA analysis must be prepared for the Project, and mitigation should be implemented where necessary, per CEQA Guidelines.

4) Failure to Consider Performance-Based Standards Under SCAG’s 2016 RTP/SCS

Here, as discussed above, relying on the Project’s consistency with SCAG’s 2016-2040 RTP/SCS goals and policies, the SPCE finds that the Project would not conflict with the implementation of SCAG’s 2016 RTP/SCS. However, the SPCE fails to consider whether or not the Project meets any of the specific performance-based goals underlying SCAG’s 2016 RTP/SCS and SB 375, such as: i) per capita GHG emission targets, or ii) daily vehicles miles traveled (“VMT”) per capita benchmarks.

i. SB 375 Per Capita GHG Emission Goals

SB 375 was signed into law in September 2008 to enhance the state’s ability to reach AB 32 goals by directing CARB to develop regional 2020 and 2035 GHG emission reduction targets for passenger vehicles (autos and light-duty trucks). In September 2010, CARB adopted regional targets for reducing GHG emissions from 2005 levels by 2020 and 2035, assigning SCAG the targets of an eight percent

¹¹ Calculated: 67 employees + 346 residents = 413 people.

¹² Calculated: (4,585.31 MT CO₂e/year) / (413 service population) = (11.10 MT CO₂e/SP/year).

¹³ “Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #15.” SCAQMD, September 2010, available at: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf), p. 2.

reduction by 2020 and a 13 percent reduction by 2035. This goal is reflected in SCAG’s 2016 RTP/SCS,¹⁴ in which the 2016 RTP/SCS Program EIR (“PEIR”) determined that the per capita emissions were 23.8 pounds per day (“lbs/day”) in 2005, and that SCAG’s 2016 RTP/SCS plan would achieve per capita emissions of 21.4 lbs/day in 2020 (i.e., a reduction of 8 percent from 2005 levels) and 19.5 lbs/day in 2035 (i.e., a reduction of 18 percent from 2005 levels) (see excerpt below).¹⁵

**TABLE 3.8.4-3
SB 375 ANALYSIS**

	2005 (Baseline)	2020 (Plan)	2035 (Plan)	2040 (Plan)
Resident population (per 1,000)	17,161	19,060	21,475	22,116
CO ₂ emissions (per 1,000 tons)	204.0*	203.6**	206.0**	203.0**
Per capita emissions (pounds/day)	23.8	21.4	19.5	18.7
% difference from Plan (2020) to Baseline (2005)				-8%*
% difference from Plan (2035) to Baseline (2005)				-18%***
% difference from Plan (2040) to Baseline (2005)				-22%***

NOTE:
 * Based on EMFAC2007
 ** Based on EMFAC2014
 *** Included off-model adjustments for 2035 and 2040

SOURCE:
 SCAG modeling, 2015
 Southern California Association of Governments. 5 November 2015. *Item No. 1 Staff Report: 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016 RTP/SCS) – Proposed Major Components*. Available at: <http://www.scag.ca.gov/committees/CommitteeDocLibrary/jointRCPC110515fullagn.pdf>

In March 2018, CARB adopted updated targets requiring a 19 percent decrease in VMT for the SCAG region by 2035. This goal is reflected in SCAG’s Draft 2020 RTP/SCS,¹⁶ in which the 2020 RTP/SCS Draft PEIR updates the per capita emissions to 21.3 lbs/day in 2020 and 18.8 lbs/day in 2035 (see excerpt below).¹⁷

**Table 3.8-10
SB 375 Analysis**

	2005 (Baseline)	2020 (Plan)	2035 (Plan)
Resident population (per 1,000)	17,161	19,194	21,110
CO ₂ emissions (per 1,000 tons)	204.0 ^{a/}	204.5 ^{b/}	198.6 ^{b/}
Per capita emissions (pounds/day)	23.8	21.3	18.8
% difference from Plan (2020) to Baseline (2005)			-8%
% difference from Plan (2035) to Baseline (2005)			-19% ^{c/}

Note:
 /a/ Based on EMFAC2007
 /b/ Based on EMFAC2014 and SCAG modeling, 2019.
 /c/ Includes off-model adjustments for 2035 and 2045
 Source: SCAG modeling, 2019.
<http://www.scag.ca.gov/committees/CommitteeDocLibrary/jointRCPC110515fullagn.pdf>

¹⁴ SCAG (Apr. 2016) 2016 RTP/SCS, p. 8, 15, 153, 166, <http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS.pdf>.

¹⁵ SCAG (11/24/15) 2016 RTP/SCS Draft PEIR, p. 3.8-37 – 3.8-38, http://scagrtpscs.net/Documents/2016/peir/draft/2016dPEIR_Complete.pdf.

¹⁶ SCAG (11/7/19) Draft 2020 RTP/SCS, p. 9, 48, 138, https://www.connectsocial.org/Documents/Draft/dConnectSoCal_Draft-Plan.pdf.

¹⁷ SCAG (Nov. 2019) 2020 RTP/SCS Draft PEIR, p. 3.8-73 – 3.8-74, https://www.connectsocial.org/Documents/PEIR/draft/dPEIR_ConnectSoCal_Complete.pdf.

In order to evaluate consistency with this SB 375 objective and SCAG’s 2016-2040 RTP/SCS performance-based goals, SWAPE calculated the Project’s per-capita CO₂ emissions from passenger and light duty vehicles (calculations attached hereto as Exhibit A). First, total annual GHG mobile emissions were multiplied by the percentage of auto and light-duty truck fleet mix, then converted into total pounds per day, then divided by the estimated service population of 413. The below table shows the per capita emissions for the Project based on SWAPE’s modeling (see table below and Attachment B).

CO₂e Per Capita Emissions from Passenger & Light-Duty Trucks, Exceedances under RTP/SCS Performance-Based SB 375 Goals	
Sources	Project
	SWAPE Project Modeling
Annual Mobile Emissions (MT CO ₂ e/year)	2,907.27
Passenger & Light-Duty Fleet Mix (%)	79.55%
Daily CO ₂ e Emissions (lbs/day)	13,968.65
Service Population	413
Per Capita Emissions (lbs/day)	33.82
21.3 lbs/day/SP (2020 Goal) Exceeded?	Yes
18.8 lbs/day/SP (2035 Goal) Exceeded?	Yes

As shown in the above table, when utilizing SWAPE modeling, the Project would result in 33.82 pounds per day per service population (“lbs/day/SP”) emissions. This exceeds both SCAG’s 2020 and 2035 targets of 21.3- and 18.8-lbs/day/SP, respectively, indicating that the Project is inconsistent with SB 375 and SCAG’s RTP/SCS.

ii. SB 375 RTP/SCS Daily VMT Per Capita Target

A “significant metric since the passage of SB 375” has been the reduction of vehicle miles traveled (“VMT”) from automobiles and light trucks per capita.¹⁸ According to the SCAG, the land use strategies outlined in the RTP/SCS are designed to reduce GHGs and VMTs both regionally and county-wide, and provides projected VMT targets in the form of performance-based objectives.¹⁹ Under the SCAG’s 2016 RTP/SCS, daily VMT per capita should decrease from 22.8 VMT in 2012 to 20.5 VMT by 2040 for the entire SCAG region. For Los Angeles County specifically, daily VMT per capita should drop from 21.5 to 18.4 VMT during that same period. Under the SCAG’s Draft 2020 RTP/SCS, daily VMT per capita in the SCAG region should decrease from 23.2 VMT in 2016 to 21.0 VMT by 2045 with daily VMT per capita in Los Angeles County should decrease from 22.2 to 19.6 VMT during that same period.²⁰

¹⁸ SCAG (Ap. 2016) 2016 RTP/SCS, Appendix Performance Measures, p. 12, 16, http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS_PerformanceMeasures.pdf; see also 2016 RTP/SCS, p. 160, 180, <http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS.pdf>.

¹⁹ *Ibid*, p. 167.

²⁰ SCAG (11/7/19) Draft 2020 RTP/SCS, pp. 132, https://www.connectsoocal.org/Documents/Draft/dConnectSoCal_Draft-Plan.pdf.

Here, however, the SPCE fails to consider any of the abovementioned performance-based VMT targets.

In order to evaluate consistency with the RTP/SCS’s performance-based VMT reduction targets, SWAPE calculated the Project’s VMT from passenger and light duty vehicles (calculations attached hereto as Exhibit A). First, annual VMTs from passenger automobile and light-duty vehicle were calculated based on the CalEEMod default fleet mix, converted into daily VMT, and divided by the estimated service population of 413. The below table shows the daily VMT per capita for the Project based on SWAPE’s modeling (see table below and Attachment C).

Daily VMT Per Capita from Passenger & Light-Duty Trucks,	
Exceedances under RTP/SCS Performance-Based SB 375 Target	
Sources	Project
	SWAPE Modeling
Annual VMT from Auto & Light-Duty Vehicles	5,305,391
Daily VMT from Auto & Light-Duty Vehicles	14,535
Service Population	413
Daily VMT Per Capita	35.19
2016 RTP/SCS Benchmarks, SCAG-Wide	
22.8 VMT (2012 Baseline) Exceed?	Yes
20.5 VMT (2040 Target) Exceed?	Yes
2016 RTP/SCS Benchmarks, Los Angeles County	
21.5 VMT (2012 Baseline) Exceed?	Yes
18.4 VMT (2040 Target) Exceed?	Yes
2020 RTP/SCS Benchmarks, SCAG-Wide	
23.2 VMT (2016 Baseline) Exceed?	Yes
21.0 VMT (2045 Target) Exceed?	Yes
2020 RTP/SCS Benchmarks, Los Angeles County	
22.2 VMT (2016 Baseline) Exceed?	Yes
19.6 VMT (2045 Target) Exceed?	Yes

As shown in the above table, based on a service population of 413, the Project would result in 35.19 daily VMT per capita from passenger auto and light-duty truck vehicles. This exceeds the SCAG targets under the 2016 RTP/SCS, including the 22.8 daily VMT 2012 baseline benchmark and 20.5 daily VMT 2040 target provided in the RTP/SCS. Furthermore, the Project’s 35.19 daily VMT per capita exceeds baseline and target year benchmarks specific to Los Angeles County under the 2016 RTP/SCS. Similarly, the Project would exceed all SCAG and Los Angeles County specific benchmarks and targets under SCAG’s Draft 2020 RTP/SCS. Thus, based on SWAPE’s modeling, the Project would exceed both the 2012 and 2016 baseline VMT per capita values as well as both the 2040 and 2045 VMT per capita targets for

both Los Angeles County and the SCAG region as a whole, indicating that the Project conflicts with the 2016 RTP/SCS and SB 375.

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,

A handwritten signature in blue ink that reads "Matt Hagemann".

Matt Hagemann, P.G., C.Hg.

A handwritten signature in blue ink that reads "Paul Rosenfeld".

Paul E. Rosenfeld, Ph.D.

EXHIBIT A

GHG CALCUALTIONS: SWAPE PROJECT

Line (L)	Value	Unit
VMT Per Vehicle Type		
1	6,669,438	Project Total VMT
Total Annual GHG Emissions		
2	22.315	Amortized Emissions (MT CO2e/year) from Construction (CalEEMod Output, Tbl. 2.1, Mitigated Construction [Calc: (Total Construction Emissions) / (30 years)])
3	4562.998	Emissions (MT CO2e/year) from Operations (CalEEMod Output, Tbl. 2.2, Mitigated Operational)
4	4,585.31	Total Emissions (MT CO2e/year) from Construction + Operation
Total Emissions From Passenger and Light Duty Vehicles		
5	2,907.27	Mobile Emissions (MT CO2e/year) (CalEEMod Output, Tbl. 2.2, Mitigated Operational).
6	6,669,438	Project Total VMT (see L1)
7	79.55%	Passenger and Light-Duty VMT Fleet Mix
8	5,305,391	VMT from Passenger & Light-Duty Vehicles**** [Calc: (L6*L7)]
9	2,312.67	Passenger and Light Duty Vehicle Emissions (MT CO2e/year) [Calc: (L5*L7)]
10	13,968.65	Passenger and Light-Duty Vehicle Emissions (Total lbs CO2e/day) [Calc: (L9 converted into lbs) / (365 days)]
11	413	Service Population [346 residents + 67 long-term jobs]
12	33.82	Per Service Population Emissions (lbs CO2e/day/SP)
Daily VMT Per Capita From Passenger and Light Duty Vehicles		
13	5,305,391	VMT from Passenger & Light-Duty Vehicles**** (see L8)
14	14,535	Daily VMT from Passenger & Light-Duty Vehicles
15	413	Service Population [346 residents + 67 long-term jobs]
16	35.19	Daily VMT Per Capita [[Calc: L14/L15]]

EXHIBIT B

CO₂e Per Capita Emissions from Passenger & Light-Duty Trucks,	
Exceedances under RTP/SCS Performance-Based SB 375 Goals	
Sources	Project
	SWAPE Modeling
Annual Mobile Emissions (MT CO ₂ e/year)	2,907.27
Passenger & Light-Duty Fleet Mix (%)	79.55%
Daily CO ₂ e Emissions (lbs/day)	13,968.65
Service Population	413
Per Capita Emissions (lbs/day)	33.82
21.3 lbs/day/SP (2020 Goal) Exceeded?	Yes
18.8 lbs/day/SP (2035 Goal) Exceeded?	Yes

EXHIBIT C

Daily VMT Per Capita from Passenger & Light-Duty Trucks, Exceedances under RTP/SCS Performance-Based SB 375 Target	
Sources	Project
	SWAPE Modeling
Annual VMT from Auto & Light-Duty Vehicles	5,305,391
Daily VMT from Auto & Light-Duty Vehicles	14,535
Service Population	413
Daily VMT Per Capita	35.19
2016 RTP/SCS Benchmarks, SCAG-Wide	
22.8 VMT (2012 Baseline) Exceed?	Yes
20.5 VMT (2040 Target) Exceed?	Yes
2016 RTP/SCS Benchmarks, Los Angeles County	
21.5 VMT (2012 Baseline) Exceed?	Yes
18.4 VMT (2040 Target) Exceed?	Yes
2020 RTP/SCS Benchmarks, SCAG-Wide	
23.2 VMT (2016 Baseline) Exceed?	Yes
21.0 VMT (2045 Target) Exceed?	Yes
2020 RTP/SCS Benchmarks, Los Angeles County	
22.2 VMT (2016 Baseline) Exceed?	Yes
19.6 VMT (2045 Target) Exceed?	Yes

SOURCES

VMT from Passenger & Light-Duty Vehicles (Line 8)

Land Use [a]	Mitigated Annual VMT [a]	Autos & Light-Duty Vehicles (LDA, Fleet Mix % [b] VMTs [c]	
		Fleet Mix % [b]	VMTs [c]
Project (SWAPE Modeling)			
Apartments Mid Rise	2,687,590	79.55%	2,137,919
City Park	4,728	79.55%	3,761
Enclosed Parking with Elevator	-	79.55%	-
Hotel	2,343,135	79.55%	1,863,912
Quality Restaurant	1,633,985	79.55%	1,299,799
Total	6,669,438		5,305,391

Notes:

[a] CalEEMod Output, Tbl. 4.2 Trip Summary Information

[b] CalEEMod Output, Tbl. 4.4 Fleet Mix

[c] Calculated: (Mitigated Annual VMT) x (LDA, LDT1, LDT2 Percentage)



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**Geologic and Hydrogeologic Characterization
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
Industrial Stormwater Compliance
CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 150 industrial facilities.
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nationwide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

principles into the policy-making process.

- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Clean up at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.



Paul Rosenfeld, Ph.D.

Principal Environmental Chemist

Chemical Fate and Transport & Air Dispersion Modeling

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H₂O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P.**, (2015) Modeling the Effect of Refinery Emission On Residential Property Value. *Journal of Real Estate Research*. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.**, Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermol and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution*, 123 (17), 319-327.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities*. Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004*. New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellev, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS-6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality*. 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld**. (1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States” Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. *The 23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florida, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants..* Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington.

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference*. Lecture conducted from Indianapolis, Maryland.

Rosenfeld, P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation*. Lecture conducted from Anaheim California.

Rosenfeld, P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest*. Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell*. Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest*. Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the United States District Court For The District of New Jersey

Duarte et al. *Plaintiffs*, vs. United States Metals Refining Company et. al. *Defendant*.

Case No.: 2:17-cv-01624-ES-SCM

Rosenfeld Deposition. 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division

M/T Carla Maersk, *Plaintiffs*, vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS “Conti Perdido”
Defendant.

Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237

Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica

Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants

Case No.: No. BC615636

Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica

The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants

Case No.: No. BC646857

Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado

Bells et al. Plaintiff vs. The 3M Company et al., Defendants

Case: No 1:16-cv-02531-RBJ

Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District

Phillip Bales et al., Plaintiff vs. Dow Agrosiences, LLC, et al., Defendants

Cause No 1923

Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa

Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants

Cause No C12-01481

Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois

Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants

Case No.: No. 0i9-L-2295

Rosenfeld Deposition, 8-23-2017

In The Superior Court of the State of California, For The County of Los Angeles

Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC

Case No.: LC102019 (c/w BC582154)

Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division

Brenda J. Cooper, et al., *Plaintiffs*, vs. Meritor Inc., et al., *Defendants*

Case Number: 4:16-cv-52-DMB-JVM

Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants
Law No.: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Doug Pauls, et al., et al., Plaintiffs vs. Richard Warren, et al., Defendants
Law No.: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action NO. 14-C-30000
Rosenfeld Deposition, June 2015

In The Third Judicial District County of Dona Ana, New Mexico
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward
DeRuyter, Defendants
Rosenfeld Deposition: July 2015

In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014

In the United States District Court Western District of Oklahoma
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City
Landfill, et al. Defendants.
Case No. 5:12-cv-01152-C
Rosenfeld Deposition: July 2014

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant*.
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs*, vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court of Southern District of Texas Galveston Division
Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and on behalf of those similarly situated, *Plaintiffs*, vs. BP Products North America, Inc., *Defendant*.
Case 3:10-cv-00622
Rosenfeld Deposition: February 2012
Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland
Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants
Case Number: 03-C-12-012487 OT
Rosenfeld Deposition: September 2013