October 27, 2025

Via Electronic Mail

Los Angeles Department of Water and Power
Board of Water and Power Commissioners
111 N. Hope Street
Los Angeles, CA 90012
Email: Scattergood_CEQA@ladwp.com

RE: Supplemental Public Comments - Scattergood Modernization Project Final Environmental Impact Report State Clearinghouse Number 2023050366

To President Katz, Vice President McGraw, Commissioner Katz, and Commissioner Pinder:

Communities for a Better Environment ("CBE") and the Center for Biological Diversity ("CBD") submit this supplemental comment letter to the Los Angeles Department of Water & Power ("LADWP") regarding the Draft Environmental Impact Report ("DEIR") for the Scattergood Generating Station Units 1 and 2 Green Hydrogen-Ready Modernization Project ("Project").

These supplemental comments address an overarching problem with LADWP's analysis and response in the Final Environmental Impact Report ("FEIR"), and also the DEIR's and FEIR's failure to consider a battery storage alternative to the Project.

THE FEIR

The FEIR fails to meet the CEQA requirement under Pub. Resources Code, § 21091 and CEQA Guidelines § 15088(c) because its responses to comments are too often rote, perfunctory and dismissive. CEQA Guidelines § 15088(c) provides:

> The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections

> raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. **There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.** The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment. [Emphasis added]

This standard was not met – not just once, but repeatedly. For example, the FEIR's **Topical Response No. 2 – Hydrogen** is full of conclusory statements unsupported by factual information. It reflects LADWP's unwillingness to engage with difficult questions regarding planned hydrogen infrastructure that is reasonably foreseeable. The agency improperly declines to do its mandatory homework at this EIR stage and promises to analyze hydrogen at some later, undefined date. The FEIR states countless times that "[d]iscussion of these impacts would be entirely speculative and would therefore be of little to no informational value to decisionmakers and the public."[1] Yet, the FEIR cites no legal evidence related to the CEQA statute, its implementing guidelines, or the body of CEQA caselaw to support these blanket assurances that such discussion would in fact be of little to no informational value to stakeholders.

If a "sufficient market supply of green hydrogen may be available to support the proposed project's dual-fuel CCGS when it is fully commissioned by the end of 2029,"[2] then the EIR must provide at least some analysis of the environmental impacts of that sufficient market supply. The FEIR instead claims repeatedly that "the details of how and where the hydrogen would be manufactured are entirely speculative at this point." The FEIR repeatedly says: "Specifically, it is unknown where the hydrogen might be produced, how it would be stored, and how it would be delivered to Scattergood."[3]

The final point about delivery is the most egregious given the EIR's statements regarding the unlikely nature of truck deliveries of hydrogen and recent oral statements made by LADWP senior staff that a pipeline system would most likely deliver the hydrogen to Scattergood. There is plenty of public evidence regarding SoCalGas's Angeles Link proposed pipeline project, which SoCalGas claims will serve LADWP,[4] that the FEIR could have analyzed in good faith rather than claim LADWP has no knowledge of the likely transportation method for the so-called

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[1] FEIR at 2-13, 2-55, 2-661.
[2] FEIR at 2-13.
[3] FEIR at 2-13.
[4] *See* Environmental and EJ Parties, Public Comments - Scattergood Draft Environmental Impact Report State Clearinghouse Number 2023050366 (Apr. 7, 2025), at 11.

green hydrogen. There are also myriad available studies, projects, and regulations relating to hydrogen transportation, delivery, and storage that the Department declines to acknowledge.

The statement that "details related to the infrastructure needed to support the proposed project do not currently exist"[5] is patently false. Details concerning Angeles Link have existed for much, if not all, of the EIR timeline. Furthermore, the FEIR claims that analysis of the impacts of trucked hydrogen is speculative because "there is no way to know the source of the hydrogen, what routes might be used, the types of trucks necessary, or the amount that would be delivered." In spite of this blanket claim, hydrogen trucking regulations currently exist in U.S. Code of Federal Regulations Title 49 Parts 171-180.

The FEIR's conclusory analysis constitutes improper piecemealing with respect to foreseeable environmental impacts of hydrogen, particularly with respect to green hydrogen delivery.

The FEIR's response to comments section is also often characterized by bad faith, inadequate analysis of our well-reasoned analysis and thorough DEIR comments regarding the significant environmental impacts of the hydrogen system required to support this highly speculative project.

For example, the FEIR complains: "To analyze the impacts of the potential source of hydrogen would require analysis of every proposed route and design [of Angeles Link], which would be of little informational value to the public, particularly in light of the fact that there is no reason to believe that this will actually be the source of hydrogen for Scattergood." Given the readily available evidence already existing about Angeles Link, the FEIR is not only disingenuous about what LADWP already knows, but also lacks good faith in declining to do the appropriate level of analytical work to prove the proposed project warrants adoption and that the EIR deserves to be certified. Despite 6 months passing since the DEIR comment period closed, the FEIR repeatedly throws up its hands regarding vital topics such as hydrogen pipeline routing.

With respect to the water required to produce hydrogen, instead of meaningfully engaging with the evidence and arguments we articulated in our DEIR comments about electrolysis of water, the FEIR states different methods for producing green hydrogen "require different amounts of water," so it would "therefore be therefore be speculative to analyze the environmental impacts of supplying water relying on the estimates cited by commenters in the Sierra Club technical study and brief because those are based on only one possible method of hydrogen production that may or may not be used to supply Scattergood in the future."[6] Just because Scattergood might ultimately source hydrogen produced by a different method does not obviate the need to analyze at least some forms of water usage in hydrogen production in the EIR. Electrolysis of water is a

[5] FEIR at 2-13.
[6] FEIR at 2-666.

reasonably foreseeable pathway to produce hydrogen. As such, the EIR should have analyzed it rather than improperly dismissing it out of hand.

The responses in the FEIR are also circular and contradictory. In **Topical Response No. 1 – Proposed Project Generation Capacity and Grid Reliability**, the FEIR claims the "proposed project is not a speculative investment."[7] Yet, as demonstrated above, the FEIR routinely classifies any discussion of the huge hydrogen system that *must be constructed* to support the Scattergood Modernization Project as just that—speculative. The FEIR also characterizes the proposed project on the one hand as "renewably fueled combustion turbines"[8] and repeatedly, on the other hand, as capable (and likely to do so) of running on 100% methane gas,[9] a non-renewable resource.

Accordingly, the FEIR should be rejected and sent back to LADWP for compliance with CEQA.

THE BATTERY STORAGE ALTERNATIVE

We pointed out in our initial comments that the DEIR did not adequately assess the alternative of using battery storage to replace a fossil-fuel fired peaker plant. We wish to draw your attention to an article in the October 20, 2025 edition of the Los Angeles Times entitled "Batteries Put A Stop To Blackouts.[10]" That article begins:

> For decades, rolling blackouts and urgent calls for energy conservation were part of life in California — a reluctant summer ritual almost as reliable as the heat waves that drove them. But the state has undergone a quiet shift in recent years, and the California Independent System Operator hasn't issued a single one of those emergency pleas, known as Flex Alerts, since 2022.
>
> Experts and officials say the Golden State has reached a turning point, reflecting years of investment in making its electrical grid stronger, cleaner and more dependable. Much of that is new battery energy storage, which captures and stores electricity for later use.

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[7] FEIR at 2-11.
[8] FEIR at 2-10.
[9] FEIR at 2-663 ("the proposed project can operate using 100 percent natural gas…the proposed project has independent utility from the hydrogen infrastructure….as it would be needed to meet electricity demand regardless of its fuel source, and may operate without any supply of hydrogen, if necessary.")
[10] This article may be viewed at https://enewspaper.latimes.com/infinity/article_share.aspx?guid=199575e7-aa94-4d5d-ab78-9be193d75b65&utm_source=flipboard&utm_content=topic/sustainability. We have attached a photocopy for reference.

> In fact, batteries have been transformative for California, state officials say. In late afternoon, when the sun stops hitting solar panels and people are home using electricity, batteries now push stored solar energy onto the grid.
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> California has invested heavily in the technology, helping it mature and get cheaper in recent years. Battery storage in the state has grown more than 3,000% in six years — from 500 megawatts in 2020 to more than 15,700 megawatts today.
>
> "There is no question that the battery fleet that has grown rapidly since 2020, along with the state's expanding portfolio of other supply and demand-side resources, has been a real game changer for reliability during summer periods of peak demand," said Elliot Mainzer, CAISO's president and chief executive.

But the responses to comments about battery storage in the FEIR are overwhelmingly negative and ignore the positive information in the Times article. *See, e.g.*, Response to Comment No. P34-2 at page 2-160 of the FEIR. LADWP should re-evaluate the battery storage alternative in view of the information in the Times article – information which should have been known to LADWP at the time the responses to comments were published.

Thank you for your consideration of these comments. If you have any questions concerning these comments, please contact the undersigned.

Sincerely,

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