

February 25, 2026

The Honorable City Council
c/o Office of the City Clerk
Room 395, City Hall
Mail Stop 160

Honorable Members:

Subject: California Environmental Quality Act Appeal of Certification of Final
Environmental Impact Report for Scattergood Generating Station Units 1 and 2
Green Hydrogen-Ready Modernization Project – Board of Water and Power
Commissioners Resolution No. 026071;SCH No. 2023050366; Council File
No. 25-1360

I. INTRODUCTION

The Los Angeles Department of Water and Power (“LADWP”) hereby responds to the November 14, 2025 Appeal Letter submitted by the Center for Biological Diversity, Communities for a Better Environment, Food and Water Watch, Los Angeles Waterkeeper, Physicians for Social Responsibility, Los Angeles, and the Sierra Club (collectively, “Appellants”) (“Appeal Letter”), appealing the Los Angeles Board of Water and Power Commissioners’ (“Board”) October 28, 2025 certification of an Environmental Impact Report (“EIR”) for the Scattergood Generating Station Units 1 and 2 Green Hydrogen-Ready Modernization Project (“Project”) under the California Environmental Quality Act (“CEQA”). The Appeal Letter does not raise any new arguments regarding the EIR, and all of the issues identified in the Appeal Letter and attachments were previously addressed in the Responses to Comments in the Final EIR. Nonetheless, those responses are summarized below.

II. FACTUAL BACKGROUND

A. Project Description

LADWP’s Scattergood Generating Station (“Scattergood”) is located in the Playa del Rey community of Los Angeles at the intersection of Vista Del Mar and Grand Avenue. The Project would entail replacement of existing Scattergood Units 1 and 2, which are conventional natural-gas-fired steam boiler generators, with a rapid response combined-cycle generation system (“CCGS”) capable of operating on a fuel mixture of natural gas and hydrogen. The proposed CCGS would consist of a combustion-turbine generator

and a steam-turbine generator operating in tandem and would have a gross generation capacity of up to 346 megawatts (MW).

The Project is integral to the goal of implementing a carbon-free energy system providing reliable and sustainable electrical power for the City of Los Angeles (“City”). Based on findings in the Los Angeles 100% Renewable Energy Study prepared by National Renewable Energy Laboratory and LADWP, as well as LADWP’s 2022 Power Strategic Long-Term Resource Plan (SLTRP, now known as “LA100”), the availability of local energy that can be dependably and rapidly dispatched is critical to the continued resilience and reliability of the City’s power grid. Scattergood has been identified as the most immediate and instrumental location to provide firm (i.e., dependable) in-basin generation capacity to address projected demand for energy in areas of the City that Scattergood serves.

With the implementation of expanded renewable generation resources, improvements to transmission systems, increased energy storage, and other elements of the LADWP carbon-free energy system outlined in the SLTRP, LADWP’s in-basin generation units, including the Project, are anticipated to be utilized less frequently over time, and will be used primarily to meet peaks in high-demand days that exceed renewable energy production and storage capacity. In addition, in-basin units would be used during periods when renewable generation sources and/or transmission assets become unavailable due to emergency circumstances. Therefore, it is anticipated that the Project CCGS would be operated at a substantially lower capacity factor (i.e., the ratio of actual generation output to the potential capacity of the generation unit) compared to similar units in service today. However, the Project is nonetheless critical in maintaining the resilience and reliability of the LADWP power system under stressed conditions and therefore would be an integral part of the future carbon-free grid.

The green hydrogen system that would supply the Project is currently in the planning stages. It is not currently known how or where hydrogen for the facility would be produced, how it would be transported to the facility, or how it would be stored. Therefore, the impacts of the installation of the infrastructure for the production, delivery, and storage of hydrogen cannot be reasonably forecasted, and these activities were not analyzed in the EIR. Hydrogen infrastructure will be analyzed in a separate environmental review and approval process when the necessary information to support an adequate analysis of potential impacts is available.

Construction of the Project is estimated to take approximately three years to complete and will be comprised of three primary phases: site preparation, generation unit and ancillary facility construction, and generation unit commissioning. Other than delivery of materials to the site, hauling of debris off-site, and installation of a wastewater pipeline

to neighboring Hyperion Water Reclamation Plan, construction would be confined to the facility footprint.

B. Environmental Review

In accordance with CEQA, LADWP, as the lead agency, commenced environmental review of the Project in 2023. LADWP prepared an Initial Study (“IS”) and a Notice of Preparation of a Draft EIR (“NOP”) to provide notification that LADWP planned to prepare an EIR and to solicit input regarding the scope of the analysis. The NOP and IS were circulated for public comment on May 15, 2023, for an initial 30-day review period. Nine written comment letters were received during the 60-day NOP scoping period, which was extended twice.

LADWP prepared a Draft EIR to analyze the potential environmental impacts associated with the Project. The Draft EIR was circulated for public review and comment on October 31, 2024, for an initial 50-day review period ending December 20, 2024. A total of five requests for extensions to submit comments were granted, extending the public review and comment period until April 7, 2025, resulting in a 159-day public review and comment period.

LADWP received a total of 101 comments, including 48 verbal comments and 53 comment letters, during the Draft EIR review period. The Final EIR contains copies of the verbal and written comments received during the Draft EIR public comment period, and responses to these comments. Based on the comments received, edits were made to the Draft EIR as set forth in Chapter 3, Text Revisions and Additions to the Draft EIR, of the Final EIR.

The EIR found that all Project impacts would be less than significant or less than significant with mitigation, except for air quality impacts associated with facility commissioning, which were determined to be significant and unavoidable.

C. Board Consideration and Approval

On October 16, 2025, LADWP provided a Notice of Availability of the Final EIR, which provided notice of LADWP’s intent to consider the Final EIR at its October 28 meeting. LADWP received several written comments in advance of the meeting and numerous verbal comments during the meeting, both in support of and opposed to the Project. The LADWP Board unanimously approved the Project. LADWP filed a Notice of Determination on October 28, 2025. Appellants submitted the Appeal Letter on November 14, 2025.

III. SUMMARY OF ISSUES ON APPEAL

Appellants filed this appeal under Public Resources Code section 21151; accordingly, the question before the Committee and City Council is limited to whether the Board properly certified the EIR as having been completed in compliance with CEQA. Section 21151 does not call for the Committee or City Council to independently review the Project approval, the underlying policy considerations, or Project financing.

The Appeal Letter states that the grounds for appeal “include those set forth in the April 7, 2025, comment letter submitted by Los Angeles Waterkeeper (“LA Waterkeeper”), Food and Water Watch, Center for Biological Diversity (“CBD”), Central Coast Alliance United for a Sustainable Economy, California Environmental Justice Alliance, Sierra Club, Communities for a Better Environment (“CBE”), and Vote Solar to LADWP” regarding the Project.

The Appeal Letter also states that further grounds for this appeal are set forth in the following additional attachments:

- **Attachment 4:** LA Waterkeeper September 30, 2025, Supplemental Public Comments
- **Attachment 5:** CBE and CBD October 10, 2025, Supplemental Public Comments
- **Attachment 6:** CBE and CBD October 27, 2025, Supplemental Public Comments
- **Attachment 7:** Sierra Club November 6, 2025, Supplemental Public Comments
- **Attachment 8:** South Coast AQMD Public Comments
- **Attachment 9:** LADWP staff recommendation
- **Attachment 10:** LADWP Board Resolution
- **Attachment 11:** NGO comment letter on the Notice of Preparation

Collectively, these documents comprise hundreds of pages of documentation related to the Project.

The Appeal Letter summarizes the primary arguments in these letters in a series of bullet points. All arguments in those bullet points, as well as the wide variety of issues raised in the referenced comment letters and attachments, were addressed in the EIR and administrative record, and it is not feasible to include every response in this document. Appellants do not offer any valid basis to overturn the Board’s certification of the EIR, and the Appeal should therefore be denied.

IV. APPEAL RESPONSE

A. Main Arguments

Below, we address the specific arguments listed on page 2 of the Appeal Letter. More detailed responses to these comments are included in the Draft and Final EIR.

1. The EIR Adequately Analyzed Project-Level and Cumulative Impacts.

Appellants argue that EIR should have evaluated: (1) the “programmatic cumulative environmental impacts from LADWP’s broader plans for in-basin generation from hydrogen combustion” and (2) “programmatic cumulative environmental impacts for the suite of new infrastructure and transportation needed to enable hydrogen combustion at Scattergood, rather than improperly zero in on Scattergood’s combustion operations alone.”

These issues are addressed in detail throughout the Draft EIR, and in response to comments P95-4 through 95-13. The EIR appropriately defines the Project and evaluates the direct and reasonably foreseeable indirect impacts of the Project, as CEQA requires.

CEQA does not require the EIR’s Project impact analysis to evaluate the environmental effects of other, separate projects occurring at other LADWP facilities. LADWP’s approval was limited to this Project and did not authorize any activity at any other facility. CEQA requires an EIR to evaluate the direct and reasonably foreseeable indirect impacts of the decision before the agency. (Cal. Code Regs., tit. 14, § 15064.) The EIR complies with this mandate.

Projects that may occur at other LADWP facilities have separate, independent utility and will be subject to separate CEQA review once sufficient details are known to allow analysis, and the Project has no bearing on whether those other projects may go forward. Furthermore, as stated in Topical Response No. 2 – Hydrogen, there is not sufficient information available about the potential development of other hydrogen-fueled generating units at other LADWP in-basin generating stations to support an adequate analysis of potential impacts.

The cumulative impacts section of the EIR complies with CEQA Guidelines Section 15130, which requires that an EIR discuss cumulative impacts of a project when the project’s individual limited incremental effect, when measured along with other approved, proposed, or reasonably foreseeable future projects, may contribute to a significant combined impact. Section 4.0.2.7, Cumulative Impacts Analysis, of the Draft EIR, identifies the approved, proposed, or reasonably foreseeable future projects in the vicinity of the Project site which may contribute to a cumulatively considerable impact.

With respect to environmental impacts associated with the production, storage, and transportation of hydrogen, as discussed in Topical Response No. 2 – Hydrogen and in Section 1.3.3 of Chapter 1.0, Executive Summary, of the Draft EIR, the green hydrogen system that would supply the Project has not yet been identified; therefore, the installation of the infrastructure for the production, delivery, and storage of hydrogen is not included in the scope of the Project. While it is anticipated that a sufficient market supply of green hydrogen will be available to support the Project when it is fully commissioned by the end of 2029, the details of how and where the hydrogen would be manufactured are entirely speculative at this point.

Specifically, it is unknown where the hydrogen might be produced, how it would be stored, and how it would be delivered to Scattergood. While truck delivery of hydrogen to Scattergood is unlikely given the large volume of hydrogen that would be required during operation of the CCGS, the environmental impacts of transport via truck would also be entirely speculative, as there is no way to know the source of the hydrogen, what routes might be used, the types of trucks necessary, or the amount that would be delivered. Similarly, impacts associated with the construction and operation of a pipeline delivery system would vary widely depending on the proposed location. Discussion of these impacts would be entirely speculative and would therefore be of little to no informational value to decisionmakers and the public. Therefore, the hydrogen infrastructure will be analyzed in a separate environmental review and approval process by the appropriate lead agency when the necessary information to support an adequate analysis of potential environmental impacts is available. LADWP would not implement or operate this hydrogen infrastructure but would be a purchaser of hydrogen to supply the Project.

2. The EIR Used an Appropriate Baseline.

Appellants next argue that the EIR should have used a “Scattergood retirement baseline, one that accounts for the legally mandated 2029 closure of the OTC units (Units 1 and 2) at Scattergood.” Appellants’ argument runs contrary to the requirements of CEQA and is directly addressed in Response to Comment P 95-17.

Appellants suggest that impacts of the Project should have been measured against a hypothetical, future baseline in which Units 1 and 2 are no longer operating. As discussed in Topical Response No. 5 – Project Baseline Environmental Conditions, in accordance with CEQA Guidelines Section 15125(a)(1), the EIR measured Project impacts against an existing conditions baseline: a snapshot of conditions at the facility at the time the NOP was issued. The CEQA Guidelines expressly state that existing conditions “will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” (Cal. Code Regs., tit. 14, § 15125,

subd. (a).) This is what the EIR did, and Appellants offer no compelling reason that the EIR should have deviated from this standard approach.

A departure from the “existing conditions” baseline is justified only where substantial evidence shows that an analysis based on existing conditions would tend to be misleading or without informational value to EIR users. (*See Neighbors for Smart Rail v. Exposition Metro Line Constr. Auth.* (2013) 57 Cal.4th 439.) As applied here, there is nothing to suggest that using existing conditions as the baseline would be misleading or without informational value. The complete shutdown of Units 1 and 2 in the absence of this Project would have potentially catastrophic impacts on the regional power grid. Given the importance of the generation capacity Scattergood provides, it is reasonably foreseeable that Units 1 and 2 would need to keep operating if this Project were not approved, even following the 2029 OTC deadline, either through appeals to the State Water Resources Control Board for further extension of the deadline or through implementation of alternative cooling technologies for the units. It is therefore not reasonably foreseeable that Units 1 and 2 would stop operating without this Project, and it would be speculative and arguably unrealistic to utilize a baseline environmental condition that does not consider emissions from Units 1 and 2. Accordingly, the EIR used an appropriate baseline.

3. The EIR Project Description Complied with CEQA.

Appellants next argue that the Project description did not include “appropriate details on capacity needs, reliability objectives, transportation, storage, and other considerations.”

These contentions are directly addressed in Responses to Comments P95-13–15. In accordance with CEQA Guidelines Section 15124, subdivision (b), the objectives described under Section 3.4 of the Draft EIR lay out the underlying purpose of the Project and its proposed benefits. These include:

- Provide resilience to maintain the reliability of the LADWP electrical power system to help meet peaks in demand that exceed available renewable generation resources and energy storage capacity as well as demand during infrequent and relatively short-term, but major, interruptions in the primary carbon-free generation and/or transmission system caused by emergency circumstances.
- Establish a generation source that is always available, dispatchable, and local relative to the LADWP service area.
- Provide generation capacity to support grid stability and energy demand in the Scattergood service area, which includes Los Angeles International Airport, Hyperion Water Reclamation Plant, and the western districts of the City of Los Angeles.

- Reduce the emissions of greenhouse gases from power generation consistent with LADWP's transition to a carbon-free electrical power system.

The Project would satisfy these objectives, which are also consistent with the broader aims of LADWP regarding future energy planning, development, and operations to maintain the reliability and resilience of the City's electrical power grid during and after the transition to a carbon-free system, as reflected in the SLTRP.

The Project's reliability and capacity objectives are addressed in the Final EIR at Topical Response No. 1 – Proposed Project Generation Capacity and Grid Reliability, which provides a detailed discussion on grid reliability standards and calculations used for the Project. The Project is designed to improve reliability during peak demand and emergency conditions, and the EIR is not required to provide a quantitative threshold for reliability.

As described therein, while LADWP accelerated its shift toward a more sustainable future, the foundational responsibilities of reliability, affordability, and safety for its customers remain unchanged. The Project was identified to address three converging factors that align with the Project objectives (Section 3.4 of the Draft EIR):

- Retirement of Scattergood Units 1 and 2, which will create an energy capacity deficit due to transmission bottlenecks in LADWP's West Los Angeles Service Area (Westside).
- Electric-grid reliability needs, with specific risks being accelerated by climate change in the form of heat waves, wildfires, and unprecedented storms.
- Regulatory compliance, as required by the North American Electric Reliability Corporation ("NERC") and the Western Electricity Coordinating Council ("WECC") standards.

The Project would have the capability to deliver firm, dispatchable capacity at a specific location within the LADWP system, the Westside, which is vulnerable to stressed grid conditions due to transmission constraints. Additionally, the Westside service area holds particular importance since it includes both LAX and the Hyperion Water Reclamation Plant. The electrical system serving the Westside faces unique limitations that affect how electricity is reliably delivered to customers. These include meeting the fluctuating electricity demand on the Westside, transmission limits on imported power to the Westside, using local power generation to cover the difference when the Westside's electricity demand exceeds the maximum power that can be imported, and aging local generation and reliability planning challenges.

Another factor that contributes to the Project's reliability objective is complying with regulatory standards set forth by NERC and WECC. LADWP's 2021 Local Capacity Technical ("LCT") analysis report evaluated the relationship between LADWP's West Los Angeles Service Area load, transmission capacity constraints, and Scattergood generation. The performance criteria and methodology were coordinated with the California Independent System Operator ("CAISO") to use a similar metric as was used as part of CAISO's Local Capacity Studies, which also analyze critical system events in accordance with NERC Transmission Planning ("TPL")-001 reliability standard. The LCT determined that, due to the projected load growth on the Westside, where the aggregate system peak demands for the LADWP service area were between 6,895 MW to 7,239 MW, there would be a generation capacity deficit at Scattergood ranging from 254 MW to 350 MW, depending on available transmission capacity serving the Westside and the forecasted load. Without adequate Scattergood generation, NERC reliability criteria would require planned and controlled customer outages at strategic locations to avoid risk of uncontrolled widespread blackouts.

The Project was sized at 346 MW because multiple studies have indicated the need for this additional capacity at Scattergood, assuming the retirement of Units 1 and 2, based on current and future projections of both Westside electricity demand and the transmission capacity serving the Westside. In addition to normal projected growth in demand, there are also numerous large-load interconnection requests to LADWP totaling several hundred megawatts on the Westside. The 346 MW capacity of the Project was determined to provide reliability and flexibility under the uncertainty of load growth, unforeseen Project delays, and the potential of transmission and generation asset outages.

The EIR also adequately addresses the Project's capacity factor. As discussed in Section 4.2.4, Project Impacts, of the Draft EIR, the operational air quality and health risk assessment analyses are based on the assumption that the Project will have one cold start per day, one shutdown per day, and maximum operation for the remainder of the day, 365 days a year. These assumptions are extremely conservative to allow for analysis of the maximum possible emissions and associated health risk impacts, which are therefore overstated. These assumptions are also consistent with LADWP's SCAQMD permit application, which considers a maximum allowable operational scenario that would ensure unlikely worst-case emissions are analyzed for the Project, even though the Project is anticipated to be operated far less frequently.

4. Substantial Evidence Supports the Air Quality Analysis in the EIR.
Appellants next argue that the EIR should have included an "analysis of air quality impacts and GHG emissions impacts that incorporates multiple potential capacity

factors, leakage rates, and potentially elevated nitrogen oxide (“NOx”) emissions from hydrogen blend combustion.”

The air quality analysis in the EIR was prepared by a team of expert consultants based on robust, detailed, historical data and modeling. The methodology accurately evaluates Project impacts. This is discussed in detail in responses to Comments P95-33 and 34 and Topical Response No. 1 – Proposed Project Generation Capacity and Grid Reliability, which address how the air quality analysis is extraordinarily conservative with regard to emission estimates, including NOx.

As described in Chapter 3.0, Project Description, of the Draft EIR, the air quality impacts related to the combustion of 100 percent natural gas are analyzed in the EIR based on a conservative assumption that this may be the circumstance during the initial phases of operation of the proposed CCGS, in case of limited availability of hydrogen fuel. The analysis of air quality impacts also conservatively assumes that the Project will have one cold start per day, one shutdown per day, and maximum operation for the remainder of the day, 365 days a year. These assumptions are extremely conservative to allow for analysis of the maximum possible emissions and associated health risk impacts. Even using these conservative assumptions and emissions factors, impacts to air quality were found to be less than significant, with the exception of the short-term temporary impacts related to the CCGS commissioning phase, as noted in Section 4.2 of the Draft EIR. This conclusion is supported by substantial evidence.

5. The EIR Adequately Analyzed Water Supply Impacts.

Appellants argue that the EIR should have analyzed the “region-wide water supply impacts of transitioning to a hydrogen-powered electricity grid, rather than improper piecemealing to isolate the narrow impacts of hydrogen combustion at Scattergood.”

As discussed above, CEQA calls for a project-level EIR to analyze the impacts of the project before the lead agency and does not require analysis of the regional impacts of other activities. Reasonably foreseeable impacts of other projects are analyzed in the cumulative impacts section of the EIR.

Furthermore, the Project’s potential impacts on water supply are uncertain and cannot be reasonably estimated. As discussed in Topical Response No. 2 – Hydrogen, as part of this Project, LADWP would not implement or operate the infrastructure that supplies hydrogen to Scattergood and would instead be a purchaser of hydrogen for the Project. The Project would not require onsite water demand to produce hydrogen. The details of how and where the hydrogen would be manufactured are entirely speculative at this point, but it is not planned to occur at Scattergood. Because it is not currently known where hydrogen could be sourced for the Project, nor how it would be produced,

LADWP cannot predict with any degree of accuracy the quantities of water or hydrogen that will be required. Accordingly, an analysis of such water supply impacts would be speculative and is therefore not appropriate to include in the EIR.

6. The EIR Analyzed Potential Impacts if Hydrogen is Not Immediately Available, Beyond the Requirements of CEQA.

Appellants allege that the EIR did not offer a “realistic evaluation of the possibility that no green hydrogen fuel will be available for the Project either in the near or long term, and that the Project will be fueled by fossil gas for its lifetime.”

The Project Description reflects LADWP’s intention to utilize green hydrogen at the Scattergood facility, and the EIR includes substantial evidence to support the conclusion that hydrogen fuel will be available for the Project, and in an abundance of caution, the EIR analyzed the impacts of the continued use of fossil fuels.

CEQA requires that an EIR identify and analyze the environmental effects “of the proposed project.” (Cal. Code Regs., tit. 14, § 15126.2(a)) The required analysis focuses on what will occur “if the project is implemented.” (Pub. Resources Code, § 21100(b)(2)(A), (B).) That is, an EIR is not required to analyze what will occur if the project is *not* implemented as proposed.

For instance, in *Santa Rita Union School Dist. v. City of Salinas* (2023) 94 Cal.App.5th 298, a specific plan EIR was found to have properly assumed that planned school facilities would be built. The petitioner school districts argued that this assumption was unreasonable in part due to concerns that they would “lack funding to build the proposed new school sites identified.” As framed by the Court, the issue was whether the EIR “was adequate under CEQA notwithstanding that it did not discuss the possibility that sufficient funding would never become available to build the contemplated new schools within the Site.” It concluded that the EIR was adequate, and that the lead agency is, in fact, “required to assume” that all phases of the proposed project would be built. It was not required “to assume or resolve a failure in the provision of schools as a public service by insufficient funding or otherwise.” The case unambiguously illustrates that CEQA does not require environmental review to assume or even resolve uncertainty regarding funding for the proposal under review; it requires that the project as proposed be reviewed, as was done here. *Environmental Council of Sacramento v. County of Sacramento* (2020) 45 Cal.App.5th 1020 illustrates the same. An EIR must evaluate the project that is proposed and the environmental effects associated with that project as it is defined by the lead agency for that agency’s intended purposes; the EIR is not required to evaluate what will occur if the project is not implemented as proposed.

Nonetheless, the EIR did analyze the environmental impacts of the Project in the event that hydrogen fuel is not available. As indicated in Chapter 3, Project Description, of the Draft EIR, this may be the circumstance during the initial phases of operation of the Project if availability of hydrogen fuel is limited while the necessary hydrogen infrastructure is developed and undergoes its respective environmental review. Based on this acknowledgement, and to provide a conservative analysis, the Draft EIR analyzed Project impacts based on combustion of 100 percent natural gas. Furthermore, the EIR concluded that these impacts would be less than significant, other than those impacts related to the Project commissioning phase, which would be significant and unavoidable regardless of the fuel mixture (i.e., a hydrogen/natural gas fuel blend or 100 percent natural gas). (See Final EIR, pp. 2-663, 2-664.)

7. The Alternatives Analysis is Adequate.

Petitioners argue that the EIR should have analyzed the battery energy storage alternative “based on feasible technologies that will be deployable on the same timeline as the Scattergood project and would not require additional land outside of the Scattergood site.”

In fact, the EIR’s alternatives analysis complies with CEQA, and the EIR contains substantial evidence to support rejection of the battery storage alternative. As discussed in Chapter 5, Alternatives to the Proposed Project, of the Draft EIR and Topical Response No. 4 – Alternatives of the Final EIR, though technically feasible, implementation of a grid-scale battery energy storage system (“BESS”) to store energy during periods of excess generation to be discharged later during periods of high demand would not provide generation capacity comparable to the Project’s CCGS and would require substantially more real estate. Given there is insufficient land available at Scattergood for batteries to provide a full replacement alternative for the Project and based on the uncertainty associated with acquisition of land located near Scattergood, energy storage cannot be implemented by 2030. Additionally, during periods of extreme peak demand, batteries would need to be recharged largely from in-basin generation during overnight time periods (likely from combustion generation sources), which may reduce the lifespan of certain electrical equipment, especially during heatwaves. Further, energy storage throughout the LADWP service area is already accounted for and is a major component in LADWP’s LA100 Plan. LADWP anticipates implementing local energy storage coupled with the CCGS at Scattergood to ensure reliability and resiliency, while also reducing GHG emissions.

B. Responses to Specific Letters

Petitioners point generally to a variety of letters received during environmental review of the Project. Though it is impossible to determine what specific content in these letters

constitutes the basis for the appeal, we summarize the letters and our responses, generally.

1. April 7, 2025 letter from LA Waterkeeper, Food and Water Watch, CBD, Central Coast Alliance United for a Sustainable Economy, California Environmental Justice Alliance, Sierra Club, CBE, and Vote Solar

This letter was submitted to LADWP as part of the public review and comment period for the Draft EIR. The full text of the letter is included in the Final EIR at pages 2-462 – 2-658, and detailed responses to each comment raised in the letter are included in the Final EIR at pages 2-659 – 2-717. The main arguments raised in this letter are also addressed in section IV.A above. None of the arguments raised in this letter provide a basis for overturning the Board's certification of the EIR.

2. LA Waterkeeper September 30, 2025, Supplemental Public Comments

This letter was submitted after the close of the comment period on the Draft EIR; therefore, a response was not required to be included in the Final EIR. (Pub. Resources Code, § 21091(d)(1); Cal. Code Regs., tit. 14, § 15207.) Nonetheless, LADWP's expert environmental consultant who prepared the EIR reviewed the letter and provided a response to staff that is part of the record on appeal. LA Waterkeeper's letter argued that the EIR should have analyzed water supply and water equity impacts associated with the production of hydrogen for use at the Project site and attached a report prepared by the UCLA Luskin Center for Innovation on water use by green hydrogen projects.

As concluded by LADWP's environmental consultant, and substantiated in detail in the EIR, specific information to support an analysis of potential impacts associated with hydrogen production and delivery is not currently available, making such an analysis speculative and infeasible at this time. In particular, there are various methods for producing hydrogen, all of which require different amounts of water input. Without knowing the method of production, any analysis of potential impacts related to water use would be speculative. (See Final EIR pp. 2-13-2-16, 2-66.) While the UCLA Luskin report addresses water consumption for green hydrogen production generally on a statewide basis, it does not provide any estimates or analysis that can be applied directly to the Scattergood Project.

The arguments raised in this letter therefore do not provide a basis for overturning the Board's certification of the EIR.

3. CBE and CBD October 10, 2025, Supplemental Public Comments

This letter was submitted after the closing of the comment period on the Draft EIR; therefore, a response was not required in the Final EIR. (Pub. Resources Code, § 21091(d)(1); Cal. Code Regs., tit. 14, § 15207.) Nonetheless, LADWP's expert environmental consultant who prepared the EIR reviewed the letter and provided a response to staff that is part of the record on appeal. This letter summarized policy changes at the federal level that have created uncertainty around whether federal funding for green hydrogen under the Alliance for Renewable Clean Hydrogen Energy Systems ("ARCHES") program would be available. The letter argues a new EIR is required to analyze whether the Project can proceed in the event hydrogen is not available.

CEQA requires that an EIR identify and analyze impacts of "the proposed project." (Cal. Code Regs., tit. 14, § 15126.2(a).) The required analysis must focus on what will occur "if the project is implemented." (Pub. Resources Code, § 21100(b)(2)(A), (B).) In other words, an EIR is not required to analyze what will occur if the project is *not* implemented as proposed. An analysis of the impact of a lack of funding for green hydrogen to supply the Project was therefore not required. (See also, section IV.A. 6, above.)

Further, the EIR does include an evaluation of Project operations in the event that hydrogen supply is not readily available. To provide a conservative estimate of emissions, the EIR assumed that hydrogen supply may not be available during the initial phases of Project operation, and therefore analyzed the impacts based on combustion of 100 percent natural gas. The EIR concluded these impacts would be less than significant, other than impacts associated with the Project commissioning phase, which would be significant and unavoidable regardless of whether 100 percent natural gas or a hydrogen/natural gas fuel mix is used. (Final EIR, pp. 2-663, 2-664.)

The arguments raised in this letter therefore do not provide a basis for overturning the Board's certification of the EIR.

4. CBE and CBD October 27, 2025, Supplemental Public Comments

This letter was submitted after the close of the comment period on the Draft EIR; therefore, a response was not required to be included in the Final EIR. (Pub. Resources Code, § 21091(d)(1); Cal. Code Regs., tit. 14, § 15207.) Nonetheless, LADWP's expert environmental consultant who prepared the EIR reviewed the letter and provided a response to staff that is part of the record on appeal. The October 27 CBE and CBD letter again argues that the EIR should have analyzed the impacts of hydrogen transport and storage and questions the EIR's conclusion that such an analysis would be speculative at this time given the uncertainties about hydrogen production. The environmental consultant team concluded that the October 27 letter does not provide

any new information that could be used to support an analysis of hydrogen transport and storage. The Angeles Link project cited in the letter is still in the early planning stages and the design is only conceptual. It is therefore unknown whether this Project could feasibly supply Scattergood and what the potential impacts of doing so would be. The letter also suggests that impacts associated with transport by truck delivery could be analyzed, but as concluded by LADWP's expert consultants, there is no way to analyze such deliveries without knowing where the hydrogen will be produced. The letter again suggests that water use could be estimated, but as concluded in response to the October 10 letter from CBE and CBD, there is significant variation in the amount of water use that would be required depending on how hydrogen is produced such that reasonable estimates cannot be made.

The October 27 letter also includes a news article to support the commenters' preference for the battery storage alternative discussed in the Draft EIR. As discussed in Chapter 5, Alternatives to the Proposed Project, of the Draft EIR and Topical Response No. 4 – Alternatives in the Final EIR, and section IV.A.7 above, though technically feasible, a grid-scale battery energy storage system to store energy during periods of excess generation to be discharged later during periods of high demand would not provide generation capacity comparable to the Project and would require substantially more real estate. Given there is insufficient land available at Scattergood for batteries to provide a full replacement alternative and based on the uncertainty associated with acquisition of land located near Scattergood, energy storage cannot be implemented by 2030. Additionally, during periods of extreme peak demand, batteries would need to be recharged largely from in-basin generation during overnight time periods (likely from combustion generation sources), which may reduce the lifespan of certain electrical equipment, especially during heatwaves. The Board thus had substantial evidence to support its findings that the BESS Alternative was infeasible.

The arguments raised in this letter therefore do not provide a basis for overturning the Board's certification of the EIR.

5. Sierra Club November 6, 2025, Supplemental Public Comments

This letter was submitted by the Sierra Club on November 6, 2025, more than a week after the LADWP Board certified the Final EIR at its October 28, 2025, hearing. The letter is therefore outside the scope of this appeal, which considers only whether the Board properly certified the EIR based on the evidence before it. (Pub. Resources Code, § 21151.)

Moreover, the November 6th letter cites to the PSE Health Energy Report submitted as Exhibit 1 to the April 7, 2025, comment letter on the Draft EIR addressed above under section IV.B.1. The PSE Health Energy Report is included in the Final EIR (comments

95-40 – 95-94) and detailed responses are provided at pages 2-693 – 2-717. The alternatives suggested in the comment letter are based on assumptions in the PSE Health Energy Report that LADWP's expert consultants found to be flawed and did not change the conclusions regarding the infeasibility of alternatives suggested to the Project.

The arguments raised in this letter therefore do not provide a basis for overturning the Board's certification of the EIR.

6. South Coast AQMD Public Comments

South Coast AQMD submitted two letters during the public review period on the Draft EIR; one on November 6, 2024, requesting supporting technical information such as the live modeling and emission calculation files, which were provided, and the other on January 23, 2025, providing substantive technical comments on the air quality and greenhouse gas emissions analyses.

The comments raised in the January 23 letter relate to technical questions on the methodology used to calculate baseline emissions, the localized significance threshold analysis, the emissions analyses under different operating conditions using different fuel blends, impacts during the commissioning phase, and the analysis of greenhouse gas emissions. LADWP's expert consulting team reviewed the comments provided by South Coast AQMD and provided detailed responses to address each of these issues on pages 2-49 – 2-56 of the Final EIR. The responses provide clarifying technical information to support the methodologies and assumptions used to analyze air quality and greenhouse gas emissions impacts, and the responses support the conclusion that the EIR provided an adequate analysis of the Project's impacts.

Notably, South Coast AQMD did not submit further comments or appear at the October 28, 2025, Board hearing to express further concern. Nothing in their letters provides a basis for overturning the Board's certification of the EIR.

7. LADWP staff recommendations

On October 17, 2025, LADWP staff provided a written staff report, recommending that the Board approve the Project and certify the EIR as having been prepared in compliance with CEQA. The Notice of Appeal does not specify what portion(s) of this document provide the basis for their appeal, therefore we cannot at this time provide a response to this document.

8. LADWP Board Resolution

At the October 28, 2025, meeting, the Board voted unanimously to approve the Project and certify the EIR as having been prepared in compliance with CEQA. This approval is

reflected in the Resolution adopted by the Board. The Notice of Appeal does not specify what portion(s) of this document provide the basis for their appeal, therefore we cannot at this time provide a response to this document.

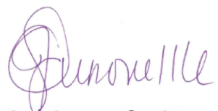
9. NGO comment letter on the Notice of Preparation.

On June 29, 2023, a group of NGOs, including LA Waterkeeper, CBE, and Sierra Club, submitted a letter in response to the NOP. The letter is included in Appendix A to the Draft EIR and raises some of the same arguments that are included in the April 7, 2025, comment letter on the Draft EIR addressed above in section IV.A, including arguments related to piecemealing (addressed in section IV.A.1, above), air quality emissions (addressed in section IV.A.4, above), impacts related to the infrastructure to supply green hydrogen (addressed in section IV.A.1, above), project alternatives (addressed in section IV.A.7, above), and once-through cooling (addressed in section IV.A.2, above). All of the issues raised in the NOP letter are addressed in the Initial Study and/or the Draft EIR and were further addressed in the Final EIR where the same issues were raised following preparation of the Draft EIR. Nothing in the NOP letter provides a basis for overturning the Board's certification of the EIR.

V. CONCLUSION

LADWP appreciates the Council's consideration of this important project. For all of the reasons set forth herein, LADWP urges the Council to deny the appeal, certify the Final Environmental Impact Report and adopt the recommendations of the Board of Water and Power Commissioners from its regular meeting held on October 28, 2025, relative to the Scattergood Project. If the City Council grants the appeal, this matter will be remanded to the Board for reconsideration of its certification of the EIR.

Sincerely,



Janisse Quiñones
Chief Executive Officer and Chief Engineer

MH:ar

c/enc: Commissioner Allan Marks, President, Board

Ms. Valerie Flores
Mr. David W. Hanson
Dr. Kendall Helm
Mr. Paul Habib
Mr. Jason L. Rondou
Ms. Katherine Rubin