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## ELECTRONIC & REGULAR MAIL

Mr. Erik Krause, Deputy Director of Community Development  
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Glendale, CA 91026-4386  
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Dear Mr. Krause:

### **COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE BIOGAS RENEWABLE GENERATION PROJECT AT SCHOLL CANYON LANDFILL (SCH NO. 2017081062)**

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On behalf of the City of Los Angeles, LA Sanitation & Environment (LASAN) submits these comments on the adequacy of the City's Draft Environmental Impact Report (DEIR) prepared for the above-referenced project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) Los Angeles supports the City of Glendale's goal to beneficially use the landfill gas generated at the Scholl Canyon Landfill. These comments are submitted on behalf of the City of Los Angeles and in the interests of those residents living within the Eagle Rock area who may be adversely affected by the environmental effects of the Project.

Major issues are presented first with a description of the issue, followed by the technical basis for the comment, and a proposed means to resolve the issue. The remaining issues are presented in table format.

## **BACKGROUND**

The Proposed Project would replace the existing practice of sending landfill gas to the Grayson Power Plant by pipeline for combustion with a new on-site power plant, which would produce approximately 12 megawatts of electricity by utilizing the naturally-occurring landfill gas as a

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fuel source for electrical generating equipment. The new power plant would be located at the Scholl Canyon Landfill, an existing Class III nonhazardous landfill facility that accepts municipal solid waste and is not a generator of, or repository for, hazardous wastes. The landfill site occupies approximately 535 acres with portions owned by the City of Glendale, Los Angeles County, and Southern California Edison. The Proposed Project involves construction and operation of an approximately 2.2-acre power plant to be located on a portion of an approximately 95-acre site owned by Los Angeles County. The Project is located within the City of Glendale and is therefore subject to the City's land use and zoning designations.

The City of Glendale previously hired a consultant to conduct an Initial Study (IS), and the subsequent environmental review required a Mitigated Negative Declaration (MND). However, the Glendale City Council directed staff to complete an Environmental Impact Report (EIR) for the Proposed Project, including a careful consideration of a range of reasonable alternatives.

One noteworthy change that occurred between completion of the IS/MND and release of the DEIR was a determination<sup>1</sup>, by the Glendale Department of Water and Power, that the continued combustion of landfill gas at the Grayson Power Plant resulted in the release of cancer and non-cancer causing pollutants, which exceeded the applicable regulatory thresholds of significance, resulting in potential human health risks. The practice was therefore discontinued. The DEIR states that the plans to repower Grayson do not include burning landfill gas from the Scholl Canyon Landfill. As such, Scholl Canyon Landfill gas is currently being flared at the landfill.

## MAJOR ISSUES

**Issue 1- Health Risk Assessment:** As a preliminary matter, the DEIR states that the nearest "Sensitive Receptor Area" (SRA) is at 752 S. Wilson Ave in Pasadena, which is approximately 6 miles away. (DEIR, p. 4.56). This appears inaccurate as the residents of the Eagle Rock community live just over the Ventura Freeway (Highway 134) from the Landfill, a fact that other sections of the DEIR recognize. (See Figure 4.1-2 [View of Site from Eagle Rock].) Please clarify the nearest identified sensitive receptor(s) used for preparation of the air quality and Health Risk Assessment in the DEIR. This should be the location of one or more specific sensitive receptor locations (e.g., a residence, school, congregate care facility, etc.), that is closest to the Project Site for use in the HRA modeling – not, as indicated in the DEIR, a larger "Sensitive Receptor Area."

If one or more specific receptors were not identified and used in the modeling of the potential health effects of the Project, please explain the City's methodology. In practice, this would be a deviation from standard HRA modeling and would potentially understate the potential effects by spreading emissions over a larger area.

The human health risk assessment for toxic air emissions from the Scholl Canyon reciprocating internal combustion engines (RICE) unit appears to omit consideration of the five compounds (dioxins, furans, hexavalent chromium, arsenic, and nickel) that led to discontinuing the burning of the landfill gas at the Grayson Power Plant. Emissions of these polluting compounds are likely

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<sup>1</sup> <http://www.aqmd.gov/docs/default-source/planning/risk-assessment/city-of-glendale-2015-hra-report.pdf>

to be higher at Scholl Canyon than they were at Grayson, where the practice was halted due to cancer and non-cancer health risk concerns.

**Technical Basis for Issue:** The City of Glendale, Glendale Water & Power prepared an *Air Toxics “Hot Spots” Program (AB2588) Health Risk Assessment Report, July 2018* (i.e., 2015 Approved Health Risk Assessment [HRA]). The risk assessment states that the cancer risks at the Point of Maximum Impact (PMI), Maximum Exposed Individual Resident (MEIR), and Maximum Exposed Individual Worker (MEIW) are 277,186, and 7 in one million, respectively. The report further states that dioxin and furan compounds account for approximately 80% of cancer risk, while hexavalent chromium accounts for approximately 8% of cancer risk and arsenic accounts for approximately 6% of cancer risk. These substances were attributed to the combustion of Scholl Canyon Landfill gas combustion in the boilers, which contributed 97% of the overall cancer risks calculated for the Grayson Power Plant. In addition, the study states that the assumed total emissions of arsenic, dioxin, and furan compounds, and nickel contribute approximately 98% of the non-cancer chronic hazard index (HIC) attributed to the facility.

The Grayson Power Plant subsequently conducted emissions testing in 2018 and used that data, which was approved by the South Coast Air Quality Management District (SCAQMD) for AB 2588 purposes to conduct an Alternate HRA. Although the subsequent HRA shows health risks may be lower than the 2015 Approved HRA, the calculated cancer risk at the MEIR would still exceed the SCAQMD Rule 1402 — Control of Toxic Air Contaminants from Existing Sources that applies to facilities that exceed specific risk thresholds (e.g., cancer risk greater than 25 in-one-million).

For these reasons, combustion of Scholl Canyon Landfill gas was discontinued at Grayson Power Plant and is not part of their upcoming repowering plans. Although the Scholl Canyon Landfill gas was a small percentage of all of the natural gas burned at Grayson Power Plant, five compounds from the landfill gas (dioxin, furans, hexavalent chrome, arsenic, and nickel) accounted for 97% of the excess cancer risks at Grayson Power Plant, and 98% of the non-cancer chronic health impacts.

The HRA presented in the DEIR, however, omits an assessment of the potential health risks associated with dioxin/furan emissions from the Scholl Canyon Landfill, and the Toxic Air Contaminants Emission Summary presented in the DEIR<sup>2</sup> does not include arsenic, hexavalent chrome, or nickel. That is, the five compounds that caused the preponderance of health risk at the Grayson Power Plant from burning landfill gas were apparently not included in the analysis supporting the EIR. Why is this?

The combustion engines and flares associated with the Proposed Project at Scholl Canyon Landfill would presumably result in emissions of the same toxic air contaminants as those determined to cause health risks greater than the applicable thresholds at the Grayson Power Plant as a result of combustion of the same Scholl Canyon Landfill gas. Although we were unable to review the model input files for the DEIR risk assessment,

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<sup>2</sup> Table 19, page 4.99; Appendix B.4 Toxic Emission Inventory

none of the information provided in the DEIR, including the appendices, reflects that the five key compounds described above were included in the risk assessment analysis.

**Issue Resolution:** The air quality impacts and associated health risks of the Proposed Project should be revised to reflect consideration of the reasonably foreseeable health effects of the proposed Project to the nearest sensitive receptor – namely, the residence that is located closest to the Project site in the Eagle Rock Community.

The analysis should also be revised based on operating emissions using 100 percent landfill gas as the worst-case scenario, and should explicitly consider the human health risks (both cancer and non-cancer) posed by dioxins, furans, hexavalent chrome, arsenic, and nickel in the discharge plume from the new combustion units and the flares, including the health effects of any ROG or NOx, which may result from construction or operation of the proposed Project. (See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516.) The risk from combustion of landfill gas at Scholl Canyon Landfill should be directly compared to that at the Grayson Power Plant for disclosure of the potential impacts. If the cancer and non-cancer health risks exceed regulatory thresholds, alternate locations, or emission control devices should be identified along with all feasible mitigation measures.<sup>3</sup> (See also *Berkeley Keep Jets Over the Bay Committee v. Bd. of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1365-1366, fn. 12 [finding EIR inadequate for airport expansion project because it relied on an outdated “speciation profile” to evaluate increases in TAC emissions; this omission, the court said, “is a serious one, and is such as to prevent a decision maker and the public from gaining a true understanding of one of the most important environmental consequences of [the project].”]) (*Id.* at pp. 1366–1367.)

**Issue 2- Disclosure of Impacts:** Certain portions of the DEIR’s impact analysis improperly relies on the City of Glendale Municipal Code exemptions for Utility Projects, contained in Title 16, to excuse its analysis of potentially significant adverse impacts under CEQA. Title 16; however, is inapplicable to the proposed Project; it was adopted for purposes of considering and approving subdivision developments, not projects such as the one at issue. (See Municipal Code, §16.04.020(A) [“The purpose of this title and any rules, regulations, standards, and specifications adopted pursuant thereto is to control and regulate *the division and subdivision of land* within the city and such land as may be annexed to the city . . .”].) There is no “division and subdivision of land” at issue here. The Subdivision Map Act, and the City’s cited Municipal Code sections adopted to implement the Act (e.g., section 16.08.010(E)(G), do not trump the disclosure requirements of CEQA.

To provide context, section 16.08.010, subdivision (D), states: “Prohibitions. No grading, engineered slopes, housing construction, streets, utilities or other manmade features shall be permitted within identified primary ridgeline areas.” Subdivision (E) provides certain exceptions: “Exceptions. It is recognized that from time to time, it may be necessary for improved public street access or fire protection vehicle access to be taken across identified primary ridges to promote the public health, safety and general welfare, to insure adequate traffic circulation, and

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<sup>3</sup> Please note that these comments, including technical comments were prepared with the assistance of Dr. Dan Tormey. A copy of Dr. Tormey’s resume is included with this comment letter as Attachment A.

to provide appropriate ingress and egress for emergencies. In such cases, the city council/planning commission may declare a need for a public street crossing a primary ridge, and all grading and improvement plans for such public street, including necessary accessory engineered slopes and utility extensions underneath the street, or fire road shall be subject to the approval of the city council/planning commission.” Subdivision (G), in turn, states: “Utilities. Nothing in this section shall prohibit the maintenance, upgrading or improvement of existing public or quasi-public utilities which traverse identified primary ridges.”

The types of utilities required of a subdivision project are distinct from the infrastructure required of the Project at issue. Because Title 16 of the City’s Municipal Code is inapplicable, it is inappropriate to rely upon the alleged exemption to excuse the analysis otherwise required in an EIR prepared under CEQA. Doing so only sweeps potentially significant impacts of the Project under the rug. (See *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App. 3d 692, 733 [“A legally adequate EIR... ‘must contain sufficient detail to help ensure the integrity of the process of decision-making by precluding stubborn problems or serious criticism from being swept under the rug.’”].)

**Technical Basis for Issue:** Potentially significant impacts in aesthetics, land use, and noise were dismissed because the DEIR claims the Project is a utilities project/utilities land use. This approach deprives the public and City decision-makers of information that is required by CEQA. Each instance is described in the following.

*Aesthetics.* The Project is in part located on a ridgeline, which violates Glendale’s anti-ridgeline development goals for aesthetics. Rather than clearly stating this adverse aesthetic impact, the EIR states: “While construction of the proposed water tank would occur on a primary ridgeline, the proposed Project is a utilities land use that is exempt from the requirements of GMC related to development on identified primary ridges (see Section 4.1.2.3).” (DEIR, p. 4.37.)

*Land use and Planning.* An industrial internal combustion engine for landfill gas combustion is not consistent with the zoning for the area, which is Recreation/Open Space, Very Low Density Residential/Open Space, Special Recreation, and Restricted Residential (R1R). Because the proposed power plant, water tank, water and gas pipelines are not consistent with any of these zoning classifications, the Project would require a Conditional Use Permit. In addition, as noted for Aesthetics, portions of the Proposed Project site would be located within a designated ridgeline area that does not allow development. Buried within the pages of analysis is the key finding: a CUP is only allowable because of the utility use designation for the Project. Because the utility use designation is inapplicable, as explained above, approval of the Project requires amendment to the existing SR (Special Recreation) zoning and/or land use (Recreation/Open Space) designations to ensure consistency under the State Planning and Zoning law. The DEIR should be revised and recirculated to include these revisions as part of the proposed Project.

*Noise and Vibration.* The DEIR identifies some potentially significant noise impacts, but misses several that would affect the nearest sensitive receptors in the Eagle Rock community. All are dismissed, however, based on the inapplicable Utilities Exemption. The following bullets summarize these significant issues.

- The DEIR's noise and vibration impacts analysis omits consideration of the potential effects resulting from construction of the proposed water pipeline and proposed gas pipeline. Construction of the water and gas pipeline would result in a temporary increase in noise to the existing environment from on-road and off-road heavy equipment. Construction activities associated with installation of these features would generate noise and vibration in close proximity to sensitive receptors including adjacent parks and residences, which would likely be subject to noise levels in excess of the applicable noise thresholds and result in a significant impact. However, the DEIR erroneously states, again, that the Glendale Noise Ordinance exempts utilities from the provisions of CEQA. The reasonably foreseeable and potentially significant impacts of the Project are not properly disclosed as a result.

The analysis should clearly describe the expected increase in noise levels (direct and cumulative) and compare these levels to the existing baseline and thresholds of significance, in order to fully disclose the potentially significant temporary impacts. Without this analysis, the EIR omits information necessary for informed public decision-making.

The DEIR states on Page 4.251 that construction noise model results are included in Appendix H. Appendix H does not contain noise modeling results. It is later stated on Page 4.254 that construction noise model results are included in Appendix J. Appendix J also does not include the noise modeling result for construction activities (only the noise model results for operation of the facility are included in the appendix). Based on our search for the stated modeling results, we can only conclude they were not provided. We, therefore, cannot determine whether the modeling of noise from the construction activities include not only the noise generated from construction activities associated with the facility, but also the "whole of the project" – i.e., the pipelines and traffic on local roads generated during construction of all project components. Whether or not the pipeline construction traffic is included, the main issue is that the impact is significant to the local community and this must be identified and mitigated under CEQA. Reliance on the utility exemption to find a less than significant impact is inadequate.

- The lack of the required noise modeling results also prevents determination of the significance of noise associated with facility operation; the noise model results for operation of the facility included in Appendix J do not correspond with the data included in Table 37 (page 4.251) of the Draft EIR. Similarly, Table 37 on page 4.251 and Table 40 on page 4.254 both include a summary of noise levels for project construction. However, the construction noise levels are not the same in both tables. The results presented in Table 37 indicate that construction noise levels would exceed the applicable threshold at sensitive receptor R4 with an increase of greater than 5 dBA, which would result in a significant impact.
- The impact analysis also does not consider impacts to the Lower Scholl Canyon Park or Scholl Canyon Golf Course, which would be considered sensitive land uses that would be directly impacted by Project construction and operation noise. These are not included in the impact discussion. The issue with the analysis is that even if it were

properly disclosed to the local community that there is a significant noise impact to these recreational areas, the Project would rely on the utility exemption.

- The construction vibration impact analysis does not consider construction of pipelines in close proximity to residents. Specifically, the proposed gas pipeline would be installed within 100 feet of the residence located at 2840 Glen Canyon Dr. Using the equation provided in the impact analysis: peak particle velocity of equipment at 25 feet  $\times (25/\text{distance to receptor})^n$ , where  $n$  is 1.1 (the value related to the attenuation rate through ground), the corresponding equation for a structure within 100 feet would be  $0.210 \text{ (in/sec)} \times (25/100)^{1.1} = 0.04 \text{ in/sec}$ . This would exceed the stated threshold of 0.01 in/sec and, therefore, would result in a significant impact.

**Issue Resolution:** The Project would potentially result in significant impacts and community compatibility issues involving aesthetics, land use, noise, and vibration. Rather than rely on the inapplicable exemption under the Municipal Code for Subdivision developments and their related utility improvements, the DEIR should be revised and recirculated to instead identify the potential effects of the Project on the environment, as identified above, and require all feasible mitigation where significant.

**Issue 3- Project Alternatives:** Alternatives are described in a cursory manner, and not analyzed in sufficient detail to differentiate impacts between the alternatives and the proposed Project, including in order to select the Environmentally Preferred Alternative. Although the CEQA Guidelines support impacts of the alternatives being analyzed in a comparative manner to the impacts of the Project, the EIR does not describe the impacts sufficiently to allow for a meaningful comparative analysis. To this extent, the courts have required lead agencies to quantify an alternatives analysis to the extent feasible. (See *Kings County Farm Bureau, supra*, 221 Cal.App.3d at pp. 733–734 [EIR deficient for failing to quantify the extent to which a natural gas facility alternative would reduce the proposed project’s consumption of water].)

In addition, several alternatives are not selected for further analysis in the DEIR although they appear to meet the one Project objective and would be feasible to construct, operate, and maintain while avoiding or substantially lessening the significant adverse impacts of the proposed Project.

**Technical Basis for the Issue:** The comparison of impacts resulting from the selected alternatives does not provide sufficient detail of the associated impacts in order to differentiate between the alternatives for the selection of the Environmentally Preferred Alternative. Specifically, the Alternatives discussion does not provide a comprehensive comparative analysis, including quantification, where feasible, by resource category to enable an informed decision-making process. (See CEQA Guidelines Section 15126.6(d).)

The first 17 pages (half the chapter), for example, includes only a detailed discussion of beneficial use of landfill gas in California. This discussion is not appropriate for an alternatives analysis. Rather, it should serve as part of the background or purpose and need for the Project. Specific deficiencies of the alternatives analysis are further described as follows:

- Fuel Cells: To be consistent with the Air Quality Management Plan (AQMP), SCAQMD is required, pursuant to the federal Clean Air Act, to reduce emissions of criteria pollutants for which the Basin is in nonattainment status. Specifically, Stationary Source Regulatory Measure CMB-01 – Transition to Zero and Near Zero Emission Technologies for Stationary Sources proposes the replacement of traditional combustion sources with zero and near-zero emission technologies including low NO<sub>x</sub> emitting equipment, electrification, battery storage, alternative process changes, efficiency measures, or fuel cell technology.

The DEIR does not demonstrate, based on substantial evidence or a detailed analysis, how the fuel cell alternative fails to meet most of the basic Project Objectives, is infeasible or how the alternative would not avoid or otherwise reduce the significant environmental impacts of the Project. Specifically, the fuel cell alternative would meet the one objective to “*Safely capture all the LFG generated by the SCLF as required by regulatory standards and use the captured LFG generated by the SCLF for beneficial purposes such as combusting the LFG to generate power.*”

In addition, this alternative would be feasible to construct, operate, and maintain, and would potentially avoid the significant air quality impacts of the Project. The discussion provided in the DEIR describes two main drawbacks of utilizing fuel cells to make electricity: 1) landfill gas would have to be scrubbed to remove certain constituents, and 2) numerous cells would have to be fuel cell packages that would have to be combined together to consume all the methane available. However, the Proposed Project RICE also requires pre-treatment of the landfill gas, including a large area required for the condensate treatment system, landfill gas compressors, and conditioning systems. Depending on the configuration, it is likely that the additional equipment for pre-treatment required for the fuel cells would not require a larger footprint than the Proposed Project.

As such, this alternative should be brought forward for review, as part of a revised and recirculated alternatives chapter, as a viable alternative to the Proposed Project, including in order to comply with the Stationary Source Regulatory Measure CMB-01. In addition, this alternative would eliminate the potentially significant health risk associated with toxic air contaminant emissions from the RICE unit.

- For microturbines and a generator, the DEIR concludes: “This alternative would not avoid significant environmental impacts of the proposed Project” without any supporting analysis to this claim. Both options may be more clean-burning and the AB2588 risks might be lower than the Proposed Project. Specifically, as described for Major Issue 1 above, the HRA completed for the Proposed Project does not consider the five compounds that caused the preponderance of health risk at the Grayson Power Plant from burning landfill gas. The combustion engines and flares associated with the Proposed Project at Scholl Canyon Landfill would presumably result in emissions of the same toxic air contaminants as those determined to cause health risks greater than the applicable thresholds at the Grayson Power Plant as a result of combustion of the same Scholl Canyon Landfill gas. Accordingly, the impact analysis provided in Section 4.2 appears to underestimate the health risks to receptors.

Given this deficiency in the impact analysis, the fuel cell and microturbine alternatives may result in avoiding or substantially lessening the significant impacts of the proposed Project and should, therefore, have been carried forward for full analysis. Without consideration of the impacts associated with each of these options, it is not possible to determine if they have the potential for being the Environmentally Preferred Alternative.

- **Alternative 2 - Convert landfill gas to compressed natural gas (CNG):** The alternative analysis states: “This alternative would not have any potential environmental impacts less than the proposed Project. It would have lower operation phase emissions of air pollutants, greenhouse gases, and noise compared to combustion of the LFG in internal combustion engines to generate electricity.” This alternative should at least be screened considering the health risks of the toxic air emissions from the RICE (see Major Issue 1 above).
- **Alternative 4 – Locate Engine Generators at Another Location:** For this alternative, the proposed RICE system would be relocated to an alternate location, such as Grayson Power Plant and cleaned landfill gas would be transported by the existing pipeline to the Grayson Power Plant. The analysis for Potential Environmental Impacts Greater than the Proposed Project does not provide enough detail to compare impacts in order to select the Environmentally Preferred Alternative.

**Resolution of the Issue:** The DEIR does not adequately demonstrate that several of the alternatives that were not selected for further analysis fail to meet most of the basic Project Objectives, are infeasible, or would avoid significant environmental impacts. The DEIR should bring forward the fuel cell and alternate location alternatives for an environmental resource-specific analysis. Depending on the resolution of Major Issue 1, both microturbines and vehicle fuel source alternatives should also be analyzed in an environmental resource-specific comparative analysis. The comparative analysis of the associated impacts of the alternatives selected for analysis should be provided in sufficient detail through resource category-specific presentation in order to differentiate between the alternatives for the selection of the Environmentally Preferred Alternative.

**Issue 4- Transportation Analysis:** The Traffic analysis is inconsistent across the document, and the basis of the analysis (level of service) does not support comparison to the CEQA resource question based on vehicle-miles travelled (VMT). Taken together the traffic impacts are not clearly disclosed, and an insufficient basis is provided to determine whether the traffic impacts would be significant and require the adoption of mitigation or alternatives.

**Technical Basis for the Issue:** Current CEQA Guidelines identify vehicle miles travelled (VMT) as the required metric, for documents released after July 1, 2020, to evaluate a project’s transportation impacts. (CEQA Guidelines, § 15064.3.) The transportation impact discussion provided in the DEIR relies on analysis of changes to level of service (LOS) and other metrics generally no longer used to as a determinant of significant environmental impacts under CEQA. Failure to include any VMT analysis in the EIR would render it deficient under CEQA.

In addition to the absence of an assessment of Project-related VMT, the impact analysis for traffic impacts associated with construction that is provided in the DEIR is inconsistent throughout the discussion. The Traffic Analysis presented in Appendix K.1 indicates that the Proposed Project would result in a peak hour volume of up to 23. However, it states on page 4.266 that construction would result in up to only five trips per hour. On page 4.267 it states that the Proposed Project would result in only one peak hour trip. On page 2.21, the number of trips specified for Phase III includes three trucks and 20 worker vehicles, which would equate to the maximum expected peak hour volume of 23. This expected peak hour volume of 23 is presumably what was used in the Traffic Analysis included in Appendix K.1. Accordingly, the impact analysis should be consistent with the numbers presented in the Traffic Analysis.

If the DEIR continues to also keep the stated changes in LOS as a threshold, the resulting change in LOS and V/C increase associated with the p.m. construction-related traffic (up to 23 vehicles during peak hours) may result in triggering the threshold and result in potential inconsistencies with the General Plan or adopted standards (of a change in V/C greater than 0.04 for an intersection operating at LOS C, 0.02 for an intersection operating at LOS D, or 0.01 for an intersection operating at LOS F).

As detailed in the analysis, westbound ramps have a LOS of F in the a.m. and LOS C in the p.m. Therefore, if 23 additional peak hour trips result in an increase in the V/C of greater than 0.01 at the westbound ramps or 0.02 at the eastbound ramps, the Proposed Project would result in triggering the threshold. In addition, Section 4.11.4.2 Operation refers to Section 4.11.4.1 Construction for impact analysis related to operation traffic impacts. However, Section 4.11.4.2 does not address expected traffic associated with operation of the Proposed Project. Similarly, Section 4.11.4.4 Operation refers to Section 4.11.4.3 Construction for impact analysis related to operation traffic impacts. However, Section 4.11.4.3 does not address issues related to operation of the Proposed Project.

**Resolution of the Issue:** The DEIR should be revised to include an analysis of Project-related VMT rather than rely on the analysis of metrics (LOS) which is no longer used as a determinant of environmental impacts. The impact assessment should include not only construction impacts, but also a discussion of the impacts specific to operation of the Project.

**OTHER ISSUES**

<b>Resource Category</b>	<b>Issue</b>	<b>Implication or Resolution</b>
Project description	The Project Description is incomplete and omits several requirements of CEQA Guidelines section 15124. First, the Project Description includes only one project objective for which, it appears, only the proposed project would fulfill. (See DEIR p.2.4). For example, only the proposed project would capture LFG and use it for beneficial purposes “such as combusting the LFG to generate power.” Overly narrow project objectives, as here, result in improperly circumscribing an agency’s consideration of project alternatives. (See <i>North Coast Rivers Alliance v. A.G. Kawamura</i>	Improve the Project Description with additional project objectives and information

	(2016) 243 Cal.App.4th 647, 688.) To comply with CEQA, the City must revise and recirculate the DEIR with a Project Description that includes additional project objectives that reflect a broader range of both public and private aims, including objectives that recognize the need to be protective of health and safety of nearby residents, the environment, and the potential to convert LFG to LNG or CNG. Without such revisions, the City is poised to reject alternatives for not meeting the one project objective. Second, the Project Description omits the intended uses of the DEIR. (CEQA Guidelines, §15124, subd. (d)(1).)	
Air	Since the Proposed Project includes the abandonment of the existing landfill gas pipeline from Scholl Canyon Landfill to Grayson Power Plant, the impact analysis should include a discussion to demonstrate compliance with South Coast AQMD, Rule 1149, <i>Storage Tank and Pipeline Cleaning and Degassing</i> , as well as a discussion of the methods and associated air quality impacts for the abandonment of the existing pipeline.	Improve description of regulatory compliance
Air	The CalEEMOD construction emission estimates are based on a total graded area of 3 acres. However, the footprint for the proposed gas pipeline subarea and ten-foot right-of-way (ROW) is 0.76 acres. The footprint for the proposed water pipeline subarea and 14-foot ROW is 1.49 acres and the footprint for the proposed facilities is 2.2 acres for a total graded area of 4.45 acres as specified on page 4.230. The modeled construction emissions should be consistent with the actual expected total graded area to ensure the analysis includes the “whole of the Project” as required by CEQA.	Improvements to model
Air	The emission factors for NO <sub>x</sub> used to estimate the criteria pollutant emissions from the engines were based on the required emission limits pursuant to SCAQMD Rule 1110.2. However, as stated on the GE J 620 GS-F21 Equipment Specification provided in Appendix B.2.3, NO <sub>x</sub> levels are expected to drift upwards as deposits caused by contaminations in the gas build-up in the engine and as the engine experiences normal wear. This is similarly true for CO. The impact analysis does not adequately consider the long-term operation of the engine units and the associated increase in air quality impacts over time, including potential health effects.	Long-term criteria air pollutant levels may be worse than modeled
Air	The analysis is inconsistent on the data presented for operational emissions. On page 4.62 it states: <i>“To account for the uncontrolled emission rates and estimate maximum daily emissions, the following daily operating schedule is assumed:          1) Three engines run 22 hours in normal operation and 2 hours in start up/shutdown mode.          2) One engine runs 12 hours in normal operation, 10 hours in maintenance, and 2 hours for start up/shutdown.”</i>  However, the data presented in Appendix B.2.1 is based on the 30-day average emissions, which are far below the expected maximum	Model under-represents worst-case day, which must be disclosed and considered in a revised analysis and could lead to a significant impact

	<p>daily emissions. Use of the lower 30-day average may underestimate the expected impacts on air quality. The more conservative maximum daily emissions should be used as a basis for comparison to the SCAQMD Mass Daily Significance Thresholds for Operations Emissions as detailed in Table 13 on page 4.63. Using the maximum daily emissions, the Net Operations Emissions would exceed the SCAQMD Mass Daily Significance Thresholds for Operations Emissions for NO<sub>x</sub> and CO.</p>	
Air	<p>The modeled air quality emissions presented in Appendix B.3.2, AERMOD Input Summary is inconsistent with the data provided in Appendix B.2.3, GE J 620 GS-F21 Manufacturer Emissions Guarantee and Other Engine Parameters. Specifically, the data input used for the AERMOD model uses the NO<sub>x</sub> emissions of 3.949 g/s for Generator 1 and 0.153 g/s for Generators 2-4 for a total project impact of 0.030 ppm for 1-hour NO<sub>x</sub>, and CO emissions of 7.1 g/s for Generator 1 and 1.1 g/s for Generators 2-4 for a total project impact of 0.0145 ppm for 1-hour CO (presented in Table 18, page 4.96). The greater emission values for Generator 1 is presumably under the uncontrolled emission state and the value for Generators 2-4 are presumably under the controlled emission state. However, in Appendix B.2.3, the manufacturer only specifies a performance guarantee of NO<sub>x</sub>=11 ppmv, CO=250 ppmv, and VOC=30 ppmv. Accordingly, it appears that the AERMOD results underestimate the impacts for NO<sub>x</sub>, as well as for the other parameters for operation of the four units. With use of the greater emission rates specified by the manufacturer, the Proposed Project would likely result in exceedance of the applicable limiting standard and would result in a significant impact.</p>	<p>Additional inconsistencies in the air modeling, which, if corrected, could lead to more intense level of environmental impact</p>
Air	<p>The criteria and toxic emissions from the Internal Combustion Engines/Cogeneration system appears to be based on an energy input rating of 26.34 mmbtu/hr, even though the manufacturer's specified maximum energy input is rated at 23.9 mmbtu/hr. The Air Quality analysis should be revised by using one energy input rating consistent throughout the DEIR (i.e., GHG impact analysis) and associated appendices.</p>	<p>Model inconsistencies</p>
Cumulative Impacts	<p>The DEIR's cumulative impacts analysis should also be revised to consider more than the one identified related project (the Grayson Repowering project), which is carried forward throughout the EIR. (See CEQA Guidelines, § 15130.) This is particularly important for the air quality and GHG analysis. The cumulative air quality analysis, for example, encompasses only 2 paragraphs and conclusively finds a less-than-significant impact. The DEIR finds "Given the distance between the projects and the level of impact from each project, it is reasonable to conclude that the combined impact of the two projects would also be less-than-significant." (DEIR, p. 4.103.)          This approach ignores, for example, the extreme non-attainment</p>	

	<p>designation of the air basin (for 8 hour ozone) (federal) and non-attainment designation (CA) ozone), as well as the non-attainment status for PM10 and 2.5, undermining the potentially cumulatively considerable contribution of the Project to the already degraded air basin. The same is true for GHG emissions considering the severity of climate change to the planet. (See also DEIR, p. 3.2-3.3.)</p> <p>The DEIR’s analysis also appears to base its conclusions on a “de-minimis” approach, finding that because the project’s incremental contributions are small, the cumulative contribution is also less-than-significant. This approach has been rejected by the courts. (See <i>Communities for a Better Env v. California Resources Agency</i> (2002) 103 Cal.App.4th 98.)</p>	
Climate Change	<p>The data provided in Table 30 on page 4.199 is not consistent with the data provided in Appendix F, Greenhouse Gas (GHG) Emission Inventory. Specifically, the modeled results provided in Appendix F specify a total CO<sub>2</sub><sup>e</sup> of 57,683 MT/year. However, the data presented in Table 30 specifies a total CO<sub>2</sub><sup>e</sup> of 48,375 MT/year. Using the data provided in Appendix F and the stated baseline GHG emissions of 43,621 MT/year, the Proposed Project would result in a net increase of 14,062 MT/year in addition to those contributed from construction activities. This would result in a net increase of GHG emissions from the Proposed Project greater than the significance threshold of 10,000 MT/year, resulting in a significant impact.</p>	<p>The increase of GHG from the new unit would be 14,000 metric tons per year (MT/year), which is above the SCAQMD significance criterion of 10,000 MT/year.</p>
Climate Change	<p>The total greenhouse gas emissions of 57,683 MT/year of CO<sub>2</sub><sup>e</sup> was based on the input rating of 124.806 mmbtu/hr, which was about five times the manufacturer’s rating of 23.9 mmbtu/hr per engine. The GHG analysis should be revised by using one energy input rating consistent throughout the DEIR (i.e., Air Quality impact analysis) and associated appendices.</p>	<p>Inconsistency in model inputs</p>
Hazards	<p><i>Aqueous ammonia:</i> 19% aqueous ammonia proposed for the RICE unit can be acutely hazardous, and triggers California Accidental Release Prevention (CalARP) Risk Management Program compliance. The DEIR fails to analyze the potentially significant transport risk of this hazardous material, and its potential effect to the local community along the transport route. Typically, a risk analysis of aqueous ammonia at this concentration includes catastrophic storage tank failure, an ammonia unloading accident, and a release during transport of ammonia to the site.</p>	<p>May not be a significant impact, but the risk of transport of this compound to the RICE must be analyzed and disclosed</p>
Wildfire Risk	<p>The Proposed Project is located within a Local Responsibility Area (LRA) mapped by CalFire as Very High Fire Hazard Severity Zone (VHFHSZ), which is the most at risk for fire within the State. The Proposed Project is located in an area with steep topography, flammable vegetation, and limited access in the area. The region has a history of fires, with the entire northern two-thirds of the City having burned since the 1800s. Although the DEIR, correctly,</p>	<p>May not be a significant impact, but locating the Proposed combustion project in the</p>

	<p>identifies the Proposed Project has having a significant unmitigable impact to wildfire risk, no alternatives are developed to find a safer location. Is this the best location to cite a combustion unit?</p> <p>Given the unprecedented wildfires in California this year, the DEIR should be revised to include a range of alternatives, including an off-site alternative or additional mitigation measures that would avoid or lessen this impact.</p>	<p>highest possible fire risk area should be clearly disclosed, including the effects of wildfire since such an event is foreseeable</p>
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## CONCLUSION

Please include LASAN in the City's list for purposes of providing notice of any future revised and recirculated DEIR, availability of the Final EIR, and Notice of Determination, if one is filed, and future agendas and staff reports for any public hearings.

LASAN appreciates the opportunity to respond to this DEIR. Should you have any questions, please contact Hassan Rad, Division Manager of the Regulatory Affairs Division at (213) 847-5186.

Sincerely,



ENRIQUE C. ZALDIVAR, P.E.  
Director and General Manager  
LA Sanitation and Environment

ECZ/PC:pc

Attachment A: Dan Tormey, Ph.D, P.G., Technical Expert Resume

- c: Tim McWilliams, Los Angeles City Attorney's Office
- Steve Martin, Los Angeles City Attorney's Office
- Avak Keotahian, Office of the Chief Legislative Analyst
- Jose Hernandez, Council District 14
- Traci Minamide, LASAN – EXEC
- Mas Dojiri, LASAN – EXEC
- Hassan Rad, LASAN – RAD
- Paul Cobian, LASAN – RAD

Mr. Erik Krause  
September 25, 2020  
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**ATTACHMENT A**

**DAN TORMEY, Ph.D., P.G., TECHNICAL EXPERT RESUME**



## Dan Tormey, Ph.D., P.G.

President, Technical Director

### Summary of Qualifications

Dr. Tormey is an expert in energy, water resources, land management and environmental policy. He has served as a technical expert in state and federal court, including testimony in Federal Court on questions related to water supply and sustainable yield and testimony in state court on contaminant assessment, fate and transport, risk assessment and remediation. Other litigation and testimony have included water quality and quantity, water rights, and Endangered Species Act issues.

Dr. Tormey has been project manager or technical lead for many controversial CEQA and NEPA projects and is noted for the creativity of his policy and technical approaches. He has managed CEQA/NEPA reviews both for regulatory agencies (US Federal Energy Regulatory Commission, US Bureau of Land Management, US Bureau of Reclamation, US Forest Service, California Public Utilities Commission, California State Lands Commission, United States Forest Service, California State Water Resources Control Board, and San Diego Regional Water Quality Control Board, municipal entities) and for private-sector applicants.

Dr. Tormey has managed several "first in class" CEQA/NEPA projects, including the EIS for the first offshore liquefied natural gas terminal in the United States (Port Pelican, Gulf of Mexico); the Environmental Impact Report/EIS for the first such terminal offshore of California (Cabrillo Port, Ventura); the first use of the Federal Energy Regulatory Commission's backstop authority to override state denials of interstate transmission line projects (SCEs Devers to Palo Verde 2 500 kV transmission line project in Arizona and California); the first LNG terminal in Senegal; the first EIR for a reverse osmosis water treatment system for produced water treatment at an oil field (Arroyo Grande Oil Field, California); and the largest dam removal in the country (PacifiCorp Klamath Hydroelectric System Dam Removals).

He works with the environmental aspects of all types of electrical generation and transmission; water resources; oil and gas development and decommissioning; and land management and transfer. He has conducted important assignments in onshore, offshore, nearshore, estuarine, riverine and glacial environments. Dr. Tormey is the designated geomorphology expert in the Santa Clara River watershed (by Regional Water Quality Control Board, Los Angeles County), and his work on the Kern River led to his selection by the National Academy of Sciences to the 8-person science advisory board guiding the development of the management plan for Giant Sequoia National Monument; his role was physical sciences and watershed function. He is an on-call technical expert on oil and gas issues for Ventura County Planning Department.

Dr. Tormey has been at the forefront of evaluating the impacts of development projects on global climate, including quantification of the Social Cost of Carbon, variability in trapping efficiency of different compounds, and different types of mitigation strategies. He has evaluated technologies to enhance the utility of carbon capture and storage through improved combustion, and pilot storage and carbon sequestration projects.

### Education

- Ph.D., Geology and Geochemistry, MIT, 1989
- B.S., Civil Engineering and Geology, Stanford University, 1983

### Registrations

- Professional Geologist

### Appointed

- U. S. National Academy of Sciences: Science Advisory Board – Giant Sequoia National Monument (2002-2008)
- U.S. National Academy of Sciences: Steering Committee on Geoheritage (2020-present)
- Society of Petroleum Engineers Distinguished Lecturer 2015-2016
- SPE Award for Environmental and Social Responsibility 2017
- IUCN Geoscientist Specialist Group (2015-present)
- UNESCO World Heritage Site Review Panel (2009 - present)
- California Council on Science and Technology: Hydraulic Fracturing Study (2014-2015)
- California governor and legislature-appointed advisory committees on oil and gas issues (2014-present)
- Executive in Residence – California Polytechnic University (2004)
- Lead Scientist, Cruz del Sur (Andean post-disaster search and rescue group)
- Fellow, Explorers Club

## Representative Project Experience

### Programmatic EIR for Stormwater Management Program – City of Los Angeles Bureau of Sanitation

Project manager for a comprehensive review of a transformative stormwater management program in the City of Los Angeles, triggered by the Los Angeles Regional Water Quality Control Board new MS-4 permit. Evaluated low-impact design, numerous innovative infiltration measures, and other techniques for urban stormwater management.

### Reliant Resources Application for New Power Plant – Rancho Cucamonga, California

Project manager for the preparation of an Application for Certification (AFC) submitted to the California Energy Commission (CEC) for a proposed 350 MW peaking power plant in Rancho Cucamonga, California. The AFC was prepared under the emergency fast track provisions for a 6-month review. As such, the report included satisfaction of all the requirements for a standard 12-month review, and additional determinations including environmental justice, cumulative impact analysis, detailed hazard evaluation and risk assessment, and visibility modeling.

### EIR for Bacteria TMDL Compliance in Ballona Creek – City of Los Angeles Bureau of Sanitation

Project manager for EIR evaluating the impacts of the City's proposal to comply with bacteria TMDL limits in Ballona Creek and major tributaries. The project consists of three diversion structures, designed to capture all dry-season runoff. Analysis included potential effects to Ballona Estuary and Ballona Wetlands.

### CEQA Review of SCE's Gas-Fired Generation Capacity – Southern California

Project manager and technical lead for the preparation of a Proponent's Environmental Assessment of Southern California Edison's proposal to divest its twelve gas-fired generating stations in the Counties of Los Angeles, Ventura, Santa Barbara, Riverside, San Bernardino, and Orange in California. The action was recommended by the CPUC as part of their strategy for deregulating the electrical industry. Development of the project description and scope required close interaction with several Edison divisions, outside legal counsel, and ENTRIX technical specialists preparing chapters.

### Comprehensive analysis of impacts of high-volume hydraulic fracturing at an oil and gas field in California

In the first-ever environmental study of its type, Dr. Tormey is technical lead for evaluation of the effects of high volume hydraulic fracturing on the local environment at an oil and gas field in California. Analysis uses numerous lines of evidence, including a monitor well array with chemical and methane sampling (including isotopes of methane), microseismic measurements, vibration and noise analysis, and characterization of the environmental attributes of the chemical packages used.

### Salt River Project Generating Station Remediation Risk Prioritization—Phoenix, Arizona

Project lead for the compilation and evaluation of environmental risks associated with remediation of contamination at generating station assets within the Salt River Project's portfolio and other aspects of human health and ecological risk associated with power generation. Also led a series of workshops with SRP to identify potential environmental issues and their consequences with the objective of prioritizing potential remedial actions.

### Programmatic EIR for Dairy Approval – Merced County, California

Project Manager for the Programmatic EIR to evaluate Merced County's proposed Animal Confinement Ordinance. The project considered the cumulative impacts to all resource categories, with particular emphasis on impacts to water quality, air quality, human health risk and land use. The document was prepared in an atmosphere of litigation and mistrust among stakeholders but has not been subject to legal challenge.