



November 14, 2025
Los Angeles City Clerk
VIA EMAIL: Clerk.CPS@lacity.org

Re: *Appeal to Los Angeles City Council of October 28, 2025 decision of the Board of Commissioners of the Los Angeles Department of Water and Power taking the following action: Approval of Scattergood Generating Station Units 1 and 2 Green Hydrogen-Ready Modernization Project and Adoption of the Final Environmental Impact Report in Accordance with the California Environmental Quality Act.*

To the Office of the Los Angeles City Clerk:

Pursuant to California Public Resources Code Section 21151(c), the undersigned organizations appeal the October 28, 2025 decision of the Board of Commissioners of the Los Angeles Department of Water and Power (LADWP) taking the following action:

Approval of Scattergood Generating Station Units 1 and 2 Green Hydrogen-Ready Modernization Project and Adoption of the Final Environmental Impact Report in Accordance with the California Environmental Quality Act.¹

¹ See Attachment 1: LADWP Board of Commissioners Resolution

The Notice of Determination for this project was filed and posted on November 7, 2025.² A copy of the Board Resolution, Staff Recommendation, NOD and related documents are attached to this letter for your reference and will be emailed in batches due to size limitations.

The grounds for this appeal include those set forth in the April 7, 2025 comment letter submitted by Los Angeles Waterkeeper (“LA Waterkeeper”), Food & Water Watch, Center for Biological Diversity (“CBD”), Central Coast Alliance United for a Sustainable Economy, California Environmental Justice Alliance, Sierra Club, Communities for a Better Environment (“CBE”), and Vote Solar to LADWP regarding the Scattergood Generating Station Units 1 and 2 Green Hydrogen-Ready Modernization Project (“project”) Draft Environmental Impact Report (EIR) released on October 31, 2025. A copy of these comments is also attached for your reference as Attachment 3. Further grounds for this appeal are set forth in these additional attachments:

Attachment 4: LA Waterkeeper September 30, 2025 Supplemental Public Comments

Attachment 5: CBE & CBD October 10, 2025 Supplemental Public Comments

Attachment 6: CBE & CBD October 27, 2025 Supplemental Public Comments

Attachment 7: Sierra Club November 6, 2025 Supplemental Public Comments

Attachment 8: South Coast AQMD Public Comments

Attachment 9: LADWP staff recommendation.

Attachment 10: LADWP Board Resolution

Attachment 11: NGO comment letter on the Notice of Preparation.

In summary, the comment letters explain that the CEQA environmental review must, but did not, contain an analysis which:

- Evaluates programmatic cumulative environmental impacts from LADWP’s broader plans for in-basin generation from hydrogen combustion;
- Evaluates programmatic cumulative environmental impacts for the suite of new infrastructure and transportation needed to enable hydrogen combustion at

² See <https://ceqanet.lci.ca.gov/2023050366/3> and Attachment 2.

Scattergood, rather than improperly zero in on Scattergood's combustion operations alone;

- Evaluates air quality, greenhouse gas (“GHG”) emissions, and other environmental impacts against a Scattergood retirement baseline, one that accounts for the legally-mandated 2029 closure of the OTC units (Units 1 and 2) at Scattergood;
- Updates the project description to appropriate details on capacity needs, reliability objectives, transportation, storage, and other considerations;
- Includes an analysis of air quality impacts and GHG emissions impacts that incorporates multiple potential capacity factors, leakage rates, and potentially elevated nitrogen oxide (“NOx”) emissions from hydrogen blend combustion;
- Evaluates the region-wide impacts water supply impacts of transitioning to a hydrogen-powered electricity grid, rather than improper piecemealing to isolate the narrow impacts of hydrogen combustion at Scattergood;
- Offers a realistic evaluation of the possibility that no green hydrogen fuel will be available for the Project either in the near or long term, and that the Project will be fueled by fossil gas for its lifetime; and
- Evaluates the battery energy storage alternative based on feasible technologies that will be deployable on the same timeline as the Scattergood project and would not require additional land outside of the Scattergood site.

LADWP failed to address the EIR's significant flaws as repeatedly outlined by the numerous attached letters, as well as by commenters at public engagement and Board of Commissioners meetings. The EIR's failure to appropriately discuss or evaluate the project baseline, cumulative impacts, available project alternatives, impacts of LADWP hydrogen projects in a programmatic EIR, among other defects, fatally undermines its adequacy as an information document and violates CEQA.

The undersigned organizations respectfully request the City Council find the EIR inadequate and return the project to LADWP staff with instructions to revise the EIR to address these deficiencies.

Thank you for your consideration of this appeal. Please let the undersigned know when this appeal has been docketed.

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