

Findings of Fact & Statement of Overriding Considerations

Scattergood Generating Station Units 1 and 2 Green Hydrogen-Ready Modernization Project

State Clearinghouse No. 2023050366

Lead Agency:



Los Angeles Department of Water and Power
Corporate Environmental Affairs
Environmental Planning and Assessment
111 N. Hope Street, Room 1044
Los Angeles, California 90012

October 2025

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE NO.</u>
Acronyms and Abbreviations	3
1. Introduction	6
1.1 Purpose and CEQA Requirements	6
1.2 Organization of this Document.....	7
2. Project Description	9
2.1 Project Background	9
2.2 Project Objectives.....	9
2.3 Project Location and Setting	9
2.4 Project Characteristics	10
Required Permits and Approvals	11
3. Procedural History.....	12
4. Record of Proceedings.....	14
5. Findings Required Under CEQA	15
5.1 Less Than Significant Impacts and Areas of No Impact	15
5.2 Significant Impacts Sufficiently Reduced through Mitigation Measures	21
5.2.1 Biological Resources.....	21
5.2.2 Geology and Soils	23
5.2.3 Hazards and Hazardous Materials	24
5.2.4 Tribal Cultural Resources	26
5.2.5 Cumulative Impacts.....	27
5.3 Significant and Unavoidable Impacts	28
5.3.1 Air Quality.....	28
5.3.2 Cumulative Impacts.....	30
5.4 Findings Regarding Project Alternatives	31
5.5 Other CEQA Findings	36
6. Statement of Overriding Considerations.....	40

ACRONYMS AND ABBREVIATIONS

Acronym/Abbreviation	Definition
µg/m ³	micrograms per cubic meter
AB	Assembly Bill
ACC	air cooled condenser
AERMOD	American Meteorological Society/Environmental Protection Agency Regulatory Model
AHJ	authority having jurisdiction
AQMP	Air Quality Management Plan
ASME	American Society of Mechanical Engineers
BACT	Best Available Control Technology
BESS	battery energy storage system
BMP	Best Management Practice
BP	before present
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimators Model
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CCAA	California Clean Air Act
CCGS	combined-cycle generation system
CEQA	California Environmental Quality Act
CFC	California Fire Code
CFR	Code of Federal Regulations
CGA	Compressed Gas Association
CH ₄	methane
City	City of Los Angeles
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
CO ₂	carbon dioxide
CO ₂ e	carbon dioxide equivalents
Community Plan	Westchester–Playa del Rey Community Plan
CRMP	Cultural Resources Monitoring Plan
dB	decibel
dBA	A-weighted decibel sound measurement scale
DPM	diesel particulate matter
EIR	Environmental Impact Report
ESB	El Segundo blue butterfly
FAA	Federal Aviation Administration
FCAA	Federal Clean Air Act
Gabrielino Tongva	Gabrielino Tongva Indians of California
GHG	greenhouse gas
GPD	gallons per day
GWP	global warming potential
H ₂	hydrogen
H ₂ O	water
H ₂ S	hydrogen sulfide
HARP2	Hotspots Analysis and Reporting Program, version 2
HFC	hydrofluorocarbon
HIA	Acute Hazard Index
HIC	Chronic Hazard Index
HRA	health risk assessment
HRSG	heat recovery steam generator
IWMD	Industrial Waste Management Division
Kizh Nation	Gabrieleno Band of Mission Indians–Kizh Nation
kV	kilovolt
LA100	Los Angeles 100% Renewable Energy Study

Acronym/Abbreviation	Definition
LADOT Guidelines	Guidelines LADOT Transportation Assessment Guidelines
LADOT	Los Angeles Department of Transportation
LADWP	Los Angeles Department of Water and Power
LAMC	Los Angeles Municipal Code
LARWQCB	Los Angeles Regional Water Quality Control Board
LAX	Los Angeles International Airport
lb	pound
L_{eq}	equivalent sound level
LST	Localized Significance Threshold
MATES V	Multiple Air Toxics Exposure Study V
MEIR	maximally exposed individual resident
MEIW	maximally exposed individual worker
MGD	million gallons per day
MLD	most likely descendant
MM	mitigation measure
MRZ	mineral resource zone
MT	metric tons
MW	megawatt
MWh	megawatt-hour
N_2	nitrogen
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NERC	North American Electric Reliability Corporation
NF_3	nitrogen trifluoride
NFPA	National Fire Protection Association
NH_4OH	ammonium hydroxide
NM	noise measurement
NO_2	nitrogen dioxide
NOP	Notice of Preparation
NO_x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NSPS	New Source Performance Standards
O_2	oxygen
O_3	ozone
OEHHA	Office of Environmental Health Hazard Assessment
OTC	once-through cooling
Pb	lead
PF-1	Public Facilities
PFC	perfluorocarbon
PM_{10}	particulate matter 10 micrometers or less in diameter
$PM_{2.5}$	particulate matter 2.5 micrometers or less in diameter
POTW	Publicly Owned Treatment Works
PPB	parts per billion
PPM	parts per million
PPV	peak particle velocity
PRC	Public Resources Code
PSD	Prevention of Significant Deterioration
QSP	Quality System Program
RCPG	Regional Comprehensive Plan and Guide
RECLAIM	Regional Clean Air Incentives Market
RMP	Risk Management Policy
RMS	root mean square
ROG	reactive organic gases
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy
SB	Senate Bill
SCAB	South Coast Air Basin
SCAQMD	South Coast Air Quality Management District

Acronym/Abbreviation	Definition
Scattergood	Scattergood Generating Station
SCR	selective catalytic reduction
SF ₆	sulfur hexafluoride
SIP	State Implementation Plan
SLC	State Lands Commission
SLTRP	2022 Power Strategic Long-Term Resource Plan
SO ₂	sulfur dioxide
SO ₄ ²⁻	sulfates
SO _x	sulfur oxide
SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
USEPA	U.S. Environmental Protection Agency
VOC	volatile organic compounds
WDR	Waste Discharge Requirements
WECC	Western Electricity Coordinating Council
WRP	Water Reclamation Plant

1. Introduction

This document contains the findings of fact and statement of overriding considerations for the Scattergood Generating Station Units 1 and 2 Green Hydrogen-Ready Modernization Project (project or proposed project), prepared by the Los Angeles Department of Water and Power (LADWP) pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code Section 21000 et seq.), specifically Public Resources Code (PRC) Sections 21081 and 21081.6, and CEQA Guidelines (14 CCR 15000 et seq.) Sections 15091 and 15093. Below is a description of the purpose and CEQA requirements associated with the findings of fact and statement of overriding considerations.

1.1 Purpose and CEQA Requirements

Findings of Fact

The statement of findings in this document addresses the environmental effects associated with the proposed project that are described in the project's Environmental Impact Report (EIR). PRC Section 21081 and CEQA Guidelines Section 15091 require that the lead agency, in this case LADWP, prepare written findings for identified significant impacts, accompanied by a brief explanation of the rationale for each finding. PRC Section 21081(a) states:

No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- 1) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
2. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

This document presents one of the above findings for each of the significant environmental effects of the project that were identified in the project's EIR.

As required by CEQA, in adopting these findings, LADWP also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the project. LADWP finds that the MMRP, which is included as Attachment A in the Final EIR and is incorporated into these findings, meets the requirements of PRC Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

As required by CEQA, the City of Los Angeles Board of Water and Power Commissioners, as the decision-making entity for the project, finds that the Final EIR for the project reflects LADWP's independent review and judgment. In accordance with the provisions of CEQA and the CEQA Guidelines, LADWP adopts these findings as part of its certification of the Final EIR.

Statement of Overriding Considerations

As described in the Final EIR for the project, approval of the proposed project will result in significant environmental impacts that cannot be avoided even with the adoption of all feasible mitigation measures.

In accordance with PRC Section 21081 and CEQA Guidelines Section 15093, whenever significant effects cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable,” in which case the lead agency must adopt a formal statement of overriding considerations. The Final EIR for the proposed project identified potentially significant effects that will result from project implementation, even with the inclusion of mitigation (see Section 5.3, Significant and Unavoidable Impacts of these Findings). Whenever a lead agency adopts a project that will result in a significant and unavoidable impact, the agency must state in writing the specific reasons to support its action based on the Final EIR and/or other information in the administrative record pursuant to PRC Sections 21002 and 21081(b) and CEQA Guidelines Section 15093.

The City of Los Angeles Board of Water and Power Commissioners, (i) having independently reviewed the information in the EIR and the record of proceedings; (ii) having made a reasonable and good faith effort to eliminate or substantially lessen the significant impacts resulting from the project to the extent feasible by adopting the mitigation measures identified in the EIR; and (iii) having balanced the benefits of the project against the significant environmental impacts, chooses to approve the environmentally superior alternative, Alternative 4: Eliminate Vendor B, in lieu of the proposed project because it would result in the least impact to the physical environment that can be reasonably ascertained. While Alternative 4 would avoid some of the significant and unavoidable impacts of the proposed project, it would not eliminate all of the significant and unavoidable impacts identified in the EIR. The City of Los Angeles Board of Water and Power Commissioners chooses to approve this alternative despite its significant and unavoidable environmental impacts, because, in its view, specific economic, legal, social, and other benefits of the project render the significant and unavoidable environmental impacts acceptable.

The statement of overriding considerations included herein (Section 6) identifies why, in the City of Los Angeles Board of Water and Power Commissioners’ judgment, the benefits of adopting Alternative 4 outweigh the unavoidable significant impacts. Each of these public benefits serves as an independent basis for overriding significant and unavoidable impacts. Any one of the reasons set forth below is separately and independently sufficient to outweigh, on its own, all of the significant and unavoidable impacts and therefore to justify approval of Alternative 4. Substantial evidence supports the various benefits. Such evidence can be found either in the subsequent sections of this document, the Final EIR, or in documents that comprise the Record of Proceedings in this matter.

1.2 Organization of this Document

This findings of fact and statement of overriding considerations document is organized as follows:

Section 1: Introduction describes the purpose of this document and summarizes the CEQA requirements for findings of fact and for the statement of overriding considerations.

Section 2: Project Description includes a synopsis of the proposed project from the EIR, including the project background, objectives, location and characteristics.

Section 3: Procedural History describes the steps for public input, review, and participation that were taken during the preparation of the Draft and Final EIRs.

Section 4: Record of Proceedings contains a list of documents that make up LADWP's record of proceedings for its decision on the proposed project and identifies the custodian of these documents.

Section 5: Findings Required under CEQA lists the impacts determined to be below the threshold of significance without the incorporation of mitigation measures, provides findings for all potentially significant environmental impacts, and provides findings for the project alternatives. This section also provides findings regarding growth inducing impacts, significant irreversible environmental changes, recirculation, and the mitigation monitoring and reporting program.

Section 6: Statement of Overriding Considerations sets forth reasons to support LADWP's action to approve Alternative 4, which will result in the occurrence of a significant effect which is identified in the Final EIR but cannot be avoided or substantially lessened through mitigation.

2. Project Description

2.1 Project Background

LADWP has identified the proposed project as 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 the 2022 Power Strategic Long-Term Resource Plan (SLTRP, now known as LA100 Plan) prepared by LADWP, the continued availability of local energy generation that can be dependably and rapidly dispatched to respond to demand for energy in the LADWP service area is necessary to maintain the resilience and reliability of the City's electrical power grid. LADWP's Scattergood Generating Station (Scattergood) has been identified as the most immediate and instrumental location in relation to the requirement for firm (i.e., dependable) in-basin generation capacity due to the projected demand for energy in areas of the City that Scattergood serves.

2.2 Project Objectives

As set forth by the CEQA Guidelines, the project's specific objectives are provided below:

- 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 the LADWP transition to a carbon-free electrical power system.

Alternative 4 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.

2.3 Project Location and Setting

Scattergood is located in the Playa del Rey community of the City of Los Angeles at the intersection of Vista Del Mar and Grand Avenue. Dockweiler State Beach is located to the west of Scattergood and Vista Del Mar. The approximately 120-acre Hyperion Water Reclamation Plant, located within the City of Los Angeles, is adjacent to Scattergood on the north. The City of El Segundo borders Scattergood on the northeast, east, and south. Residential neighborhoods within El Segundo are located to the northeast and east, and the approximately 1.5-square-mile Chevron El Segundo Refinery is adjacent to the south.

Scattergood currently includes six operating generation units. The units have a combined gross generation capacity of 830 megawatts and supply power to the LADWP in-basin electrical

transmission grid. Grand Avenue, an east-west thoroughfare, divides the Scattergood property into northern and southern parcels.

All permanent operational facilities (i.e., generation units or ancillary functions) at Scattergood are located within the northern parcel, which is approximately 37.5 acres. The northern parcel rises in elevation from west to east and contains three terraces that are separated by landscaped embankments or retaining walls. It is a fully developed industrial site, with the landscape embankments being essentially the only areas not paved or occupied by facilities. The existing generation units are located on the lower and middle terraces. The middle terrace is otherwise occupied primarily by the switchyard that connects the generation units to the LADWP high-voltage transmission network. The upper terrace contains three large aboveground tanks that store water used in various processes at the station. An approximate 3-acre vacant area in the southwest corner of the northern parcel was the site of the former Scattergood Unit 3, which was demolished in 2017-2018. The floor of this area, which has been paved, lies approximately 30 feet below the surrounding grade.

The southern parcel of Scattergood is approximately 15 acres. It does not contain any operational facilities (i.e., generation units or ancillary functions). Oil-drilling facilities, operated by a third party under lease from LADWP, are located on an approximately 1.5-acre area in the central portion of the parcel. Excess soil from previous construction activities at Scattergood is stockpiled at the western end of the southern parcel. An approximately 7-acre area at the eastern end of the parcel is relatively flat and paved with gravel. Since 2013, this portion of the property has been used as a construction support area at Scattergood for generator construction and various underground transmission cable installation projects that commence at the Scattergood switchyard.

2.4 Project Characteristics

The proposed project would allow for the generation capacity of existing Scattergood Units 1 and 2, which are conventional natural-gas-fired steam boiler generators, to be replaced with a rapid response combined-cycle generation system (CCGS) capable of operating on a fuel mixture of natural gas with a minimum of 30 percent hydrogen by volume. 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). Additional facilities or ancillary functions required to support the proposed CCGS include, but are not limited to, an air-cooled condenser, wet-surface air cooler, gas compressors, switchyard upgrades, and a dedicated pipeline for industrial wastewater discharge in Vista Del Mar.

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 proposed project, are anticipated to be utilized less frequently than under current conditions, primarily to meet peaks in the requirement for electrical power during high demand days that exceed renewable energy production and energy storage capacity. In addition, the in-basin units would be used during relatively short-term periods when renewable generation sources and/or transmission assets become unavailable due to emergency circumstances. Therefore, it is anticipated that the proposed 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 proposed project is nonetheless critical in maintaining the resilience and reliability of the LADWP power system under stressed conditions and thus, would be an integral part of the future carbon-free grid.

The green hydrogen system that would supply the proposed project is currently in the planning stages; therefore, the installation of the infrastructure for the production, delivery, and storage of hydrogen is not included in the scope of the proposed project. 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 impacts is available. LADWP would not implement or operate this hydrogen infrastructure but would be a purchaser of hydrogen to supply the proposed project. Nonetheless, because the combustion-turbine generator component of the proposed CCGS would be capable of operating on a mixture of natural gas and hydrogen fuel, the impacts related to the combustion of such a fuel mixture are analyzed in the EIR, as are impacts related to the combustion of 100% natural gas.

Required Permits and Approvals

Numerous approvals and/or permits would be required to implement the proposed project. The environmental documentation for the proposed project would be used to facilitate compliance with federal, state, and local laws and ordinances, as well as granting permits by various federal, state, and local agencies having jurisdiction over one or more aspects of the project. These approvals and permits may include, but may not be limited to, the following:

City of Los Angeles, Department of Water and Power

- Certification by the Board of Water and Power Commissioners that the EIR was prepared in accordance with CEQA and other applicable codes and guidelines
- Approval by the Board of Water and Power Commissioners of the proposed project
- Approval by the Board of Water and Power Commissioners of a Memorandum of Agreement between LADWP and Los Angeles Sanitation and Environment for the discharge of wastewater to Hyperion WRP

City of Los Angeles, Department of City Planning

- Design review and approval of buildings and structures

City of Los Angeles, Department of Building and Safety

- Permits for building, mechanical, electrical, geotechnical, excavation, and grading

City of Los Angeles, Department of Public Works

- Approval by the Board of Public Works of a Memorandum of Agreement between LADWP and Los Angeles Sanitation and Environment for the discharge of wastewater to Hyperion WRP
- Permits for excavation
- Approval of Standard Urban Stormwater Mitigation Plan and/or a Site Specific Mitigation Plan
- Industrial Wastewater Permit

City of Los Angeles, Department of Transportation

- Encroachment permits for pipeline construction in City streets
- Approval of a traffic management plan
- Approval of temporary lane closures
- Construction haul route permits

South Coast Air Quality Management District

- Permit to Construct

- Permit to Operate

Los Angeles Regional Water Quality Control Board

- National Pollution Discharge Elimination System permit for construction dewatering activities
- National Pollution Discharge Elimination System Industrial General permit

California State Water Resources Control Board

- California Statewide Stormwater permit for Construction Activities

California Department of Transportation

- Permits for oversized loads on state highways

Federal Aviation Administration

- Review and approval of the Notice of Proposed Construction or Alteration (Federal Aviation Administration Form 7460-1)

3. Procedural History

In accordance with CEQA, LADWP, as the lead agency, took steps to inform the public and decision makers of the proposed project and its environmental effects, as summarized below.

- An Initial Study (IS) and a Notice of Preparation of a Draft EIR (NOP) were prepared and distributed on May 15, 2023. In accordance with CEQA Guidelines Section 15082, LADWP distributed the NOP to agencies, organizations, and other interested parties. The purpose of the NOP was to provide notification that LADWP planned to prepare an EIR and to solicit input regarding the scope and content of the environmental analysis and information to be included in the EIR. A legal notice was published in the *Los Angeles Times* on May 17, 2023, and an ad was published in the *El Segundo Herald* on June 1, 2023. The NOP and IS were also filed with the Los Angeles County Registrar-Recorder/County Clerk and the State Clearinghouse of the California Governor's Office of Planning and Research, (now referred to as Office of Land Use and Climate Innovation). Copies were made available for review at LADWP Corporate Environmental Affairs office in the John Ferraro Building, Los Angeles Central Library, El Segundo Public Library, and on the LADWP webpage (<http://www.ladwp.com/reports/environmental-reports>).
- A public scoping meeting was held virtually on June 6, 2023. Information regarding the meeting was included in the NOP, which was widely distributed as described above. The purpose of the meeting was to seek input from public agencies, organizations, and the general public regarding the environmental issues and concerns related to implementation of the proposed project. A summary of the proposed project and the CEQA process was presented at the meeting. Two oral comments were received during the virtual public scoping meeting and nine written comment letters were received during the NOP scoping period. The comments received during the NOP/IS public comment and review period are included in Appendix A of the Draft EIR and Chapter 3, Text Revisions and Additions to the Draft EIR, of the Final EIR.
- The NOP and IS were circulated for public comment on May 15, 2023, for a 30-day review period ending June 14, 2023. A request for an extension to submit comments was granted for an additional two weeks until June 30, 2023. A second request for an extension was

received, and the review period was extended for an additional two weeks, until July 14, 2023, resulting in a 60-day public review and comment period.

- A Draft EIR was prepared to analyze the potential environmental impacts associated with the proposed project. A Notice of Availability (NOA) for the Draft EIR was distributed to agencies, organizations, interested parties, and community stakeholders on October 31, 2024. The NOA stated where the Draft EIR could be reviewed and provided the opportunity to comment on the contents and accuracy of the document. The public review period was conducted pursuant to CEQA and its implementing guidelines. A legal notice was published in the *Los Angeles Times* on October 31, 2024, and ads were published in the *El Segundo Herald* and *Torrance Daily Breeze* on November 14, 2024. The NOA and Draft EIR were also filed with the Los Angeles County Registrar-Recorder/County Clerk and the State Clearinghouse of the California Governor's Office of Planning and Research, (now referred to as Office of Land Use and Climate Innovation). Copies were made available for review at LADWP Corporate Environmental Affairs office in the John Ferraro Building, Los Angeles Central Library, El Segundo Public Library, and on the LADWP webpage (<http://www.ladwp.com/reports/environmental-reports>).
- A public meeting was held virtually on November 20, 2024. Information regarding the public meeting was included in the NOA, which was widely distributed, as described above. The purpose of this meeting was to share findings discussed in the Draft EIR and invite comments from public agencies and the general public regarding the content of the Draft EIR. A summary of the proposed project, the CEQA process, and the findings of the Draft EIR were presented at the meeting.
- The NOA and Draft EIR were circulated for public review and comment on October 31, 2024, for a 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 written comment letters during the Draft EIR review period. The commenting agencies, organizations, and individuals are listed in Table 2-1 in the Final EIR. 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. Responses to comments will be distributed no later than ten (10) days prior to the Los Angeles Board of Water and Power Commissioners hearing.

4. Record of Proceedings

In accordance with CEQA Section 21167.6(e), the record of proceedings for LADWP's decision on the proposed project includes, without limitation, the following documents:

- The NOP and IS (May 15, 2023), which are provided in Appendix A of the Draft EIR.
- All comments submitted by agencies or members of the public during the scoping comment period (provided in Appendix A of the Draft EIR and Chapter 3 of the Final EIR).
- The NOA and Draft EIR for the project (October 31, 2024; State Clearinghouse Number 2023050366).
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR (provided in Chapter 2 of the Final EIR).
- The Final EIR (October 2025), including comments received on the Draft EIR, responses to those comments, and text revisions and additions to the Draft EIR.
- Documents cited or referenced in the Draft and Final EIRs.
- The MMRP for the project (provided as Appendix A to the Final EIR).
- All findings and resolutions adopted by LADWP in connection with the project and all documents cited or referred to therein.
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the proposed project prepared by LADWP or consultants to LADWP with respect to LADWP's compliance with the requirements of CEQA and with respect to LADWP's action on the proposed project.
- All documents submitted to LADWP by other public agencies or members of the public in connection with the proposed project, up through final consideration of the project for approval.
- All minutes and/or recordings, as available, of public meetings and public hearings held by LADWP in connection with the proposed project.
- Any documents or other evidence submitted to LADWP at such public meetings or hearings.
- Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations.
- Any documents expressly cited in these findings, in addition to those listed above.
- Any other materials required for the record of proceedings by CEQA Section 21167.6(e).

CEQA Guidelines Section 15091(e) requires a public agency to specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based. The official custodian of the documents comprising the record of proceedings is the Los Angeles Department of Water and Power, Corporate Environmental Affairs, located at 111 North Hope Street, Room 1044, Los Angeles, California 90012.

5. Findings Required Under CEQA

Section 5.1 through Section 5.5 below contain LADWP's findings with respect to the environmental impacts of the project pursuant to the requirements of PRC Section 21081 and CEQA Guidelines Sections 15091 and 15097.

The Final EIR, consisting of the Draft EIR, comments on the Draft EIR, responses to comments on the Draft EIR, text revisions and additions to the Draft EIR, and Mitigation Monitoring and Reporting Program, are hereby incorporated by reference into these findings without limitation. This incorporation is intended to address the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project despite the potential for significant and unavoidable impacts.

Because the CCGS analyzed in the EIR would be constructed under Alternative 4, and only the vendor supplying the equipment needed for the CCGS would be limited to a choice between Vendor A and Vendor C, the EIR analysis of all impacts associated with the proposed project would remain the same under Alternative 4, except with respect to the air quality impacts associated with Vendor B equipment.

5.1 Less Than Significant Impacts and Areas of No Impact

The following impacts were evaluated in the Draft EIR and the Initial Study (contained in Appendix A of the Draft EIR) and determined to be below the applicable threshold of significance due to the design, location, and scope of the proposed project and/or through adherence with existing laws, codes, and statutes. Based on the environmental analysis presented in the Draft EIR and the comments received by the public on the Draft EIR, no substantial evidence was submitted to, or identified by, LADWP indicating that the project would have a potentially significant impact with respect to the environmental categories listed below. Support for the environmental impact conclusions listed below are provided either in the Initial Study for the EIR, or throughout Chapter 4, Environmental Impact Analysis, of the Draft EIR, as applicable.

Aesthetics

- Threshold A: Substantial adverse effect on a scenic vista (less than significant impact)
- Threshold B: Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway (no impact)
- Threshold C: In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality (no impact)
- Threshold D: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (less than significant impact)

Agriculture and Forestry Resources

- Threshold A: Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and

Monitoring Program of the California Resources Agency, to non-agricultural use (no impact)

- Threshold B: Conflict with existing zoning for agricultural use, or a Williamson Act Contract (no impact)
- Threshold C: Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production (no impact)
- Threshold D: Result in the loss of forest land or conversion of forest land to non-forest use (no impact)
- Threshold E: Involve other changes in the existing environment which, due to their location or nature, could result in the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use (no impact)

Air Quality

- Threshold C: Expose sensitive receptors to substantial pollutant concentrations (less than significant impact)
- Threshold D: Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people (less than significant impact)

Biological Resources

- Threshold B: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or USFWS (no impact)
- Threshold C: Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (no impact)
- Threshold D: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (no impact)
- Threshold E: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (no impact)
- Threshold F: Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (no impact)

Cultural Resources

- Threshold A: Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5 (no impact)

- Threshold B: Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 (less than significant impact)
- Threshold C: Disturb any human remains, including those interred outside of dedicated cemeteries (less than significant impact)

Energy

- Threshold A: Result in a potentially significant environmental impact due to the wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation (less than significant impact)
- Threshold B: Conflict with or obstruct a state or local plan for renewable energy or energy efficiency (no impact)

Geology and Soils

- Threshold A: Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury or death involving:
 - Threshold A(i): Rupture of a known earthquake fault (less than significant impact)
 - Threshold A(ii): Strong seismic ground shaking (less than significant impact)
 - Threshold A(iii): Seismic-related ground failure, including liquefaction (no impact)
 - Threshold A(iv): Landslides (less than significant impact)
- Threshold B: Result in substantial soil erosion or the loss of topsoil (less than significant impact)
- Threshold C: Located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse (less than significant impact)
- Threshold D: Located on expansive soil creating substantial direct or indirect risks to life or property (no impact)
- Threshold E: Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater (no impact)

Greenhouse Gas Emissions

- Threshold A: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant effect on the environment (less than significant impact)
- Threshold B: Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases (less than significant impact)

Hazards and Hazardous Materials

- Threshold A: Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials (less than significant impact)
- Threshold C: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within a one-quarter mile of an existing or proposed school (no impact)
- Threshold D: Located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment (less than significant impact)
- Threshold E: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area (less than significant impact)
- Threshold F: Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan (no impact)
- Threshold G: Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires (no impact)

Hydrology and Water Quality

- Threshold A: Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality (less than significant impact)
- Threshold B: Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin (less than significant impact)
- Threshold C: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - Threshold C(i): Result in substantial erosion or siltation on- or offsite (less than significant impact)
 - Threshold C(ii): Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite (less than significant impact)
 - Threshold C(iii): Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or (less than significant impact)
 - Threshold C(iv): Impede or redirect flood flows (less than significant impact)
- Threshold D: In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation (less than significant impact)

- Threshold E: Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (no impact)

Land Use and Planning

- Threshold A: Physically divide an established community (no impact)
- Threshold B: Cause a significant environmental impact due to a conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect (no impact)

Mineral Resources

- Threshold A: Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (no impact)
- Threshold B: Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan (no impact)

Noise

- Threshold A: Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance (less than significant impact)
- Threshold B: Generate excessive groundborne vibration or groundborne noise levels (less than significant impact)
- Threshold C: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels (no impact)

Population and Housing

- Threshold A: Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) (no impact)
- Threshold B: Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere (no impact)

Public Services

- Threshold A: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- Threshold A(i): Fire protection (no impact)
- Threshold A(ii): Police protection (no impact)
- Threshold A(iii): Schools (no impact)
- Threshold A(iv): Parks (no impact)
- Threshold A(v): Other public facilities (no impact)

Recreation

- Threshold A: Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (no impact)
- Threshold B: Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (no impact)

Transportation

- Threshold A: Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities (no impact)
- Threshold B: Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b) (no impact)
- Threshold C: Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (no impact)
- Threshold D: Result in inadequate emergency access (no impact)

Tribal Cultural Resources

- Threshold A: Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - Threshold A(i): Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k) (no impact)

Utilities and Service Systems

- Threshold A: Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which would cause significant environmental effects (less than significant impact)

- Threshold B: Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years (less than significant impact)
- Threshold C: Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments (less than significant impact)
- Threshold D: Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals (less than significant impact)
- Threshold E: Comply with federal, state, and local management and reduction statutes and regulations related to solid waste (no impact)

Wildfire

- Threshold A: Substantially impair an adopted emergency response plan or emergency evacuation plan (no impact)
- Threshold B: Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire (no impact)
- Threshold C: Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment (no impact)
- Threshold D: Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes (no impact)

Cumulative Impacts

The proposed project's impacts for the above categories were also determined not to be cumulatively considerable.

5.2 Significant Impacts Sufficiently Reduced through Mitigation Measures

For this project, the following impacts were identified as significant but will be reduced to less than significant levels with implementation of the mitigation measures identified in the Final EIR and MMRP. In accordance with CEQA Guidelines Section 15091(a), a specific finding is made for each impact and its associated mitigation measures in the discussions below.

5.2.1 Biological Resources

Threshold A

Potential Effect: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in

local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS).

Mitigation Measures: MM-BIO-1 and MM-BIO-2

MM-BIO-1: Nesting Bird Surveys.

A pre-construction nesting bird survey shall be conducted by a qualified biologist within 72 hours prior to the start of project construction activities to determine whether active nests are present within or directly adjacent to construction zones. Following completion of the survey, a report shall be prepared to document the location of any nests found, their status (i.e., eggs or hatchlings present), the species of bird, and existing biological conditions of the project area. If an active nest is found, the following shall be implemented to minimize impacts to the nest.

- a. A qualified biologist shall determine if a nest avoidance buffer zone is necessary to restrict construction activities in proximity to the nest to protect the nest from failing. In determining the need for and establishing the size of any buffer zone, the qualified biologist shall take into account existing baseline conditions (e.g., topography, buffering buildings or other structures, etc.). In addition, observed avian response to disturbances related to existing station operations (e.g., noise and human activity) shall factor into the requirement for and size of a nest avoidance buffer.
- b. Any avoidance buffers required around active nests shall be delineated on site with bright flagging or other means, for easy identification by project personnel. The resident engineer and construction supervisor will be notified of the nest and the buffer limits to ensure it is maintained.
- c. The qualified biologist shall monitor all detected nests, including those with and without an established buffer, at least once per week to determine whether birds are being disturbed. If signs of disturbance or stress are observed, the qualified biologist shall implement adaptive measures to reduce disturbance. These measures could include placing visual screens or sound dampening structures between the nest and construction activity or establishing or increasing buffer distances. The qualified biologist shall monitor each active nest until they determine that nestlings have fledged and dispersed, or the nest is no longer active. Until such a determination is made, construction-related activities that, in the opinion of the qualified biologist, might disturb nesting activities shall be prohibited within nest buffer zones.

Reference: Draft EIR, pp. 4-6 through 4-8.

MM-BIO-2: Pre-Construction Surveys.

LADWP shall conduct two pre-Project surveys within the proposed work area within a one-week period prior to the start of Project-related activities. Pre-Project surveys shall include:

- a. General surveys for botanical and wildlife resources;
- b. Identification of any active bird nests and/or animal burrows (if active, they should be recorded, monitored for species observations, and mapped); and,
- c. Work areas with flowing or standing water shall be visibly surveyed for any aquatic species that may be impacted by Project activities.

The surveys will be conducted in accordance with CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see <https://www.wildlife.ca.gov/Conservation/Plants/Info>). If sensitive or special status species are observed during the pre-Project surveys, CDFW shall be notified, LADWP shall set avoidance buffer zones to reduce disturbance to the species (in coordination with CDFW), and LADWP shall monitor the species until either the Project has been completed or the species has naturally and voluntarily left the area.

Reference: Final EIR, pp. 3-1 through 3-2.

Finding: Implementation of MM-BIO-1 and MM-BIO-2 will reduce impacts to special-status species to less-than-significant levels. Implementation of these measures will ensure construction-related impacts to nesting birds at Scattergood are appropriately mitigated through pre-construction nesting bird surveys and continued monitoring, as necessary, during construction. Additionally, pre-construction surveys for botanical and wildlife resources, identification of any active bird nests and/or animal burrows, and surveys for aquatic species in work areas with flowing or standing water and if necessary, avoidance buffer zones and monitoring, will ensure construction-related impacts to special-status species are mitigated. Accordingly, LADWP therefore finds that mitigation measures MM-BIO-1 and MM-BIO-2 are feasible, are adopted, and will reduce the potentially significant impacts of Alternative 4 to any species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by CDFW OR USFWS to less than significant levels. LADWP finds that, pursuant to PRC Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, Alternative 4 which mitigate or avoid the significant effects on the environment as identified in the Final EIR.

5.2.2 Geology and Soils

Threshold F

Potential Effect: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Mitigation Measure: MM-GEO-1

MM-GEO-1: Paleontological Monitoring.

Prior to grading or excavation, LADWP shall retain a Society for Vertebrate Paleontology (SVP)-qualified paleontologist to monitor or supervise monitoring of earth-moving activities in sedimentary rock material other than topsoil or fill material. A qualified paleontologist is a professional with a graduate degree in paleontology, geology, or related field, with demonstrated experience in the vertebrate, invertebrate, or botanical paleontology of California, as well as at least one year of full-time professional experience or equivalent specialized training in paleontological research (i.e., the identification of fossil deposits, application of paleontological field and laboratory procedures and techniques, and curation of fossil specimens), and at least four months of supervised field and analytic experience in general North American paleontology.

Paleontological monitoring is required during ground disturbance in undisturbed geologic contexts (i.e., bedrock and outcrops below existing asphalt and base) which have the potential to contain significant paleontological resources. Ground disturbance refers to activities that impact subsurface geologic deposits, such as grading, excavation, boring, etc. The qualified paleontological monitor shall recommend when monitoring is required. Either geotechnical logs identifying subsurface conditions will be reviewed in order to identify at what depth undisturbed bedrock is to be encountered, or work shall be monitored on a part-time basis until undisturbed sediments are observed, after which the frequency of monitoring will be determined with the input of the qualified paleontological monitor based on the nature and depth of ground-disturbing activities taking place and the sediments encountered. Activities taking place in current topsoil or within previously disturbed fill sediments (e.g., clearing, grubbing, pavement removal or rehabilitation, and debris removal) do not require paleontological monitoring. Bedrock can occur

at varying depths in different areas, and monitoring may be reduced or eliminated based on the recommendations of the qualified paleontologist.

If no fossils have been recovered after 50 percent of excavation has been completed, monitoring may be modified to weekly spot-check monitoring at the discretion of the qualified paleontologist. The qualified paleontologist may recommend reduced monitoring based on observations of specific site conditions during initial monitoring (e.g., if the geologic setting precludes the occurrence of fossils). If any paleontological resources are discovered at the project site during ground-disturbance activities, the paleontological monitor will notify the on-site construction supervisor and the LADWP Environmental Project Manager, who shall temporarily halt work all such activities within 50 feet of the discovery.

LADWP shall consult with the qualified paleontologist to assess the significance of the find to determine the appropriate treatment. The assessment will follow the SVP's Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources in determining appropriate identification, evaluation, disclosure, avoidance, recovery, and/or curation. If any find is determined to be significant, appropriate avoidance measures recommended by the qualified paleontologist must be followed unless avoidance is determined to be infeasible in relation to the implementation of the proposed project. If avoidance is infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Appropriate treatment as determined by the qualified paleontologist shall be implemented with respect to the evaluation and recovery of fossils, after which the on-site construction supervisor shall be notified that work may continue in the location of the fossil discovery. Any fossils recovered during mitigation shall be cleaned, identified, cataloged, and curated with an accredited and permanent scientific institution with a research interest in the materials.

Reference: Draft EIR, pp. 4-10 through 4-13.

Finding: Implementation of MM-GEO-1 will reduce the potential impacts to paleontological resources to a less than significant level. Specifically, MM-GEO-1 will ensure that paleontological monitoring is conducted for ground-disturbing activities in undisturbed geologic contexts which are areas with high paleontological sensitivity. In the case of inadvertent discovery, MM-GEO-1 will ensure appropriate treatment, documentation, and collection of paleontological resources. LADWP, therefore, finds that mitigation measure MM-GEO-1 is feasible, is adopted, and will reduce the potentially significant impacts of Alternative 4 to paleontological resources to less than significant levels. Accordingly, LADWP finds that, pursuant to PRC Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, Alternative 4 which mitigate or avoid the significant effects on the environment as identified in the Final EIR.

5.2.3 Hazards and Hazardous Materials

Threshold B

Potential Effect: Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Mitigation Measures: MM-HAZ-1 and MM-HAZ-2

MM-HAZ-1: Soil/Sediment Management Plan.

A Soil/Sediment Management Plan shall be developed by the construction contractor and reviewed and approved by LADWP, and the plan shall be implemented prior to excavation activities. The Soil/Sediment Management Plan shall include a discussion of the anticipated/possible soil/sediment concentrations based on sediment sampling data from Scattergood. The Soil/Sediment Management Plan shall also require sampling to be conducted to characterize the excavated soil and sediment; the decision process to be used to characterize the waste based on the sampling conducted; the proposed management of the soil/sediment, including discussion of material segregation, temporary storage locations, containers, and labeling; and possible disposal facilities/locations.

In addition, the Soil/Sediment Management Plan shall also include a discussion of adjacent areas that could potentially impact the project site. While no known releases from surrounding areas are known to have occurred, there is a potential that potential releases from these areas could have impacted the project site. The plan would include strategies for management of contaminated soils encountered during excavation, which would be implemented as required during construction.

A project-specific Health and Safety Plan shall be prepared in accordance with the Occupational Safety and Health Administration standards and included as part of the Soil/Sediment Management Plan. Copies of the Soil/Sediment Management Plan and Health and Safety Plan shall be maintained on site during excavation and removal of hazardous materials from the project site. All workers on the project site shall be made familiar with these documents.

MM-HAZ-2: Waste Management Plan.

A Waste Management Plan shall be developed by the construction contractor and reviewed and approved by LADWP, and the plan shall be implemented during construction activities. The Waste Management Plan shall include a discussion of the anticipated non-soil/sediment wastes that may be encountered or generated during the proposed project, the locations of these potential wastes, details of special handling, proposed storage locations, containers and labeling, testing for waste characterization, and possible disposal/recycling facilities. Copies of the Waste Management Plan shall be maintained on site during construction and removal of materials from the project site. All workers on the project site shall be familiarized with the plan.

Reference: Draft EIR, pp. 4-13 through 4-16

Finding: Implementation of MM-HAZ-1 and MM-HAZ-2 will reduce construction-related impacts associated with reasonably foreseeable upset and accident conditions to a less than significant level. Specifically, MM-HAZ-1 would require the preparation of and adherence to a Soil/Sediment Management Plan during excavation and removal of hazardous materials from the project site and MM-HAZ-2 would require a Waste Management Plan addressing proper handling of non-soil/sediment wastes that may be encountered or generated during the proposed project. LADWP, therefore, finds that mitigation measures MM-HAZ-1 and MM-HAZ-2 are feasible, are adopted, and will reduce the potentially significant impacts of Alternative 4 pertaining to reasonably foreseeable upset and accident conditions to less than significant levels. Accordingly, LADWP finds that, pursuant to PRC Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, Alternative 4 which mitigate or avoid the significant effects on the environment as identified in the Final EIR.

5.2.4 Tribal Cultural Resources

Threshold A(ii)

Potential Effect: Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Mitigation Measures: MM-TCR-1 and MM-TCR-2

MM-TCR-1: Cultural Resources Awareness Training.

All field supervisors and all construction workers shall participate in cultural resources awareness training prior to the initiation of project construction on project sites that involve ground-disturbing activities. The training shall be conducted by LADWP Environmental Affairs personnel and shall include a description of the types of cultural resources (including tribal cultural resources and human remains) that could inadvertently be encountered during ground-disturbing activities, the sensitivity of the resources, the legal basis for protection of the resources, and the penalties for unauthorized collection of or knowingly damaging the resources. The training shall address the proper procedures in the event of an inadvertent discovery of a cultural resource, including the immediate halting of work in the area of the discovery, notification of appropriate individuals of the discovery, the establishment of appropriate protective buffer zones around the discovery, and the continued avoidance of the protected area until the resource has been evaluated by qualified individuals and an appropriate treatment plan has been developed and implemented. These procedures shall be documented in a cultural resources monitoring plan (CRMP) that shall establish, in the event of an inadvertent discovery of cultural resources, monitoring procedures (including applicable archaeological and/or tribal monitors), notification procedures, key staff, and preliminary treatment measures for potential discoveries. The CRMP shall be written to ensure compliance with appropriate state and federal laws. The training presentation and CRMP shall be available to additional supervisory or construction personnel who may join after project construction has begun.

MM-TCR-2: Inadvertent Discovery of a Tribal Cultural Resource.

In the event that a Native American resource is inadvertently discovered during project construction, the Native American tribe(s) that consulted on the proposed project pursuant to California Assembly Bill 52 shall be notified and be provided information about the find to allow for early input from the tribal representatives with regards to the potential significance and treatment of the resource.

If, as a result of the resource evaluation and tribal consultation process, the resource is considered to be a tribal cultural resource in accordance with California Public Resources Code Section 21074, determined to be eligible for inclusion in the California Register of Historic Resources or a local register of historical resources, or determined to be significant by LADWP (the CEQA lead agency), a tribal monitor from a consulting Native American tribe shall be procured to monitor all

remaining ground-disturbing activities in the area of the resource as specified by the Environmental Project Manager.

The input of all consulting tribes shall be considered in the preparation of any required treatment plan for the resources prepared by the qualified archaeologist. Work in the area of the discovery may not resume until evaluation and treatment of the resource is completed and/or the resource is recovered and removed from the site. Construction activities may continue on other parts of the construction site while evaluation and treatment of the resource takes place.

Reference: Draft EIR, pp. 4.6-1 through 4.6-8

Finding: Implementation of MM-TCR-1 and MM-TCR-2 will reduce potential impacts to unknown subsurface TCRs that could be encountered and impacted during construction to a less than significant level. No known tribal cultural resources, including sites, places, or landscapes, were identified within the project site. This conclusion was based on a Sacred Lands File search conducted by the NAHC, archival research, a field survey of the project site and surrounding area, and consultation with Native American tribal representatives pursuant to AB 52. Implementation of MM-TCR-1 and MM-TCR-2 will ensure that field supervisors and construction workers participate in cultural resources awareness training prior to the initiation of project construction that involves ground-disturbing activities and detail proper procedures in the event of an inadvertent discovery of a cultural or tribal cultural resource. These measures will ensure that any TCRs that may be encountered during construction are identified and properly treated such that significant impacts do not occur. LADWP, therefore, finds that mitigation measures MM-TCR-1 and MM-TCR-2 are feasible, are adopted, and will reduce the potentially significant impacts of Alternative 4 pertaining to a substantial adverse change in the significance of a TCR to less than significant levels. Accordingly, LADWP finds that, pursuant to PRC Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, Alternative 4 which mitigate or avoid the significant effects on the environment as identified in the Final EIR.

5.2.5 Cumulative Impacts

Cumulative Impacts

Potential Effects: The proposed project could result in potentially significant cumulative impacts in the categories of biological resources, geology and soils, hazards and hazardous materials, and tribal cultural resources during project construction.

Mitigation Measures: MM-BIO-1 and MM-BIO-2; MM-GEO-1; MM-HAZ-1 and MM-HAZ-2; and MM-TCR-1 and MM-TCR-2.

Reference: Draft EIR, Chapter 4

Finding: Implementation of MM-BIO-1 and MM-BIO-2; MM-GEO-1; MM-HAZ-1 and MM-HAZ-2; and MM-TCR-1 and MM-TCR-2, as listed above, will reduce project-specific effects to below levels of significance. After mitigation, Alternative 4 is not expected to result in cumulatively considerable impacts in the categories of biological resources, geology and soils (paleontology), hazards and hazardous materials, and tribal cultural resources. LADWP, therefore, finds that MM-BIO-1 and MM-BIO-2; MM-GEO-1; MM-HAZ-1 and MM-HAZ-2; and MM-TCR-1 and MM-TCR-2 are feasible, are adopted, and will reduce the potential cumulative impacts of Alternative 4 to less than significant levels. Accordingly, LADWP finds that, pursuant to PRC Section 21081(a)(1) and

CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, Alternative 4 which mitigate or avoid the cumulative significant effects on the environment as identified in the Final EIR.

5.3 Significant and Unavoidable Impacts

For this project, the following impacts were identified as significant and unavoidable. These impacts remain significant, despite the incorporation of all feasible mitigation measures to substantially lessen or avoid these impacts. In accordance with CEQA Guidelines Section 15091(a), a specific finding is made for each significant and unavoidable impact and its associated mitigation measures in the discussions below.

5.3.1 Air Quality

Threshold A

Potential Effect: Conflict with or obstruct implementation of the applicable air quality plan.

Mitigation Measure: MM-AQ-1

MM-AQ-1: Tier 4 Final Engines.

Offroad construction equipment greater than 80 horsepower shall be equipped with Tier 4 Final engines.

Reference: Draft EIR, pp. 4.2-1 through 4.2-42

Finding: Implementation of MM-AQ-1 will reduce construction-related NO_x emissions by requiring that offroad construction equipment greater than 80 horsepower be equipped with Tier 4 Final engines. Regional air quality impacts during project construction related to NO_x emissions would be less than significant with mitigation incorporated. Mass emissions of all other criteria pollutants were determined to be below applicable South Coast Air Quality Management District's (SCAQMD) significance thresholds during construction. However, based on proprietary vendor data, emissions during the commissioning phase of the proposed project would exceed the significance thresholds for volatile organic compounds (VOCs), carbon monoxide (CO), and nitrogen oxides (NO_x). The commissioning phase consists of testing and tuning the equipment and combustor to obtain peak performance and optimally install the selective catalytic reduction (SCR) system and oxidation catalyst. Until the tuning and equipment installations are completed during the commissioning phase, emissions would temporarily be high compared to normal operation. Therefore, because the commissioning activities inherently consist of uncontrolled emissions that cannot be limited, no practical mitigation measures can be applied. This is also true under Alternative 4 and, even with adoption of Alternative 4, a significant and unavoidable air quality impact associated with commissioning activities would remain.

In addition, emissions during operations of the proposed project would exceed the significance thresholds for VOCs for one of the three vendors evaluated (Vendor B) only. This conclusion is based on proprietary emissions rate data provided by the vendor. This exceedance for Vendor B is created primarily by the CCGS startup and shutdown operations, which last 1.0 hour and 0.5 hours, respectively. During normal operations, which last 22.5 hours under the maximum daily operational scenario, VOC emissions are substantially less and would not create a significant impact. During generator startup and shutdown, the pollution control systems are not fully

functioning and this results in exceedance for Vendor B only. Therefore, because the startup and shutdown operations inherently consist of uncontrolled emissions that cannot be limited, no practical mitigation measures can be applied.

During commissioning in relation to VOCs, CO, and NO_x, and during operations in relation to VOCs for Vendor B only, the proposed project would result in an increase in the frequency or severity of existing air quality violations and would have the potential to cause or affect a violation of the ambient air quality standards, which could delay the timely attainment of air quality standards or SCAQMD's 2022 Air Quality Management Plan (AQMP) emissions reductions. Therefore, the proposed project's exceedance of specific regulatory thresholds would result in a conflict with or obstruct implementation of the 2022 AQMP, and the associated air quality impacts would remain significant and unavoidable.

LADWP finds that mitigation measure MM-AQ-1 is feasible and is adopted but will not reduce the potentially significant impacts to VOCs, CO, and NO_x emissions during commissioning, and operational VOC emissions for Vendor B to below levels of significance. LADWP further finds that adoption of Alternative 4 would avoid the significant and unavoidable operational VOC impact associated with Vendor B, but would not avoid the significant and unavoidable impact associated with commissioning. Accordingly, LADWP finds that Alternative 4 would result in a significant unavoidable impact in the category of air quality. LADWP finds that there are no additional mitigation measures beyond the requirements of MM-AQ-1 and adopting Alternative 4 that are feasible and that would lessen this impact to a level below significance, taking into consideration specific economic, legal, social, technological, and other factors.

Having adopted all feasible mitigation measures and an alternative that would address the identified air quality impacts, and finding that a significant and unavoidable impact remains, pursuant to PRC Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3) and 15093, LADWP has determined that this impact is acceptable because specific overriding economic, legal, social, technological, and other benefits, including region-wide and statewide environmental benefits, of the project outweigh the significant effects on the environment as described in the statement of overriding considerations (Section 6 of this document).

Threshold B

Potential Effect: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

Mitigation Measure: MM-AQ-1

MM-AQ-1: Tier 4 Final Engines.

Offroad construction equipment greater than 80 horsepower shall be equipped with Tier 4 Final engines.

Reference: Draft EIR, pp. 4.2-1 through 4.2-42

Finding: Implementation of MM-AQ-1 will reduce construction-related NO_x emissions by requiring that offroad construction equipment greater than 80 horsepower be equipped with Tier 4 Final engines. Regional air quality impacts during project construction related to NO_x emissions would be less than significant with mitigation incorporated. Mass emissions of all other criteria pollutants were determined to be below applicable SCAQMD significance thresholds during

construction. However, even through the implementation of all feasible emissions reduction measures, emissions during the commissioning phase of the proposed project would exceed the SCAQMD significance thresholds for VOCs, CO, and NO_x, and operational emissions for Vendor B (primarily related to generator startup and shutdown operations) would exceed the SCAQMD significance thresholds for VOCs based on proprietary vendor data. Since the commissioning activities inherently consist of uncontrolled emissions that cannot be limited and no practical mitigation can be applied, air quality impacts associated with commissioning are considered significant and unavoidable. However, it should be noted that ground level concentrations from all three vendors' commissioning activity emissions would be below the California and National Ambient Air Quality Standards (CAAQS and NAAQS, respectively) and SCAQMD thresholds and do not indicate significant impacts on local air quality. In addition, the proposed project would not cause an exceedance of the CAAQS or NAAQS, or of the SCAQMD's concentration thresholds for other criteria air pollutants. Therefore, the proposed project would have a less than significant impact to air quality based on ambient air quality modeling. Nonetheless, during commissioning in relation to VOCs, CO, and NO_x, and during operations in relation to VOCs for Vendor B only, the proposed project could result in an increase in the frequency or severity of existing air quality violations and could have the potential to cause or affect a violation of the ambient air quality standards, which could delay the timely attainment of air quality standards or AQMP emissions reductions.

LADWP finds that mitigation measure MM-AQ-1 is feasible and is adopted but will not reduce the potentially significant impacts related to a cumulatively considerable net increase of criteria pollutants to below a level of significance. LADWP further finds that adoption of Alternative 4 would avoid the significant and unavoidable operational VOC impact associated with Vendor B, but would not avoid the significant and unavoidable impact associated with commissioning. Accordingly, LADWP finds that Alternative 4 would result in a significant unavoidable impact in the category of air quality. LADWP finds that there are no additional mitigation measures beyond the requirements of MM-AQ-1 and adopting Alternative 4 that are feasible and that would lessen this impact to a level below significance, taking into consideration specific economic, legal, social, technological, and other factors. With implementation of MM-AQ-1, adoption of Alternative 4, adherence to existing regulations, and implementation of best management practices, emissions from other construction equipment will be reduced to the extent feasible.

Having adopted all feasible mitigation measures and an alternative that would address the identified air quality impacts, and finding that a significant and unavoidable impact remains,, pursuant to PRC Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3) and 15093, LADWP has determined that this impact is acceptable because specific overriding economic, legal, social, technological, and other benefits, including region-wide and statewide environmental benefits, of the project outweigh the significant effects on the environment as described in the statement of overriding considerations (Section 6 of this document).

5.3.2 Cumulative Impacts

Cumulative Impacts

Potential Effects: The proposed project could result in potentially significant cumulative impacts in the category of air quality.

Mitigation Measure: MM-AQ-1

Reference: Draft EIR, Chapter 4

Finding: Implementation of MM-AQ-1, as listed above, will not reduce project-specific effects to below a level of significance in the category of air quality. The proposed project would contribute particulate matter and the ozone precursors (VOC and NOx) to the area during construction and operation. Mass emissions of all criteria pollutants from construction, except for NOx, would be below applicable SCAQMD significance thresholds. With implementation of Tier 4 engines as outlined in MM-AQ-1, project construction impacts related to NOx would be reduced to a less than significant level. However, emissions during the commissioning phase of the proposed project are anticipated to exceed the significance thresholds for VOCs, CO, and NOx, and emissions during operations of the proposed project are anticipated to exceed the significance thresholds for VOCs for Vendor B only. Therefore, project emissions during commissioning and operations (related to Vendor B) would be cumulatively considerable. These impacts would be avoided with adoption of Alternative 4.

LADWP finds that mitigation measures MM-AQ-1 is feasible and is adopted but will not reduce cumulative air quality impacts to below a level of significance. LADWP further finds that adoption of Alternative 4 would avoid the VOC impacts associated with project operations using Vendor B, but will not reduce cumulative air quality impacts associated with project commissioning to below a level of significance. Accordingly, LADWP finds that Alternative 4 would result in a significant unavoidable cumulative impact in the category of air quality. LADWP finds that there are no additional mitigation measures beyond the requirements of MM-AQ-1 and adoption of Alternative 4 that are feasible and that would lessen this impact to a level below significance, taking into consideration specific economic, legal, social, technological, and other factors. Having adopted all feasible mitigation measures and an alternative that would address the identified air quality impacts, and finding that a significant and unavoidable impact remains, pursuant to PRC Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3) and 15093, LADWP has determined that this impact is acceptable because specific overriding economic, legal, social, technological, and other benefits, including region-wide and statewide environmental benefits, of the project outweigh the significant effects on the environment as described in the statement of overriding considerations (Section 6 of this document).

5.4 Findings Regarding Project Alternatives

PRC Section 21002 states that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” Section 21002 further states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” When a lead agency has determined that a project will cause significant environmental effects that cannot be substantially lessened or avoided through mitigation, the agency must determine whether there are any project alternatives that are environmentally superior and feasible prior to approving the project as mitigated. As such, LADWP’s goal in evaluating project alternatives was to select an alternative that feasibly attains the project objectives, while further reducing the project’s significant and unavoidable air quality impacts.

The alternatives that were evaluated by LADWP are summarized in Chapter 5, Alternatives, of the Draft EIR. In accordance with CEQA Guidelines Section 15126.6(a), the EIR described “a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” CEQA Guidelines Section 15126.6(a) also provides that an EIR need not consider every conceivable alternative to a project, nor alternatives that are

infeasible. CEQA Guidelines Section 15126.6(f) states the selection of alternatives is governed by a “rule of reason” that requires an EIR to evaluate only those alternatives necessary to permit a reasoned choice and Section 15126.6(f)(1) provides that among the factors that may be taken into account when addressing the feasibility of alternatives are “site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.” Although an EIR must evaluate a range of potentially feasible alternatives, an alternative may ultimately be deemed by the lead agency to be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project. Thus, even if a project alternative will avoid or substantially lessen the significant environmental effects of the project, the decision makers may reject the alternative if they determine that specific considerations make the alternative infeasible, or if the alternative does not meet the objectives of the project.

As described in Sections 3.4 and 5.2, Project Objectives, of the Draft EIR, the following objectives establish the basis for identifying potential project alternatives:

- 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 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.
- Reduce the emissions of GHGs from power generation consistent with the LADWP transition to a carbon-free electrical power system.

Further, as described in Section 5.4, Summary of Project Impacts, of the Draft EIR, the proposed project was found to cause a temporary but nonetheless significant and unavoidable impact to air quality during generator commissioning activities as well as during generator operations for the equipment from one of the three vendors analyzed. Additionally, the proposed project would result in potentially significant construction-related environmental impacts that would be reduced to a less than significant level with the implementation of mitigation measures for air quality, biological resources, geology and soils, hazards and hazardous materials, and tribal cultural resources. Therefore, based on the objectives and the potential significant impacts identified for the proposed project, a reasonable range of alternatives to the proposed project were considered.

CEQA Guidelines Section 15126.6(c) requires that an EIR identify alternatives that were considered by the lead agency but were dismissed from further consideration and briefly explain the reasons underlying the lead agency’s determination which may include factors such as infeasibility, failure to meet the project objectives, and/or inability to avoid or lessen significant environmental impacts. A number of alternatives were rejected from further evaluation in the EIR due to one or more of these reasons for infeasibility. As discussed in Section 5.5, Alternatives Considered but Dismissed from Detailed Analysis, of the Draft EIR, alternative in-basin clean energy generation, increasing demand side management programs, expansion of new and

upgraded transmission lines, retrofit of Units 1 and/or 2, and developing the proposed project at an alternative location were considered but dismissed from further analysis. Four alternatives were ultimately carried forward for further discussion and evaluation in the EIR: Alternative 1: No Project, Alternative 2: Energy Storage, Alternative 3: Green Hydrogen Powered Fuel Cells, and Alternative 4: Eliminate Vendor B. These alternatives and associated findings are presented below.

Alternative 1: No Project

Section 15126.6(e) of the CEQA Guidelines requires that an EIR evaluate the specific alternative of “no project” along with its impact. As stated in this section of the CEQA Guidelines, the purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. As specified in Section 15126.6(e)(3) of the CEQA Guidelines, for projects other than land use plans or regulatory plans, the “no project” alternative is the circumstance under which the project does not proceed. Accordingly, Alternative 1 assumes the proposed project would not be implemented nor would any alternative to the project. The existing Scattergood Units 1 and 2 generating capacity would not be replaced with a rapid-response CCGS constructed within the Scattergood property boundaries. However, Scattergood Units 1 and 2 would still be removed from service, rather than retrofitted or have their cooling systems replaced, at the end of 2029 to comply with the State Water Resources Control Board’s (SWRCB’s) Water Quality Control Policy on the use of Coastal and Estuarine Waters for Power Plant Cooling (Once-Through Cooling or OTC Policy.)

Environmental Effects

Under Alternative 1, as detailed in Section 5.6.1 of the Draft EIR, the No Project Alternative would not implement the proposed project or any other alternative. Although this alternative is technically feasible since it requires no action, the No Project Alternative would result in a loss of generation capacity at Scattergood. Under the No Project Alternative, Scattergood Units 1 and 2 would be removed from service, and no short-term air quality impacts related to project commissioning or long-term air quality impacts related to project operations would occur. Without the construction of the proposed project, potential construction-related impacts to paleontological resources and unknown buried tribal cultural resources would not occur. Additionally, an accident release and emergency response plan associated with excavation and removal of hazardous materials from the project site during project construction would not be needed.

Finding

Pursuant to CEQA Guidelines Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), LADWP finds the No Project Alternative to be infeasible due to specific economic, legal, social, technological, and other considerations. While this alternative would result in the elimination of short-term, construction-related impacts associated with air quality, paleontological resources, tribal cultural resources, and hazards as well as a reduction in air pollutant emissions from project operations, the No Project Alternative would fail to meet the project’s objectives. It would not provide resilience to maintain the reliability of the electrical power system, would not establish an always available, dispatchable in-basin generation system and would not provide generation capacity to support grid stability or energy demand in the Scattergood service area. Instead, Alternative 1 would lead to critical outages of the electrical system in the West Los Angeles service area that Scattergood serves during periods of peak demand or during losses of imported energy under emergency circumstances resulting in safety and reliability issues. LADWP finds that the No

Project Alternative would fail to meet the project objectives, potentially result in increased blackouts, and result in significant safety and reliability impacts to the electrical power grid. For these reasons, LADWP rejects the No Project Alternative, pursuant to PRC Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3).

Alternative 2: Energy Storage

Under Alternative 2, as detailed in Section 5.6.2 of the Draft EIR, the proposed CCGS would not be constructed. Instead, LADWP would implement 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. There are multiple battery technologies employed with BESS that offer differing energy densities, charge and discharge efficiencies, life spans, and eco-friendliness of devices. However, the land required for a BESS of equivalent capacity to the proposed project greatly exceeds the area available at Scattergood. A BESS is most effective to help balance the grid and meet short peaks in demand which results in additional cycling (charging and discharging) of the battery and may degrade and shorten the lifetime of the battery. A BESS can only provide a limited duration of any set of services before it runs out of charge, therefore, while it may be effective to meet daily peaks in demand that exceed available renewable generation resources, it would not provide adequate energy to maintain system reliability during longer-duration interruptions in the generation and/or transmission system caused by emergency circumstances. A BESS would not be anticipated to provide a comparable generation capacity as the proposed project CCGS and would require substantially more real estate. Furthermore, energy storage is already accounted for and is a major component in LADWP's SLTRP (now known as LA100 Plan). LADWP anticipates implementing local energy storage coupled with the CCGS at Scattergood to ensure reliability and resiliency, while also reducing GHG emissions. It would be deployed as a first source of energy before the proposed CCGS to meet the short-term peaks in demand.

Environmental Effects

While air quality impacts associated with the combustion of fuel during commissioning and operations would be eliminated under Alternative 2, implementation of a BESS system of comparable capacity as the proposed project would create additional environmental impacts. Alternative 2 would require a substantially larger amount of acreage, potentially including land for additional transmission lines, which would increase the footprint of construction impacts compared to the proposed project, including potential impacts related to biological, cultural, paleontological, and tribal cultural resources as well as other environmental resources, depending on location and site characteristics.

Finding

Pursuant to CEQA Guidelines Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), LADWP finds the Energy Storage Alternative to be infeasible due to specific economic, legal, social, technological, and other considerations. Although Alternative 2 would be technically feasible and reduce some environmental impacts, the BESS would not provide a comparable generation capacity as the proposed CCGS. In addition, substantially more real estate would be required to implement this alternative which may be cost-prohibitive, cause schedule delays, and may create increased impacts related to ground disturbance, depending on site characteristics. The BESS would meet some of the project objectives; however, it would not provide requirements for a reliable, resilient, and readily dispatchable longer duration energy source during periods of critical demand when major interruptions to service occur. Given there is insufficient land available at Scattergood for batteries to provide a full replacement alternative for the proposed project and

based on the uncertainty associated with acquisition of land located near Scattergood, energy storage cannot be implemented by 2030. Therefore, LADWP finds that the Energy Storage Alternative is not a viable alternative to the proposed project and would not meet the project objectives. For these reasons, LADWP rejects the Energy Storage Alternative, pursuant to PRC Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3).

Alternative 3: Green Hydrogen Powered Fuel Cells

Under Alternative 3, as detailed in Section 5.6.3 of the Draft EIR, the proposed CCGS would not be constructed. Instead, a green hydrogen fuel cell system would be implemented. In a green hydrogen fuel cell, hydrogen fuel can be used to generate electricity through an electrochemical reaction instead of combustion. These fuel cells generally require high-purity hydrogen, which is not always available. Unlike the proposed CCGS which allows for a wide range of hydrogen fuel concentrations to be used for operational configurations, fuel cells have limited fuel flexibility and are constrained with requiring additional purification equipment and operations and maintenance. Typical lifespans for fuel cell stacks range from 4 to 10 years, depending on the type of fuel cell and operating scenario, compared to the 30-year lifespan of a CCGS. The entire fuel cell stack must be replaced once it reaches the end of its design life, resulting in higher costs to replace and additional scheduled outages for Scattergood. In addition, there would not be sufficient land available to implement a stationary hydrogen fuel cell system of comparable capacity at Scattergood.

Environmental Effects

While air quality impacts associated with the combustion of fuel during commissioning and operations would be eliminated, implementation of a hydrogen fuel cell system of comparable capacity would create additional environmental impacts. Alternative 3 would require a substantially larger amount of acreage, potentially including land for additional transmission lines. This would increase the footprint of construction impacts compared to the proposed project, such as potential impacts related to biological, cultural, paleontological, and tribal cultural resources as well as other environmental resources, depending on location and site characteristics.

Finding

Pursuant to CEQA Guidelines Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), LADWP finds the Green Hydrogen Powered Fuel Cell Alternative to be infeasible due to specific economic, legal, social, technological, and other considerations. Even though Alternative 3 would meet some of the project objectives and reduce some environmental impacts associated with commissioning and operational air pollutant emissions, it is an unproven technology at the scale required to replace the proposed project generation capacity and may take over 10 years to implement. Therefore, it is inconsistent with the first two project objectives because it does not provide reliable, scalable, always available energy in the event that renewable sources are temporarily unavailable. In addition, substantially more real estate would be required to implement this alternative, which may be cost-prohibitive and cause further delays in implementation of the project. A fuel cell system would also have limited hydrogen fuel flexibility and would have a substantially shorter lifespan than the proposed project. LADWP finds that the Green Hydrogen Powered Fuel Cell Alternative would not meet all of the project objectives and the technological risks and uncertainties associated with large-scale fuel cell deployments may result in safety and reliability issues. For these reasons, LADWP rejects the Green Hydrogen Powered Fuel Cell alternative, pursuant to PRC Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3).

Alternative 4: Eliminate Vendor B (Environmentally Superior Alternative)

Under Alternative 4, as detailed in Section 5.6.4 of the Draft EIR, the proposed CCGS would be constructed; however, either equipment proposed by Vendor A or Vendor C would be selected, as the equipment proposed by Vendor B would have significant and unavoidable peak daily emissions for VOCs during operations related to the combustion generator startup and shutdown, even during operations with a hydrogen fuel mix.

Environmental Effects

With the exception of operational air quality impacts associated with Vendor B, the environmental analysis would be the same for Alternative 4 as for the proposed project. The equipment supplied by Vendor A or Vendor C would be selected, both of which would have less than significant air pollutant emissions associated with project operations. However, there would be no changes in significant and unavoidable impacts due to commissioning of the CCGS, or potential impacts to biological resources, paleontological resources, hazards and hazardous materials, or tribal cultural resources during construction under Alternative 4.

Finding

In accordance with CEQA Guidelines Section 15126.6, LADWP finds that Alternative 4: Eliminate Vendor B is the environmentally superior alternative because it would result in the least impact to the physical environment and would achieve the objectives of the proposed project. Alternative 4 would select the CCGS equipment from either Vendor A or Vendor C and not the equipment proposed by Vendor B to avoid the significant and unavoidable peak daily VOC emissions produced during operations using Vendor B equipment. This alternative is technically feasible and meets all of the project objectives as it is essentially the proposed project with the limitation of which vendor can be selected for project implementation. This alternative would reduce operational air quality impacts associated with peak VOC emissions, while all other environmental impacts would be the same as the proposed project. For these reasons, LADWP adopts Alternative 4 to the proposed project.

5.5 Other CEQA Findings**Findings Regarding Significant Irreversible Environmental Changes**

PRC Section 21100(b)(2)(B), and CEQA Guidelines Section 15126.2(d) require that an EIR analyze the extent to which the proposed project's primary and secondary effects would impact the environment and commit nonrenewable resources to uses that future generations will not be able to reverse. Section 6.2, Significant Irreversible Environmental Changes, of the Draft EIR discusses the commitments of resources required by the proposed project in general terms.

As described in Section 6.2 of the Draft EIR, the proposed project satisfies several objectives that serve to reduce the amount of natural resources committed over the long term. The proposed project would be constructed within the existing Scattergood Generating Station, so no new land would be required for project implementation. The project would also not require extension of roadways and associated infrastructure.

The new rapid-response CCGS would also be substantially more efficient to operate than the existing Scattergood Units 1 and 2, which are conventional natural-gas-fired steam-boiler generators that will be removed from service. The CCGS system would allow LADWP to begin

the conversion from natural gas to green hydrogen as the City transitions to a carbon-free electrical energy system. The CCGS would substantially increase fuel efficiency, thereby also reducing the emission of air pollutants and greenhouse gases relative to the amount of energy produced. As concluded in the Initial Study, the project would not result in wasteful, inefficient, and unnecessary consumption of energy resources.

As also discussed in the EIR, potable water is currently used at Scattergood primarily for makeup water to compensate for losses associated with reverse osmosis/demineralization, blowdown, evaporation, and other processes. Although the Units 1 and 2 steam boilers, which use large volumes of makeup water, would be removed from service concurrent with the implementation of the proposed project, the proposed CCGS would also require large volumes of makeup water. However, while the majority of the process water at Scattergood under current operations is potable water, under the proposed project, the use of recycled water would be substantially increased through the reuse of industrial process water from internal sources. Therefore, after the proposed project implementation, consumption of potable water for all functions at Scattergood would not increase compared to current operations. In addition, because the proposed project CCGS is anticipated to be operated less frequently compared to existing operations, the consumption of water and the use of other products would be reduced proportionally on an annual basis. As such, the project would not result in the use of nonrenewable water resources.

Based on the conclusions outlined above and the analysis provided in Section 6.2 of the Draft EIR, LADWP finds that the proposed project is not anticipated to consume substantial amounts of nonrenewable resources and would not result in significant irreversible environmental changes. LADWP further finds that this conclusion applies equally to Alternative 4, which proposes the same CCGS system and only limits the vendor manufacturing the equipment to run that system in order to avoid air quality impacts associated with Vendor B equipment.

Findings Regarding Growth Inducing Impacts

CEQA Guidelines Section 15126.2(e) requires an EIR to discuss the ways a proposed project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. Growth-inducing impacts include the removal of obstacles to population growth (e.g., the expansion of a wastewater treatment plant allowing more development in a service area) and the development and construction of new service facilities that could significantly affect the environment individually or cumulatively. In addition, pursuant to CEQA, growth must not be assumed as beneficial, detrimental, or of little significance to the environment. Growth can be induced by direct growth associated with a project and indirect growth created by demand not satisfied by a project or the creation of surplus infrastructure not utilized by a project.

As described in Section 6.3, Growth-Inducing Impacts, of the Draft EIR, the proposed project would not provide additional housing or services and would not require the hiring of additional personnel to operate Scattergood. The project construction workers would be hired primarily from the existing labor pool in Southern California. Therefore, the project would not directly induce growth during construction or operation.

The proposed project would provide reliable, dispatchable, local, and efficient electrical power while achieving a reduction greenhouse gas emissions associated with generation of electricity at Scattergood. It would not provide surplus infrastructure but would replace the generation capacity of existing Scattergood Units 1 and 2, which will be removed from service, rather than retrofitted or have their cooling systems replaced, to comply with the statewide OTC Policy.

Scattergood has been identified as the most immediate and instrumental location in relation to the requirement for firm generation capacity due to the electrification of Los Angeles International Airport, the implementation of increased wastewater treatment capabilities at the City's Hyperion Water Reclamation Plant, and anticipated increase in demand in the western areas of the City that Scattergood serves largely caused by electrification of various functions currently powered by the combustion of fossil fuels (e.g., cooking, space heating, water heating, and the transportation sector). Therefore, the project would not indirectly induce population growth in the area because it would replace existing generation capacity and is responsive to already anticipated increases in the need for electrical power. No significant growth-inducing impacts are foreseen from the proposed project.

Therefore, indirect growth inducement into a new area would not occur. Based on the conclusions outlined above and the analysis provided the EIR, LADWP finds that the proposed project would not directly or indirectly induce substantial population growth. LADWP further finds that this conclusion applies equally to Alternative 4, which proposes the same CCGS system and only limits the vendor manufacturing the equipment to run that system in order to avoid air quality impacts associated with Vendor B equipment.

Findings Regarding Recirculation

CEQA Guidelines Section 15088.5 requires recirculation of an EIR prior to certification of the Final EIR when "significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review." As described in CEQA Guidelines Section 15088.5:

New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

In addition, CEQA Guidelines Section 15088.5(b) provides that "recirculation is not required where the new information added to the EIR merely clarifies and amplifies or makes insignificant modifications in an adequate EIR."

With regard to the above recirculation requirements, LADWP makes the following findings:

1. None of the public comments submitted to LADWP regarding the Draft EIR present any significant new information that would require the EIR to be recirculated for public review.
2. No new or modified mitigation measures are proposed that would have the potential to create new significant environmental impacts.
3. The Draft EIR adequately analyzed project alternatives and there are no feasible project alternatives or mitigation measures considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the project.
4. The Draft EIR was not fundamentally and basically inadequate and conclusory in nature and did not preclude meaningful public review and comment.

The revisions to the Draft EIR that are shown in the Final EIR are provided merely to clarify or amplify information in the Draft EIR, and the revisions do not reveal that the project would cause significant new impacts not previously identified in the Draft EIR, therefore, recirculation of the EIR is not warranted. LADWP finds that the EIR does not require recirculation prior to certification pursuant to PRC Section 21092.1 and CEQA Guidelines Section 15088.5.

Further, adoption of Alternative 4 does not require recirculation because the impacts of Alternative 4 were analyzed in the Draft EIR and its adoption does not constitute significant new information, as defined by CEQA Guidelines Section 15088.5(a).

Findings Regarding the Mitigation Monitoring and Reporting Program

In accordance with PRC Section 21081.6 and CEQA Guidelines Section 15097, LADWP must adopt an MMRP describing the changes that were incorporated into the proposed project or made a condition of approval in order to mitigate or avoid significant effects on the environment. LADWP adopts, and incorporates as conditions of approval of Alternative 4 to the proposed project, the mitigation measures set forth in the MMRP to reduce the potentially significant impacts of the project to below a level of significance to the extent feasible. LADWP finds that the measures included in the MMRP constitute changes or alterations which avoid or substantially lessen the potentially significant effects of Alternative 4 to the proposed project on the environment to the extent feasible and that the MMRP, which is included as Attachment A in the Final EIR and is incorporated into these findings, meets the requirements of PRC Section 21081.6 and CEQA Guidelines Section 15097.

6. Statement of Overriding Considerations

Pursuant to PRC Section 21081 and CEQA Guidelines Section 15093, LADWP hereby finds, after consideration of the Final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of Alternative 4, as set forth below, independently and collectively outweigh the significant and unavoidable impacts of Alternative 4 and is an overriding consideration warranting approval of Alternative 4. Any one of the reasons for approval cited below is sufficient to justify approval of Alternative 4. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Record of Proceedings, as listed in Section 4 of this document.

On the basis of the above findings and the substantial evidence in the record of this proceeding, LADWP specially finds that there are significant benefits of Alternative 4 to support approval of Alternative 4 in spite of the unavoidable significant impacts, and therefore makes this Statement of Overriding Considerations.

Alternative 4 would result in a significant and unavoidable impact related to air quality during generator commissioning activity. Specifically, emissions during the commissioning phase of the proposed project are anticipated to exceed the significance thresholds for VOCs, CO, and NOx. The commissioning phase consists of testing and tuning the equipment and combustor to obtain peak performance and optimally install the SCR and oxidation catalyst. Until the tuning and equipment installations are completed during the commissioning phase, emissions will temporarily be high compared to normal operation. Therefore, because the commissioning activities inherently consist of uncontrolled emissions that cannot be limited and no feasible, effective mitigation is available, air quality impacts associated with commissioning are considered significant and unavoidable. In addition, the equipment proposed by Vendor B would result in significant and unavoidable peak daily emissions for VOCs during project operations associated with generation unit startup and shutdown. Alternative 4 would eliminate Vendor B from consideration and thereby eliminate this impact as discussed above in Section 5.4, Findings Regarding Project Alternatives.

While CCGS commissioning activities would result in short-term, temporary air quality impacts, the new CCGS would substantially increase fuel efficiency, thereby also reducing the emission of air pollutants and greenhouse gases relative to the amount of energy produced and would allow LADWP to begin the conversion from natural gas to green hydrogen as the City transitions to a carbon-free electrical energy system. Although LADWP finds that Alternative 4 would result in significant and unavoidable impacts, LADWP also finds that its benefits outweigh these temporary impacts.

LADWP finds that, as part of the process of obtaining project approval, all significant effects on the environment from implementation of the project have been eliminated or substantially lessened, where feasible. All mitigation measures proposed in the Final EIR are adopted, and Alternative 4 is approved to further reduce impacts. Furthermore, LADWP has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technical, legal, social and other considerations.

With the exception of Alternative 4: Eliminate Vendor B, all other alternatives proposed are rejected for the reasons set forth in the EIR and the reasons set forth in this document.

Benefits of the project, as reflected in Alternative 4, include the following:

- **Implement State and Local Regulations for Renewable Energy and Zero-Carbon Resources:** California Senate Bill 100 (SB100), approved in 2018, mandates that 60 percent of the state's electricity come from renewable sources by 2030 and requires that the appropriate agencies plan for 100 percent of total retail sales of electricity to come from eligible renewable energy resources and zero-carbon sources by the end of 2045. SB100 also requires that the achievement of 100 percent zero-carbon electricity resources do not increase the carbon emissions elsewhere in the western grid and that the achievement not be attained through resource shuffling. To combat climate change while capturing health and economic benefits, the City of Los Angeles has set ambitious goals to transform its electricity supply, aiming for a 100 percent renewable energy power system by 2045, along with a push to electrify the buildings and transportation sectors. To reach these goals and assess the implications for jobs, electricity rates, the environment, and environmental justice, the Los Angeles City Council passed a series of motions in 2016 and 2017 directing the LADWP to determine the technical feasibility and investment pathways of a 100 percent renewable energy portfolio standard. LADWP partnered with the National Renewable Energy Laboratory (NREL) on the Los Angeles 100% Renewable Energy Study (LA100 Study) to analyze potential pathways to achieve a 100 percent clean energy future. The LA100 Study, a multi-year effort with active participation by the LA100 Advisory Group, was published in 2021 and found that the City of Los Angeles can achieve reliable, 100 percent renewable power as early as 2035. Across all scenarios analyzed in the study, the requirement for firm local generation assets (i.e., located within the Los Angeles Basin) that can be readily dispatched in a controlled manner in response to demand was recognized as essential under a range of foreseeable but unpredictable circumstances that could temporarily limit the supply of renewable energy resources coming into the City. Under such circumstances, firm (i.e., dependable) local generation would be critical to maintaining system resilience and reliability and reducing the risk of power grid collapse. LADWP is required to comply with state laws and mandates, and the project will contribute to LADWP's ability to meet these requirements by allowing for firm local generation assets to maintain the resilience and reliability of the City's electrical power grid during and after the transition to a carbon-free system. The project aligns with statewide renewable energy and zero-carbon resources goals, allowing LADWP to begin the conversion from natural gas to green hydrogen in its in-basin generation system and is integral to achieving a 100 percent renewable energy portfolio in the future.
- **Address Challenges Due to Aging Local Generation and Reliability Planning:** Scattergood Units 1 and 2 were placed into operation in 1958 and 1959, respectively, and are scheduled to retire along with other local generators. The retirement of these local generation sources reduces local generation capacity and places the overall system at risk. The system must be designed to withstand the loss of its largest local generator without causing a blackout, a condition known as an "N-1 outage." However, in a scenario where the West Los Angeles service area load exceeds import capacity, while facing reduced local generation due to retirements or outages, there will not be enough power available to meet demand. To maintain grid stability and avoid widespread power failures in such a scenario, it may be necessary to implement controlled reductions in electricity usage, known as "load shedding," also known as rolling blackouts, in accordance with regulatory standards. 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 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. Proceeding without the project would significantly increase the risk of electric-service interruptions and

economic harm to LADWP's ratepayers, both to residents and businesses. No other evaluated alternative or combination of alternatives can meet the reliability objectives considering factors such as feasibility, practicality, constructability, and affordability. The project is not a speculative investment; rather, it is a targeted and informed response to urgent and localized reliability needs. Delaying or forgoing the project would introduce serious and avoidable risks to the residents, businesses, and communities within LADWP's service territory.

- **Cease Use of Ocean-Water Once-Through Cooling to Comply with OTC Policy:** The existing ocean-water OTC system at Scattergood will no longer be used once Units 1 and 2 are removed from service concurrent with commissioning of the CCGS. By ceasing use of the remaining OTC system at Scattergood, LADWP will comply with the statewide OTC Policy. The OTC Policy was implemented by the SWRCB to establish standards to comply with federal Clean Water Act Section 316(b) to reduce potential effects on marine life associated with the operation of cooling water intake structures. The retirement of Scattergood Units 1 & 2's OTC system, effectively mandated by the OTC policy, will create an energy capacity deficit due to transmission bottlenecks in the West Los Angeles Service Area. Due to the critical role of Units 1 and 2 in maintaining grid reliability until the project CCGS is operational at the end of 2029, SWRCB has established an OTC Policy compliance date for Scattergood of December 31, 2029. Various study cases have concluded that having the necessary in-basin capacity following the scheduled OTC retirements is critical to grid reliability during potentially catastrophic events and points toward the most resilient transmission plan moving into the future. The project would comply with the statewide OTC Policy by ceasing the use of ocean-water once-through cooling and by replacing the generation capacity of the retiring units with the CCGS, LADWP would avoid the risk of electric-service interruptions to the residents, businesses, and communities that it serves.
- **Economic, Social, Health, and Infrastructure Impacts:** Proceeding without the project would significantly increase the risk of electric-service interruptions and economic harm to LADWP's ratepayers, both to residents and businesses. NREL's latest analysis projected that in a scenario without the project and where the Southern Transmission System (STS) is unavailable, there would be an estimated 138 gigawatt-hours (GWh) of additional unserved energy within LADWP's system over a seven-day period in August 2030. This corresponds to a potential economic impact of \$1.4 to 2.8 billion from a single event. This range represents the potential economic impact of just one major outage event—in this case the STS—without accounting for broader social, health, and infrastructure consequences that accompany extended power disruptions. Beyond cost, electric-service reliability is LADWP's obligation to the people it serves. If the project is not implemented and service reliability is compromised, outages could result in the following outcomes: hospitals and critical services without sufficient backup generation could be impacted; long-lasting system outages may significantly impact operations at LAX, posing economic, safety, and security concerns; elderly and medically vulnerable populations in urban cores face elevated health risks during summer outages; and disadvantaged communities, already disproportionately impacted by the cost of the clean-energy transition, would suffer real consequences without reliable power. LADWP has a responsibility to mitigate such risks and associated outcomes through practical and affordable solutions. As such, the project is fundamental in ensuring the electric grid's reliability and resilience and prevention of economic, social, health, and infrastructure consequences resulting from extended power disruptions.

- **Provide Resilience to Maintain Reliability:** LADWP is obligated under the Los Angeles City Charter to provide reliable generation and delivery of electrical power for the benefit of the City. LADWP is also required to maintain the reliability and resilience of its power system in accordance with the standards established by the Western Electricity Coordinating Council (WECC) and the North American Electric Reliability Corporation (NERC). LADWP draws from diverse electrical generation resources, which include solar, wind, geothermal, energy storage, hydro power, natural gas, coal, and nuclear that span multiple states. LADWP also owns and operates its transmission system, which transmits electricity from these generation resources to the City's receiving and distributing stations and ultimately feeds electricity to its customers. LADWP has multiple in-basin generating stations, which include Scattergood, Harbor Generating Station, Haynes Generating Station, and Valley Generating Station. These stations ensure the system remains reliable and resilient while also helping integrate renewable energy resources, which are intermittent and variable in nature. The dispatchable power generation provided by the proposed CCGS would be critical during stressed grid conditions that may be caused by low-probability, but high impact events when the renewable generation resources and/or transmission assets become unavailable due to emergency circumstances (e.g., the temporary loss of critical renewable energy transmission lines caused by wildfire or earthquake). Stressed grid conditions may also result from sustained periods of low renewable generation or transmission line maintenance and upgrades which can be exacerbated if they coincide with periods of high electricity demand. LADWP's electric system is undergoing a comprehensive clean-energy transition, but as LADWP accelerates its shift toward a more sustainable future, the foundational responsibilities of reliability, affordability, and safety for its customers remain unchanged. By implementing the project, LADWP would ensure reliable generation, the ability to meet electricity demand and maintain grid stability.
- **Establish a Dispatchable, Always Available, Local Generation Source:** Scattergood Units 1 and 2 are conventional natural-gas-fired steam boiler generators which provide a stable and dependable source of power within LADWP's in-basin system. However, Units 1 and 2 are over 65 years old and will be removed from service, rather than retrofitted or have their cooling systems replaced, by 2030 to comply with the statewide OTC Policy. Therefore, LADWP needs to maintain firm local generation that can be dependably and rapidly dispatched to respond to demand for energy in the LADWP service area in order to ensure the resilience and reliability of the City's electrical power grid during and after the transition to a carbon-free system. Locating the project in-basin at Scattergood would place the electrical generation near the center of demand, reducing the potential for power grid collapse in the event that the supply of renewable energy resources coming from outside the City cannot meet short-term peaks in demand or is unavailable due to emergency circumstances.
- **Provide Generation Capacity to Support Grid Stability and Energy Demand in the Scattergood Service Area:** LADWP's electricity imports predominantly enter the Los Angeles basin from the north. Three of its four in-basin generating stations are located on the coast in the southern and western boundaries of the service territory, transmission was built out from these generating stations, forming transmission "cul-de-sacs" that provide dispatchable electricity from the south. Due to potential disruptions to out-of-basin renewable energy sources, Scattergood has been identified as the most immediate and instrumental location in relation to the requirement for firm generation capacity due to the electrification of LAX, the implementation of increased wastewater treatment capabilities at Hyperion WRP, and anticipated growth in demand in the western areas of the City that

Scattergood serves largely caused by electrification (i.e., the conversion of various functions currently powered by the combustion of fossil fuels, including cooking, space heating, water heating, and the transportation sector, to electricity).

- **Reduce GHG Emissions and Transition to Carbon-Free Electrical Power System:** The transition to a carbon-free energy system is driven, in part, by a variety of state policies dictating GHG reductions and increased renewable portfolios. Assembly Bill (AB) 32, Senate Bill (SB) 32, and AB 197, have been passed at the state level and establish an overall goal of reducing California's statewide GHG emissions by 40% below 1990 levels by 2030. Additionally, the state has established Renewable Portfolio Standards (RPS) requiring utilities to obtain certain percentages of their energy from renewable sources by target years. SB 100 (passed in 2018) states that 60% of the total electricity sold to retail customers in California per year must be secured from qualifying renewable energy sources by December 31, 2030. SB 100 states that it is the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of the retail sales of electricity to California by 2045. LADWP has committed to achieving a carbon-free energy system for the City. The 2022 SLTRP (now known as the LA100 Plan) determined that obtaining a carbon-free energy system requires considerable investments in renewable generation, energy storage, and transmission infrastructure as well as initiatives to conserve energy. As of 2023, an estimated 39.5 percent of electricity procured to serve LADWP's retail customers was sourced from eligible renewable energy resources, a figure that excludes certain existing carbon-free energy resources, such as large hydro power and nuclear generation. LADWP has reduced GHG emissions (preliminarily 66 percent below the 1990 emissions baseline as of 2023) through a combination of replacing coal-fired generation, adding more efficient combustion generation, expanding energy efficiency, and increasing renewable energy. Scattergood Units 1 and 2 are conventional natural-gas-fired steam boiler generators with aging technology that are less fuel efficient and, therefore, emit more air pollutants and GHGs than modern generation units. Construction of a rapid-response CCGS with the ability to operate on a fuel mixture of natural gas and hydrogen would increase generation efficiency and reduce the combustion of fossil fuels and thereby reduce GHGs system-wide.
- **Implement long-term resource planning strategies:** LADWP's 2022 Power Strategic Long-Term Resource Plan (SLTRP, now known as LA100 Plan), establishes a roadmap for reliable and sustainable electrical power for the City, while also providing the strategy to achieve a carbon-free energy system, relying primarily on renewable solar, wind, and geothermal generation resources as well as large capacity energy storage facilities. The planned increases in use of renewable energy dictated by the SLTRP and by the state have associated system reliability challenges, because renewable energy often comes from different locations than traditionally generated energy and because renewable energy such as wind and solar are generated intermittently. Increasing RPS will require LADWP to replace or install new equipment and technologies for generation, transmission, distribution, and substations and to determine approaches for integrating intermittent sources of energy into the system. As such, the continued availability of firm local generation that can be dependably and rapidly dispatched to respond to demand for energy in the LADWP service area has been identified in the SLTRP as necessary to maintain the resilience and reliability of the City's electrical power grid during and after the transition to a carbon-free system. This transition will occur as the demand for electricity in the City is anticipated to increase substantially with electrification. The project aligns with statewide GHG emissions goals and incorporates the possibility of a 100% renewable

energy portfolio in the future. The project has been identified as an integral component of LADWP's LA100 Plan, and implementation of these long-term resource planning strategies thereby contribute to the state and local goals of increasing its RPS.

- **Minimize new disturbance areas:** The project will be located within Scattergood, an existing generating station that has been used for electric generation since the late 1950s. As such, maintaining critical generation capacity that can be dependably and rapidly dispatched to maintain the resilience and reliability of the City's electrical power grid will be achieved in a manner that minimizes new environmental disturbances and avoids land use changes. Because the project is located within an existing generating station, construction activities would be largely confined to the boundaries of Scattergood and existing disturbed areas will be used for project construction to the extent feasible, further minimizing environmental disturbances. The energy density of the CCGS allows LADWP to provide generation capacity within the existing facility and eliminates the need for acquiring substantial amounts of real estate, potentially including land for additional transmission lines, which would increase the footprint of temporary and permanent construction impacts. Acquiring real estate may also be cost-prohibitive and cause further delays in implementation of the project. By constructing the project at the existing Scattergood Generating Station, LADWP will minimize effects to sensitive resources and adjacent land uses.

Having considered these benefits, LADWP finds that the benefits of the project, as reflected in Alternative 4, outweigh its unavoidable, adverse environmental impacts, and that the adverse impacts are therefore acceptable. LADWP further finds that each of these public benefits serves as an as an independent basis for overriding the project's significant and unavoidable impacts, as reflected in Alternative 4, and that any one of the reasons set forth above is separately and independently sufficient to outweigh, on its own, the significant and unavoidable impacts of the project and therefore to justify approval of Alternative 4.