City of Manhattan Beach
Community Development Department

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West Basin Municipal Water District
Attn: Zita Yu, Ph.D., P.E., Project Manager
17140 South Avalon Boulevard, Suite 210
Carson, California 90746

Via First Class Mail and Electronic Mail to: desalEIR@westbasin.org

Dear Dr. Yu:

On behalf of the City of Manhattan Beach ("Manhattan Beach" or "City"), we submit the following comments on the Draft Environmental Impact Report ("Draft EIR"), State Clearinghouse No. 2015081087, dated March 2018, which was prepared in connection with the West Basin Municipal Water District's ("West Basin") proposed Ocean Water Desalination Project (the "project"). As stated in the Notice of Preparation for the Draft EIR, the purpose of the project is "to produce between 20 and 60 million gallons per day of potable drinking water." It further claims that "[t]he 20 MGD capacity is the minimum capacity needed to meet the West Basin service area's future water demands at a local scale, consistent with West Basin's UWMP and Water Reliability 2020 Program objectives to reduce dependence on imported water."

Based on the numerous comments set forth below, Manhattan Beach contends that the Draft EIR fails to comply with the requirements of the California Environmental Quality Act (CEQA) (Pub. Res. Code § 21000 *et seq.*), and the State of California Guidelines for the California Environmental Quality Act (14 Cal. Code Regs. § 15000 *et seq.*), including CEQA's public disclosure mandates. Accordingly, Manhattan Beach requests that West Basin suspend any further consideration of the project until a Draft EIR that fully discloses, analyzes, and identifies all feasible mitigation to reduce the impacts of the project has been prepared and recirculated for public review and comment. Manhattan Beach objects to any further action by West Basin on the project until the necessary and proper environmental review has been completed.

Manhattan Beach requests that written responses to each of the following comments be provided in accordance with CEQA Guidelines section 15088.

I. The Draft EIR Fails to Analyze the Environmental Impacts of the Whole of the Project by Piecemealing Analysis of the Local Project and the Regional Project

Throughout the EIR, the environmental analysis of the Regional Project impermissibly analyzes its impacts by reasoning that the Regional Project's operational expansion (i.e., Regional Project compared to Local Project) is similar to the implementation of the Local Project (i.e., baseline conditions compared to Local Project). This is impermissible for two reasons: First, the programmatic portion of the EIR must base its analysis on the current baseline environmental conditions at the time the NOP for the Programmatic EIR was issued, which is with no desalination facilities present. Second, the analysis fails to analyze whether the entire project exceeds applicable thresholds and does not account for potentially compounding impacts of the two project components.

II. The Draft EIR's Analysis is Flawed in Several Respects

CEQA is clear: "An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences." CEQA Guidelines § 15151. The Draft EIR in its present form fails to comply with this requirement as the analysis is flawed in several critical respects, as discussed below.

A. Project Description

The description of the project is not stable and definitive. Rather, the project is either at the North Site, or perhaps the South Site, and may have a capacity of 20 MGD, 40 MGD, or 60 MGD. Further, the Local Project includes significant elements of the "Regional Project" such that any future environmental analysis will be constrained in the ability to consider mitigation measures or alternatives to address environmental impacts. At bottom, it appears that West Basin has defined the project to segment the Local Project from the Regional Project, which is the real project being contemplated. In so doing, West Basin provides a veneer of analysis on the Local Project, while deferring to some future time the analysis of the full project – the Regional Project. In order to fulfill CEQA's requirements to describe and analyze the entire scope of the project and to fully disclose the potential environmental impacts, the EIR must be revised to provide a full discussion of the Regional Project components and a full analysis of that project. If the District needs to refine design elements in the future, after the analysis of the full Regional Project as now clearly envisioned, further review (supplemental EIR, subsequent EIR, or perhaps even one or more addenda) would be appropriate.

The project description provides passing references to waste backwash treatments, chemical cleaning solutions, and chemical waste naturalization systems, but does not provide sufficient detail regarding the treatment and naturalization systems to understand whether those processes have the potential to cause environmental impacts. The project description must be expanded to explain these processes, and the environmental analysis needs to be augmented to explain the potential for impacts, such as impacts on sewer systems based on disposal of the wastes. This is of particular concern to the City because the Draft EIR suggests that the waste materials could be pumped into the Manhattan Beach local sanitary sewer lines.

Table 3-2 discusses desalinization facility chemicals, however, there is no disclosure of the potential risks associated with spills of these chemicals. The Draft EIR should fully disclose each chemical's potential risks and impacts to human (and other) life in the event exposure were to result from spillage or some other release.

The project description lacks details regarding the location and number of parking spaces to be provided on the site (whether the North or South Site), and the site plans fail to disclose the details of the parking lots. Without this aspect of the proposed project disclosed, reviewers are unable to assess the potential for impacts that could result from the proposed parking facility, including aesthetics, biological resources, and traffic and circulation impacts that could be caused by spillover parking, particularly when the auditorium is in use. It is also unclear whether or not parking areas would be impacted by the "Regional Project" construction.

The project description states:

> "At times, during startup and infrequently during upsets while the plant is in operation, it may be necessary to bypass the entire treatment facility to discharge. Thus, the discharge system would be sized for a peak discharge from the plant of 41 to 46 MGD." (p. 3-13.)

It also states:

> "Depending on pretreatment processes and washwater recycling, the discharge system would be sized for peak discharge of 83 to 95 MGD." (p. 3-17.)

The potential system bypass scenarios are not explained in any meaningful way, and it is unclear how much treatment already may have occurred before the bypass, and whether this discharge includes RO concentrate, backwash water, chemically treated materials, partially treated water, or perhaps all of the above. The system apparently will be designed to accommodate full bypass discharge of up to 95 MGD; however, the impacts of such discharges are not adequately disclosed.

The project description acknowledges that on-site storage of chemicals would occur; however, there is no discussion or quantification of the amount of chemicals that would need to be stored for the ultimate Regional Project. The project description states that "[o]nsite storage of chemicals would be sufficient for 10 to 20 days of usage at average dosage rates"; however, the quantities needed for this period of time likely would increase substantially under the Regional Project. The increased chemical quantities must be disclosed, and the potential impacts of the expanded chemical storage activities must be fully disclosed and analyzed.

Table 3-11 provides a list of permits, approvals, and regulatory requirements. The list, however, does not contain any mention of approvals that would be necessary for use of park space for pumps necessary for the desalinated water conveyance components under the Regional Project scenario. Further, there is no identification of the process that will be undertaken to replace the lost parkland.

B. Basis of Cumulative Analysis

The discussion of existing facilities in the Draft EIR acknowledges that "the Southern California Bight supports many more" ocean water intake/discharge facilities; however, only those located "near" the proposed Project are considered. (p. 4-12.) A complete list of the intake/discharge facilities in the Southern California Bight should be disclosed. Failure to include a comprehensive list and to analyze the full cumulative impact potential results in an inadequate Draft EIR.

C. Aesthetics

1. Scenic Resources

At the outset, it is not clear whether impacts from the potential expansion of energy facilities were analyzed with respect to impacts on scenic resources. Were the potential new power poles (p. 5.5-21) analyzed?

Even based on the current scope of the analysis, there is no evidence or support for the Draft EIR's conclusion of less than significant impacts with mitigation for construction impacts to scenic resources as it relates to the South Site. The proposed project will place construction materials and equipment into the public viewshed of scenic resources, thereby impairing those resources. The Draft EIR (pp. 5.1-10 through 5.1-11) relies in large part on the impacts being "temporary" to justify the conclusion of LTSM. On the contrary, the construction period for the Local Project alone is five years – which is 1/6 of the anticipated project lifetime based on South Coast Air Quality Management District ("SCAQMD") assumptions (p. 5.7-28, Table 5.7-4, fn. 3). And, the construction period for the Regional Project is a full eight years – over one quarter of the project's total anticipated lifetime. Impacts lasting this long cannot be considered "temporary," and there is no support for the LTSM conclusion.

Compounding this problem is the fact that the mitigation measures proposed to address impacts to scenic resources constitute impermissible deferred mitigation and are not enforceable, nor is there any evidence that they actually will reduce significant aesthetics impacts to less than significant. For example, mitigation measure AES-1 states that staging areas will be sited or screened to minimize public views "to the maximum extent practicable." Who determines what is the "maximum extent practicable"? When is that determined? What is the basis or benchmark standards that will be used for determining what is the "maximum extent practicable"? None of this information is provided, rendering the mitigation measure flawed and impermissibly deferring actual mitigation.

Mitigation measure AES-2 is similarly problematic, stating that rooftop mechanical and electrical equipment will be placed so that it is not highly visible or is screened "where possible." Again, who determines what is "possible"; and what standards will be used to make that determination? From what vantage points will the analysis be made?

In addition to the specific problems with these mitigation measures, there is no evidence that they will reduce significant impacts to scenic resources to less than significant. How will screening "where possible" mitigate eight years of construction impacts in the case of the Regional Project or five years of impacts in the case of the Local Project?

The Draft EIR's flaws with respect to aesthetic impacts to scenic resources are unfortunately not limited to construction impacts. The Draft EIR concludes that there will be less than significant operational impacts to scenic resources with the inclusion of mitigation (the same flawed mitigation measures discussed above). There is simply no support for this conclusion. For example, Key View 3 in its current condition plainly shows widespread ocean views (Figure 5.1-4). The visual simulation from this Key View with the Local Project shows a large building blocking nearly all of the ocean view (Figure 5.1-8), with even more massing blocking the view for the Regional Project (Figure 5.1-13). How can the Draft EIR contend that impacts to scenic resources will be less than significant when the Draft EIR's own visual simulations directly refute this and show a permanent impairment of scenic views from a Key View location?

Moreover, the Regional Project bases its conclusion of LTSM with respect to operational impacts on a comparison with "historic uses on the site" (p. 5.1-17). This is a false comparison and an improper baseline. The Draft EIR must analyze, and base its impact conclusions on, what is physically present on the site now, and the scenic views afforded to the public now, not what might have been present on the site previously but no longer exists.

The Draft EIR also concludes that both the Local and Regional Projects will be consistent with the Coastal Act. There is no support for this conclusion given that both projects directly contravene the El Segundo LCP and the Coastal Act in general because they block views of scenic coastal areas, as described immediately above.

While the Draft EIR gives passing mention to the LCP and the Coastal Act, there is no analysis of the project's consistency, or lack thereof, with the Manhattan Beach General Plan and, specifically, Policy LU-4.1 regarding protecting "enjoyment of the beach." This policy is listed as a relevant policy (p. 5.1-3) and, therefore, the project's consistency with the policy should be analyzed.

2. Visual Character/Quality

The Draft EIR concludes that impacts to visual character and quality will be less than significant with mitigation, but evidence in the Draft EIR contradicts this conclusion with respect to the South Site. Specifically, as shown from Key View 3, the proposed project is not compatible with the existing residential neighborhoods, including El Porto in Manhattan Beach.

The proposed mitigation measures – the exact same measures proposed for impacts to scenic resources which, as discussed above, constitute impermissible deferred mitigation – do not reduce impacts to less than significant. Specifically, as with scenic resources, how will the proposed mitigation measures reduce impacts to the visual character of the area during either five years (Local Project) or eight years (Regional Project) of construction? How will the mitigation measures reduce permanent (operational) impacts to visual character given the adverse change in the visual character of the area depicted in Key View 3, among others?

In addition, the Draft EIR underestimates potential impacts from the Regional Project by analyzing and disclosing only the incremental increase in impacts from the Local Project, as opposed to the Regional Project's actual impacts compared to the current baseline of what is physically on the project site now. So, while the Draft EIR concedes that the Regional Project will have greater visual impacts than the Local Project, the Draft EIR conceals those impacts by focusing only on

the change from the Local Project, as though it already were built. This is an incorrect approach. The Regional Project will degrade visual character significantly, but it is impossible to discern exactly how significant the impacts will be given the improper baseline that the Draft EIR uses.

Finally, please explain how the same mitigation measures proposed to address visual character impacts caused by the Local Project suffice to address and reduce impacts from the Regional Project to less than significant, given that the Regional Project is larger and has greater hardscape, thus increasing its visual impacts.

3. Light and Glare

Continuing a theme, the Draft EIR concludes that construction-related light and glare impacts from the Local Project will be less than significant based on the "temporary" nature of construction. Given that construction will occur over a minimum five-year period, or eight years if the Regional Project were to be constructed, these adverse impacts cannot be considered temporary in nature. As a result, there is no evidence to support the conclusion that impacts here are less than significant.

In addition, the two mitigation measures proposed to reduce the project's operational light and glare impacts to less than significant amount to impermissible deferred mitigation. For example mitigation measure AES-6 states that an Outdoor Lighting Plan will be prepared to "ensure that any exterior lighting does not spill over onto the adjacent residential uses." What is the benchmark standard for what constitutes impermissible spill over? Is it a certain number of footcandles or some other standard of measurement? Who will decide what constitutes "impermissible" spill over? When will this be decided?

Similarly, AES-7 requires painting or otherwise treating the desalination facility to minimize visual intrusion and consistency with "local laws, ordinances, regulations, and standards." What are the specific laws, ordinances, regulations, and standards that will apply? Who will decide what is sufficient? What is the benchmark that will be used to determine whether an impact is "minimized"?

D. Air Quality

The Federal Conformity Analysis for SRF (CEQA Plus) determination in connection with Impact AQ 5.2-1 relies on ignoring the actual implications of the project's exceedance of NO_X emissions during construction. As shown in Table 5.2-7, the Local Project and the Regional Project both exceed de minimis levels of NO_X emissions during construction. Yet, the Draft EIR concludes that the projects are consistent with the State Implementation Plan ("SIP"). There is no support for this conclusion when, as the Draft EIR acknowledges, the General Conformity process is designed to ensure that actions "do not cause or contribute to new violations" and "do not increase the frequency or severity of existing regulations." (p. 5.2-25.) By exceeding the de minimis thresholds for NO_X, the project inhibits compliance with the SIP, a conclusion that is further supported by the Significant and Unavoidable impact determination in Impacts AQ 5.2-2 and 5.2-3, based on the project's NO_X emissions during construction and the exceedance of air quality standards.

Mitigation Measure AQ-3 includes a bulleted point discussing use of Tier 4 engine certification, and potential "alternative measures" if this standard cannot be achieved. The measure states that the "effectiveness of alternative measures must be demonstrated through future study with written findings supported by substantial evidence that is approved by the lead agency before use." Will the process of determining the equivalence of proposed alternate measures allow for public notice and participation?

Please provide further information regarding Table 5.2-18 and, specifically, what the "refined analysis for Offshore Emissions" is. Based on the Maximum Offshore Emissions line in the table, the Local Project exceeds applicable thresholds for NO_X, yet the ultimate conclusion for NO_X is less than significant.

The discussion of construction-related TACs initially states that the project will have significant impacts at the South Site because it "exceed[s] the 10 in a million threshold (approximately 48 in one million)" (p. 5.2-49), thus exceeding the threshold by a factor of four. The discussion then concludes that Mitigation Measures AQ-1 through AQ-3 will reduce the risk of chronic health impacts to less than significant, but there is no quantitative analysis presented in the Draft EIR to justify this conclusion or to demonstrate whether and how the proposed mitigation will reduce impacts to less than significant; the same flaw is true with respect to the Regional Project (p. 5.2-53).

The Draft EIR's discussion of objectionable odors related to construction relies on the same flawed premise as discussed elsewhere in this letter – namely, that impacts may be considered less than significant because the construction is "of relatively limited duration" (p. 5.2-56). This is simply not accurate. For those Manhattan Beach residents living on 45th Street, approximately 100 feet away from the South Site, five years of construction (Local Project) or eight years of construction (Regional Project) is hardly "of limited duration." On the contrary, the objectionable odors caused by construction will have a marked, adverse impact on those residents. In short, there is no support in the Draft EIR for the conclusion that objectionable, construction-related odors will be less than significant.

E. Biological Resources – Terrestrial

The Draft EIR fails to adequately assess the baseline conditions for the water conveyance corridors and regional pump station sites and construction staging areas. Rather than undertake surveys of the areas that could be impacted, the Draft EIR states that the areas are "devoid of natural vegetation and associated wildlife (p. 5.3-11). This conclusion was based on a review of aerial photography; however, site analysis through a biological survey should not be deferred, and is necessary to establish an adequate baseline for impact analysis. It is noteworthy that a reconnaissance-level survey of the alignments was completed for cultural resources, calling into question why the same protocol was not undertaken for biological resources. The lack of meaningful site surveys undermines the assumptions throughout the analysis of biological impacts that the conveyance system and pump locations "are devoid of natural vegetation." (See, e.g., p. 5.3-16.) Without an understanding of the baseline, the Draft EIR fails to fulfill CEQA's disclosure requirements, thereby undermining the biological impact conclusions.

Similarly, the nesting birds survey was completed in November 2015, outside of the avian nesting season. (p. 5.3-15.) It is unclear why the survey wasn't completed during the nesting season, and the timing all but guaranteed that no nesting birds would be identified. A new survey during the nesting season should be undertaken in order to properly identify the baseline conditions.

A survey of plant communities for the project site was conducted on November 2, 2015, with a more narrow survey of El Segundo blue butterfly habitat areas completed on July 12, 2016. These survey times, however, did not cover blooming periods for many of the plants listed in Table 5.3-1. It is unclear why the survey was not conducted at a time when most of the sensitive plants could be blooming, to enhance identification potential. Choosing the November period for the main survey undermines the establishment of a solid baseline condition from which to assess impacts. Further, it is unclear why coast buckwheat (Ergonum parvifolium), the host plant for the El Segundo blue butterfly, is not listed in Table 5.3-1.

Without an adequate survey of the North and South Sites, the conclusion that the desalination facility construction would not impact special-status plant species is not adequately supported.

Although mitigation of potential biological impacts is identified, the measures improperly defer the mitigation. For example, BIO-2 requires avoidance of sensitive species, but defers the extent of monitoring to a future time without any minimum standards or protocols identified. BIO-2 is inadequate without establishment of meaningful performance standards.

Mitigation measure BIO-6 requires a western snowy plover survey prior to commencement of ground disturbing activities; however, the measure does not establish how close to construction commencement the survey should be completed. Mitigation measure BIO-5 requires a nesting bird survey to be completed within 72 hours preceding disturbance activities, and BIO-6 should have a similar temporal component.

The cumulative analysis of biological resources does not analyze potential cumulative impacts to the western snowy plover. Given the sensitivity of this species, a detailed cumulative analysis is warranted and should be based on a list of other projects with the potential to impact the species.

F. Cultural Resources

The research of cultural resources states that three "historic-period built environmental resources… are located within or immediately adjacent to the Project site." (p. 5.4-21.) These resources are the Hawthorne High School, an apartment building, and the ESGS. The Draft EIR discussion of the potential impacts of the conveyance pipelines simply states that "[b]ecause the pipelines would be installed beneath the existing street right-of-ways, the Project would not directly impact" the high school or the apartment building. There is not, however, any discussion of the potential construction-related vibration impacts on these resources, or the special vibration thresholds of impact that apply to older buildings. The Draft EIR fails to fully disclose the potential construction impacts in this regard.

The Draft EIR states that the offshore portion of the project "appears to have the potential to contain archaeological deposits dating between approximately 12,000 and 4,000 years ago." (p. 5.4-24.) However, the Draft EIR does not call for any monitoring or further site analysis of the

now submerged lands in which these resources may reside. Will there be archaeologic or tribal cultural resource monitors present during any aspect of the underwater construction?

Mitigation Measure CUL-3 improperly defers analysis and mitigation of potential archaeological impacts. Rather than identifying resources in the Draft EIR, a cultural resources monitoring and mitigation plan ("CRMMP") would be prepared in the future prior to construction. Those measures should be identified now and included in the mitigation monitoring and reporting program that must be adopted if the project is approved. The deferred analysis and mitigation will only be disclosed after the fact and with no opportunity for public review or comment. The minimal contents of the CRMMP that are referenced in CUL-3 include monitoring methodology, future identification of the areas of the project in which monitoring would be required, and measures to minimize potential impact of inadvertent discoveries of resources. Each of these aspects of the CRMMP can and must be completed as part of the Draft EIR. Further, it is unclear whether the CRMMP also will cover the underwater areas to be disturbed in conjunction with the intake and outflow elements of the project, and what additional or different monitoring measures would be required for that marine environment.

Mitigation Measure CUL-4 also improperly defers mitigation and does not disclose the type of mitigation that may be employed or the circumstance when different types of mitigation may be appropriate. Further, there is no mention of whether this mitigation will apply in the marine environments where intake and outflow construction will occur. Further, the mitigation measure mentions resource recovery, but does not acknowledge that recovery often is not the preferred or appropriate approach when leaving resources properly secured in place is an option.

Mitigation Measure CUL-5 does not explain whether certain sensitive information would be kept confidential. If that is the intent, the mitigation measure should be revised to make that clear.

Mitigation Measure CUL-8 improperly defers analysis and mitigation of potential paleontological impacts. Rather than identifying resources in the Draft EIR, a paleontological resources monitoring and mitigation plan ("PRMMP") would be prepared in the future prior to construction. Those measures should be identified now and included in the mitigation monitoring and reporting program that must be adopted if the project is approved. The deferred analysis and mitigation will only be disclosed after the fact and with no opportunity for public review or comment. The contents of the PRMMP referenced in CUL-8 are not specified in any meaningful way, whereas CEQA requires that each of these aspects be completed as part of the Draft EIR. Further, it is unclear whether the PRMMP will also cover the underwater areas to be disturbed in conjunction with the intake and outflow elements of the project, and what additional or different monitoring measures would be required for that marine environment.

The Draft EIR assumes that excavations of ten feet or less into older Quaternary alluvial deposits will not result in any impacts; however, there is no explanation of how that threshold was determined or what evidence was relied upon in establishing the threshold. Further, the Draft EIR does not adequately address the potential impacts of the intake/outflow construction in areas that previously were not submerged, and thus appear to have the possibility of containing paleontological resources. Similarly, mitigation measure CUL-10 utilizes an eight-foot threshold, however the basis for that threshold is not explained in the Draft EIR. What will happen with respect to resources that are discovered in depths less than eight or ten feet?

G. Energy

Please clarify – what are the "on-site solar power generation" facilities referenced on page 5.5-15?

The Draft EIR asserts that anti-idling requirements will result in "energy savings" with respect to construction-related energy impacts (p. 5.5-16). How does the use of vehicles, even if fuel-efficient, result in "energy savings" if, absent the project, no construction for the project would occur and no vehicles would be used on the site? From a baseline perspective of no activity, the expenditure of fuels does not result in "energy savings."

Table 5.5-4 shows total energy consumption comparisons, purportedly to show the project's small energy consumption relative to overall use. This is a false comparison. First, the comparison is from the project to Los Angeles County *overall*, which is improper because it is not comparable to the project – that is, comparing the project's energy demands to the annual energy consumption across a county of several million people and businesses serves no purpose other than to try and downplay the energy demands of the project. Second, why is the comparison to the County and not to other water supply and delivery systems? What is the energy demand of the proposed project compared to stormwater capture projects? What is the energy demand of the proposed project compared to other desalination facilities? That information is far more relevant, and the failure to disclose is it is a flaw in the Draft EIR.

Similarly, the Draft EIR relies in part on Table 5.5-4 to reach an unsupported conclusion of LTSM with respect to Impact ENERGY 5.5-3, and incorrectly concludes that the project would not cause wasteful, inefficient, and unnecessary consumption of energy. There is no way to determine how inefficient and wasteful the project is based on the information provided in Table 5.5-4, which provides no valid point of comparison. In addition, Impact ENERGY 5.5-3 attempts to justify the LTSM conclusion by asserting that the project "is not considered wasteful because it results in a diversified water supply that reduces dependency on imported water, increase[] drought resiliency, and increase[] water reliability." (p. 5.5-19.) This is an improper factor for measuring the project's energy outputs and wastefulness. In other words, a project's energy efficiency cannot be based on the purported benefits of the project. Please provide a comparison of the project's energy demands and those of other water supply and delivery systems.

With respect to Electrical Energy Demand and Infrastructure, the Draft EIR admits that the desalination facilities "would result in an increased demand for energy in order to provide increased reliability of an essential service" (p. 5.5-21) but then claims that the project would not result in the need for new or expanded sources of energy supply or new or expanded energy delivery systems or infrastructure "other than as noted above." (p. 5.5-21.) What is noted above **are** new and expanded energy delivery systems, including new poles and a new electrical substation; thus, there clearly is an impact, and the project exceeds the threshold under Impact ENERGY 5.5-3. To reduce this impact, the Draft EIR relies solely on Mitigation Measure GHG-1 to reduce impacts to LTSM. Setting aside the significant deficiencies in Mitigation Measure GHG-1 (discussed below in this letter), will GHG-1 result in the need for no electrical poles or electrical substation to be built? If not, the proposed mitigation is not actually reducing the impacts of ENERGY 5.5-3 to less than significant. Please provide a quantification of the reduced energy demand as a result of GHG-1 and also clarify whether GHG-1 definitively will result in no new electrical poles or electrical substation being built as part of the project.

What is the basis for using SCE's entire service area (which encompasses more than 180 cities) as the geographic basis for an analysis of cumulative energy impacts? This selection appears designed to underplay the significance of the project's energy demands by, in essence, enlarging the denominator so the numerator appears minute by comparison. Why is the geographic basis not simply West Basin's service area?

H. Geology, Soils, and Seismicity

The Draft EIR states, "the potential for lateral spreading at the proposed desalinated water conveyance corridors and regional pump station optional sites is unknown at this time" (p. 5.6-2). Without analysis of the identified sites, the baseline conditions to which the proposed project must be compared is not adequate or disclosed.

The Draft EIR fails to establish an adequate baseline condition for analysis the site because it omits the fact that the El Segundo Local Coastal Plan (ESLCP) considers the area a hazard area where impacts can extend beyond local significance. (ESLCP Staff Summary & Recommendations; p. 6-8; 9.) The Draft EIR, therefore, also fails to disclose the potential for beach erosion, and potential slope instability that could trigger landslide activity and damage to the public bicycle trail and the proposed desalination facilities. The narrow expanse of beach in this area seaward of the project sites could cause impacts to be even greater in this area, and the analysis does not consider the further impacts that would accompany rising sea levels in the coming decades as a result of global climate change.

Construction-related impacts are found to be less than significant; however, the sole justification for this conclusion is that construction activities are "temporary" (p. 5.6-15; 5.6-17). Temporary impacts can still be significant. Similarly, the Draft EIR concludes that seismic damage to the intake and discharge tunnels could result in "temporary shutdown of the system" and relies solely on the temporary nature to reach the less than significant conclusion. (p. 5.6-16). Further analysis and explanation is required to fulfill CEQA's requirements and information disclosure mandate.

The Draft EIR states that the ESGS site "does not appear to contain soils susceptible to expansion"; however, no evidence is provided to support this statement.

Figure 5.6-2 shows the location of monitoring wells and field sampling locations. While there are various locations on the North Site that have been sampled or monitored, there is only one location on the South Site. Further analysis of soil conditions is warranted on both the North and South Sites in order to disclose the existing baseline geologic and soils conditions; it is critically important for the South Site because so little has been done to date.

I. Greenhouse Gas Emissions

The discussion under Impact GHG 5.7-1 includes a quantification of the project's annual GHG emissions (Table 5.7-4), but the Draft EIR does not include any quantitative threshold in this area against which to judge the significance of the project's GHG impacts. Under even the charitable analysis in Table 5.7-3, which takes credit for a reduction in GHG emissions associated with the current imported water delivery, the Local Project will result in 10,959 annual $MTCO_2e$ emissions (Table 5.7-3). The Regional Project will result in nearly triple that amount of emissions, 36,765 $MTCO_2e$ (Table 5.7-4). Yet, the Draft EIR provides no threshold of significance against which

these emissions are measured. Why does the Draft EIR not use, for example, SCAQMD's 10,000 $MTCO_2e$ standard for industrial projects, or a similar numeric threshold?

In Table 5.7-3, are the annual operational energy emissions averaged over the life of the Local Project? If so, what is the breakdown per year? Is it constant every year of operation?

In the discussion of the Local Project's construction-related impacts (p. 5.7-26), the Draft EIR states that the total Local Project GHG emissions would be reduced to less than the emissions associated with the equivalent volume of imported water (currently, 15,064 $MTCO_2e$). What is the justification for using a net-zero goal as an emissions threshold rather than a numeric one?

The discussion of the Regional Project's GHG emissions assumes a linear or incremental increase in GHG emissions from the Local Project. What is the basis for this assumption? There is no evidence in the Draft EIR to support the assumption that the Regional Project's GHG emissions will simply be incrementally worse than the Local Project's emissions.

The discussion of Mitigation Measure GHG-1 does not include any quantitative analysis of the reduction in GHGs. Please provide a quantitative breakdown of the emissions reductions from each of the elements of GHG-1 to demonstrate how impacts are reduced to less than significant.

In addition, Mitigation Measure GHG-1 is flawed in several significant ways and constitutes impermissible deferred mitigation. The measure requires preparation of an Energy Minimization and GHG Reduction Plan, but does not say who (what staff) will review and approve the plan, what the level of public involvement will be, or what factors will be used in reviewing the plan. Similarly, the mitigation measure promises that West Basin will incorporate into the plan "all available feasible energy recovery and conservation technologies" or will explain why those technologies are not feasible. Who decides what is feasible? When? Is there an opportunity for public review and comment on that decision? Absent some public input and oversight into this process, the possibility exists that the Draft EIR will conclude GHG impacts are less than significant, but the actual result will be different if technologies are discounted because they purportedly are not feasible.

Furthering this concern is additional language in Mitigation Measure GHG-1, which states that "West Basin shall implement items a. and b. and progress through the remainder (items c. through e.) on the basis of the options' physical and economic feasibility, as reasonably determined by West Basin…." In essence, it appears that West Basin will be the arbiter of whether to implement and enforce mitigation for its own project, and may rely on economic justifications to avoid implementing mitigation. This is not enforceable mitigation if West Basin can simply decide it is too expensive to pursue technologies and strategies listed as "required" under this mitigation measure. Absent some assurance that (1) mitigation will be implemented and (2) mitigation will reduce impacts to less than significant, Mitigation Measure GHG-1 fails to achieve what it claims and GHG impacts remain significant.

With respect to Mitigation Measure GHG-2, what is the public process for involvement of the verification of the annual GHG Report? What if the public disagrees with the analysis or conclusions in the report? Is there a process for addressing this concern to ensure enforcement of the mitigation?

Does Table 5.7-6 include any desalination activities? If not, doesn't this demonstrate that GHG emissions reductions that are achieved by water conservation and recycling programs *other* than desalination? The Table appears to show that GHG emissions will be reduced by 26,827 in 2020, before the desalination facility comes online. How will these numbers change when the Local Project's 10,959 annual $MTCO_2e$ emissions and the Regional Project's 36,765 $MTCO_2e$ emissions are considered?

J. Hazards and Hazardous Materials

The Project Description notes that the Draft EIR assumes off-shore sediment disposal from off-shore dredging (see footnote 7). It also indicates that on-shore disposal will be necessary if the dredged material is contaminated or does not meet established criteria. The Hazards and Hazardous Materials section does not explain or analyze the potential for contaminated sediment. How and when will testing of the sediment occur to determine whether on-shore disposal is necessary? Will it occur on-shore or off-shore, and are there associated environmental impacts? Further, in the event that contamination is found, what measures will be taken to ensure that it will not be released into the water?

Mitigation Measures HAZ-3 through HAZ-6 are imposed to reduce impacts associated with the use of hazardous materials for construction of the intake and discharge pipes. Each mitigation measure requires future preparation of a plan that the Draft EIR concludes would reduce impacts to less than significant. Pursuant to the mitigation measures, these plans must include minimum informational items. They do not, however, provide adequate minimum measures or performance standards to ensure that impacts would be mitigated to less than significant or to allow the public to understand how these mitigation measures are effective. Please supplement these mitigation measures or explain how future preparation, review, and approval of these plans is adequate.

As previously noted, the impacts associated with the Regional Project are analyzed only in comparison to the impacts of the Local Project. The Hazards and Hazardous Materials section does not substantiate its basis for not analyzing these impacts for the Project as a whole–i.e., the Local Project and the Regional Project. Treating the Local Project and the Regional Project as two separate projects does not adequately inform the public of the project's full environmental effects and ignores the potential for the hazardous materials of one portion of the project to exacerbate those of the other portion of the project.

K. Hydrology and Water Quality

The Hydrology & Water Quality section explains that currents run counterclockwise from the south to the Channel Islands. There is no analysis of potential impacts when concentrated brine collects within this countercurrent or the potential for the brine to impact the Ballona Wetlands as the current directs the concentrated saltwater to the north.

Further, as identified in the Hydrology & Water Quality section, the lowest salinity levels are at the terminus of Ballona Creek about two miles to the north. The countercurrent flows north from the brine discharge points to the terminus of Ballona Creek. But because this terminus is outside of the marine study area, there is no analysis of potentially elevated salinity levels and its impacts on differing species inhabiting the marine area near the terminus of Ballona Creek. Please expand

the scope of analysis to consider species in the area of Ballona Creek and the wetlands, as there is a strong likelihood that concentrated brine could flow north to lower salinity waters where species may be present that are more intolerant to high salinity.

The Draft EIR claims that subsurface water intakes were found to be infeasible for the proposed project based on the composition of the sea floor. The Draft EIR fails to provide substantial evidence that it is infeasible although the California Ocean Plan requires subsurface water intakes unless they are infeasible.

This area of the Santa Monica Bay is listed as impaired for debris, sediment toxicity, DDT, and PCBs; and the project would result in the discharge or release of additional contaminating properties into the water. The EIR appears to determine that the impacts associated with the project's release of contaminants into the water are less than significant because the project is mandated to comply with applicable water quality standards. In addition, it claims that discharge "would not increase the total load of constituents in Santa Monica Bay." Given that the project will result in the release of contaminants, including brine, please explain how the project will result in no increased contaminants. In addition, it is unclear whether the brine discharge and increased salinity levels could exacerbate the effects of the existing contaminants in the impaired water body. The Draft EIR should identify how any of the existing or new contaminants would interact.

The Draft EIR claims that stainless steel wedgewire screens are not necessary because West Basin has fully quantified the potential impacts of copper leaching (p. 5.9-57, fn. 23). However, no full quantification is provided in the Draft EIR. Rather, the Draft EIR correctly notes that copper dissolution in marine environments has not been extensively evaluated. Nonetheless, the Draft EIR concludes, without support, that instantaneous copper concentrations would not exceed limits. Because the evidence provided for this determination is based on speculative and unsupported premises, this impact is potentially significant. West Basin should consider, through the Draft EIR's environmental analysis, the use of stainless steel wedgewire as a less impactful alternative similar to the wedgewire selected by the proposed desalination facility in Huntington Beach.

Table 5.9-6 indicates that the salinity increment for the Local Project is 1.9 ppt at near field, which is 0.1 below the threshold salinity increase at the BMZ boundary. Table 5.9-8 shows that the salinity increment for the Regional Project is 1.7 ppt at near field. This 1.7 ppt increment is measured against the baseline salinity levels that would be established by the Local Project. The Draft EIR must analyze the salinity of the Local Project plus the Regional Project from current environmental conditions (i.e., current salinity levels). By assessing the Regional Project from a Local Project's future baseline, the Draft EIR disguises the whole project's impacts to salinity levels. It is unclear from the Draft EIR's analysis whether the Local Project and the Regional Project would together exceed the threshold of 2.0 ppt at the BMZ boundary because the analysis calculates future salinity levels at the near field closer to the discharge point. However, the whole of the project would exceed a 2.0 ppt increment at near field.

Basing the environmental analysis of the Regional Project on the analysis of the Local Project is also problematic because it assumes that the impacts of the Regional Project, as measured from the future baseline of the Local Project, would be similar to the impacts of the Local Project. This assumption is not supported and fails to account for compounding water quality impacts and

biological stress thresholds. Please revise the Draft EIR to examine the total impacts of the project from current baseline conditions accounting for any compounding effects.

The Draft EIR notes that dewatering will occur in a "no pump zone" where there is contaminated groundwater. Because this groundwater would not otherwise be used, this dewatering would not result in the depletion of usable groundwater. The EIR does not discuss where the contaminated water, once extracted, will be exported. Is there a potential for the contaminated water to contaminate non-contaminated groundwater?

The Draft EIR does not address the potential for groundwater to be contaminated with ocean salt water. Based on the proximity of the dewatering activities to the ocean, is there a potential for salt water to contaminate groundwater during excavation or dewatering?

There are potential impacts due to the decreased elevation of the project site compared to sea levels, which could expose people to risks associated with flooding, tsunamis or wave run-up. The project would exacerbate these conditions because it would grade the site to a lower elevation. According to the Draft EIR, Mitigation Measure HYDRO-1 reduces impacts to less than significant. But Mitigation Measure HYDRO-1 does not impose any specific measures, and the Draft EIR does not explain how the types of measures developed later will reduce impacts. Instead, it requires a Coastal Hazard Resiliency Plan and requires specific information to be included. It does not, however, require any specific minimum requirement or a defined, quantifiable performance standard. Because Mitigation Measure HYDRO-1 lacks any specific measures or performance standards against which to base its efficacy, reliance on Mitigation Measure HYDRO-1 constitutes impermissible deferred mitigation.

The Draft EIR fails to analyze the potential flooding impacts of the whole of the project, i.e., the Local Project and the Regional Project together. As a result, the Draft EIR does not examine the combined flooding risks from grading and reducing the elevation of the entire site. Further, Mitigation Measure HYDRO-1 is required to reduce the impacts of the Regional Project because the environmental analysis of the Regional Project is based on that of the Local Project. But, it is unclear how this Mitigation Measure would apply to the Regional portion of the project.

L. Land Use and Planning

Under the LCP and the Coastal Zone Specific Plan Map, the site is designated Power Plant ("PP"), which is limited to "energy facility and energy related development required for the continued operation of the electrical power plant." Further, page 28 of the Specific Plan defines the uses allowed in the PP area, and these uses include an electrical generating station, along with accessory uses. It does not include a desalination plant or any broader category of use within which such a facility would fit.

Moreover, the LCP and the Coastal Commission's findings identify that this site is "fully utilized, would support only modifications to the existing electrical power plant, and would be limited to energy related development." The project is inconsistent with the LCP and therefore with the Coastal Act.

M. Marine Biological Resources

Section 5.8 (Hazards and Hazardous Materials) correctly identifies that construction of the screened ocean intake and concentrate discharge would involve the use of marine fuel and other hazardous construction materials such as oils, lubricants, paints and thinners, solvents and cleaning agents, degreasers, glues and adhesives, cement and concrete, and asphalt mixtures. The Marine Biological Resources section does not directly address the levels of these hazardous materials that could potentially leak into the ocean in the vicinity of the intake and discharge as compared to the levels that could impact marine species. Section 5.8 addresses protections against accidental fuel releases or spills. Neither Section 5.11 nor 5.8 addresses any concomitant leaching or leaking that occurs with the use of the above construction materials.

The California Ocean Plan identifies subsurface intakes as the environmentally preferred technology and requires the use of this technology unless it is infeasible, as determined by the Regional Water Quality Control Board ("RWQCB"). In the event that subsurface intakes are infeasible, then screened ocean intakes may be considered. The project proposes use of the existing ocean intakes, which are not subsurface, and the EIR does not identify whether subsurface intakes were found to be infeasible. Because the use of subsurface intakes is environmentally preferred and generally required, the Draft EIR should be revised to analyze the feasibility of installing subsurface intakes and identify whether the RWQCB has found them infeasible here. In the event that the California Ocean Plan will require subsurface intakes, the impacts of constructing the intakes need to be analyzed in the EIR.

The California Ocean Plan also requires the project to comingle brine discharge with an existing wastewater discharge point to dilute the brine before final discharge into the ocean. The project proposes the use of multipoint diffusers, which is the next best method for discharging brine (as identified on page 5.11-9). However, the Draft EIR does not examine whether the environmentally best option–discharge into wastewater–can be implemented. Without an examination of and determination of wastewater feasibility, the project is inconsistent with the California Ocean Plan.

The marine study area extends approximately one nautical mile upcoast and downcoast of the intake and discharge terminus points and approximately 1.5 nautical miles offshore from the beach. What is the scientific basis for selecting this study area? The Draft EIR fails to provide adequate scientific basis for narrowly defining the study area, and unduly limiting the scope of the analysis. Further, the study area appears to exclude the area in which the Hyperion Treatment Plan deep water discharges, and thus provides no analysis of the cumulative impacts associated with the discharges.

In limiting the study area, West Basin evades any discussion of potential impacts to the Marine Protected Areas in and near the Santa Monica Bay, such as the Abalone Cove Sate Marine Conservation Area, Point Vicente State Marine Conservation Area, Point Dume State Marine Conservation Area, and the Mugu Lagoon to Latigo Point Area of Special Biological Significance.

By selecting this study area, the Draft EIR also limits its biological impact analysis to only those species found to be located within it. Is there a potential that species living further up or down the coast, or in deeper waters, could be impacted by brine discharge either directly or indirectly? For example, are there species inhabiting the area near the terminus of Ballona Creek that may be more

sensitive to salinity level increases? The EIR also asserts that the dispersal of ocean species from the intake/discharge points during construction and operations alleviates risks to these species. Are there species that typically inhabit areas outside the study area that depend on the location of species within the study area?

There is critical habitat located less than 2.5 miles to the north of the project site. Because it is not located in the self-designated study area, impacts to this habitat and to the snowy plover are not analyzed. Any basis for limiting the study area to a one-mile radius should demonstrate that there are no potential impacts to this critical habitat and the snowy plover. The Draft EIR provides no analysis for the public to understand whether the critical habitat or snowy plover would be directly or indirectly impacted either by a change in species distribution or due to sensitivity to the project's discharge.

Approximately eight acres in total of the seafloor would be disturbed in the area located approximately 0.5 nautical miles offshore. In this area, pile driving would also occur during construction that cause noise and vibration. However, the Draft EIR does not analyze the noise and vibration levels that would result. Instead, study of these marine impacts are deferred to the study required by Mitigation Measure BIO-M1. Because study of these impacts are deferred, the Draft EIR fails to provide the necessary facts and information to review the study findings or potential impacts to species in the vicinity.

Additionally, the study required in Mitigation Measure BIO-M1 requires certain BMPs if the study finds that noise exceeds standards, including 120 db at 500 meters. Harassment impacts to species occur when the species experiences levels of 120 dBrms for non-impulsive and 160 for impulsive. What is the rationale for considering only impacts on species located within 500 meters? If the rationale is that species will disperse from a 500-meter area due to the initial noise disturbances, why are these initial behavioral disturbances not considered significant and what are the indirect impacts of this dispersal and on species migration?

Due to the Draft EIR's defined study area, there is no analysis related to species inhabiting the Ballona Wetlands or the ocean areas at the terminus of the Ballona River. Given ocean currents, could brine discharges directly or indirectly impact species in the Ballona Wetlands located 3.75 miles away?

The Draft EIR's analysis of the salinity increment is based on a baseline salinity level of 33.5 ppt (see page 5.11-11.) The basis for this background salinity level is a study from 1993. Has the background salinity level been confirmed at the time of the Notice of Preparation? Similarly, surveys of the sandy beach intertidal areas were completed well over a decade ago in November 2006 and May 2007, studies of Demersal Fish were most recently completed a decade ago; and several other studies are five or more years old. More current surveys of the existing marine habitats and communities are necessary to adequately establish the current baseline, which is required for an adequate assessment of the project's potential impacts.

Table 5.11-3 references white shark, concluding that the species is "Not Expected to Low", however more recent studies have shown that the warmer waters in the Santa Monica Bay, including waters near Manhattan Beach, serve as nurseries for white sharks. The Draft EIR fails to discuss this presence and whether there would be impacts to these shark nurseries or sharks in

the study area. Many species in Table 5.11-4 are listed as threatened or as California species of special concern with a low probability to occur in the study area. The Draft EIR omits these species from consideration as species that may be impacted due to this low probability and asserts that only two of these protected species have "any probability" of occurring in the study area. Further, these occurrences are based in part on outdated surveys from 2001 and 2008 and, given increasingly rapid marine conditions, may be out of date and no longer relevant. Please update the analysis to fully analyze impacts to all protected species and verify species occurrences with updated surveys.

The Draft EIR states that "[p]ile driving using either vibratory or impact hammers could result in underwater noise which can be harmful to both fish and marine mammals" (p. 5.11-39). Further analysis of the specific impacts on migrating whales is necessary and should take into account recent studies by Ted Cranford, a whale biologist at San Diego State University, who studies noise impacts on whales.

The Draft EIR states that vessels used in construction are expected to originate from the Port of Los Angeles or Port of Long Beach (p. 5.11-39). This statement, however, is inconsistent with other statements that some of the vessels may originate from Marina Del Ray. The origination location must be clarified and impact analysis updated accordingly based on where the vessels will originate.

The recovery period for species to repopulate their prior habitat is estimated at a few months to less than two years based on studies from 1996 and 1998. Since 1998, other desalination projects have been approved and constructed, which would provide more up-to-date information on repopulation after similar construction activity. Further, it is assumed in the Draft EIR that these species will disperse; but there is no substantial evidence to support such dispersal or that it will occur fast enough to prevent mortality or harassment.

Dredging of sediments during construction has the potential to entrain fish and mobile epibenthic invertebrates. The impact analysis on potential entrainment impacts reaches a less than significant impact determination on the premise that fish will be able to swim free once the dredged sediments are placed on the sea floor. However, there is no corresponding analysis regarding impacts to bottom dwelling species, which could be trapped in or under the dredged material.

The impacts of increased turbidity levels are determined to be less than significant with the implementation of standard BMPs. However, the Draft EIR does not identify which of these BMPs will be implemented; and no mitigation measure mandates implementation. A less than significant determination cannot rely on BMPs that may or may not be required as part of project implementation.

Further, it is estimated that "losses of 1 to 2 percent of the source water populations for the majority of taxa analyzed" would result from entrainment (Draft EIR, p. 2-33). There is, however, no analysis or consideration of how an up to two percent loss of larvae year after year could impact the studied species over the long term.

According to *Overview of Desalination Plant Intake Alternatives* (WaterReuse Association, 2011; found at: *https://watereuse.org/wp-content/uploads/2015/10/Intake_White_Paper.pdf*) "Wedge-wire screens are cylindrical metal screens with trapezoidal-shaped 'wedgewire' slots with openings of 0.5 to 10 mm. They combine very low flow-through velocities, small slot size, and naturally occurring high screen surface sweeping velocities to minimize impingement and entrainment. These screens are designed to be placed in a water body where significant prevailing ambient cross flow current velocities (≥ 1 fps) exist. This high cross-flow velocity allows organisms that would otherwise be impinged on the wedge-wire intake, to be carried away with the flow." (Id. at p. 14.) The Draft EIR analysis, however, does not provide any evidence to show that currents in the Santa Monica Bay will provide sufficient cross flow velocities to reduce impingement.

The Draft EIR determines that impacts related to impingement would be less than significant and provides: "Based on video surveys and water sampling of a pilot-scale ocean intake fitted with 1 mm (0.04 inch) or 2 mm (0.08 inch) slot size wedgewire screens and an intake velocity of 0.5 fps, Tenera (2014) determined that impingement of all motile marine organisms would be reduced to zero. As a result, impingement of larval fish or invertebrates would not be expected to occur from the Project[.]" This survey involved a "pilot-scale ocean intake." At full operational scale, what is the basis for assuming that impingement would be similar to this pilot-scale intake? Does the chance of impingement increase either (a) when the intake size is greater or (b) when there is more than one intake in the immediate area?

The Draft EIR's analysis of entrainment determines that entrainment would not be significant because the 1 mm wedgewire screen is small enough to prevent intake of species greater than 2 mm. Please clarify how this screen design also prevents impingement of species greater than 2 mm.

The Draft EIR's analysis of impacts related to increased salinity levels does not assess potential impacts on larvae or small organisms such as plankton. Is there a scientific basis for assuming that increased salinity does not have a greater impact on these immature and small ocean species?

The Draft EIR notes that shear turbulence would most impact organisms of a size smaller than 1 mm. These impacted organisms are the same organisms that are most impacted by intake impingement and entrainment. However, the Draft EIR does not analyze and calculate the total mortality of these impacts that would result from all type of project impacts from turbulence to impingement and entrainment. The Draft EIR must assess the total mortality of these organisms from all impact causes. By segmenting the mortality analysis into discrete causal categories, individual impacts appear less significant than the total impact of the project would cause.

As previously noted, the California Ocean Plan requires, wherever feasible, that the brine discharge be mixed with the output of an existing wastewater source, such as municipal water discharge or sewers. The Draft EIR does not consider this as a potential project feature or as mitigation. Based on the comments above, there is a likelihood that the project would result in unmitigated significant impacts. As such, use of an existing wastewater discharge point must be considered as a feasible mitigation measure.

The Draft EIR concludes that the Regional Project would not have any significant impacts on the basis that the Regional Project's components are similar to those of the Local Project. This analysis fails to consider the total operational intensity of the Regional Project from current baseline conditions. For example, the salinity increment of the total project could exceed the 2.0 ppt threshold when analyzed from current conditions. The analysis of the Regional Project appears to consider the impacts of the Regional Project as measured from a scenario where the Local Project is already operational.

N. Noise

The South Site is 130 feet from Manhattan Beach residential uses. Noise levels from pile driving would be approximately 93 dB at this distance. As noted in the Draft EIR, Manhattan Beach's noise ordinance exempts "reasonable daytime construction noise." The Draft EIR omits that reasonable daytime construction noise is exempt only if construction adheres to the provisions of Manhattan Beach Municipal Code Chapter 9.44. The Project is located outside of Manhattan Beach's jurisdictional boundaries, and West Basin has not indicated that it will mandate compliance with Chapter 9.44. Thus, the Project's construction noise is not exempt from Manhattan Beach's noise threshold standard under Section 5.48.250 unless and until West Basin mandates compliance with Chapter 9.44. Compliance may include limiting construction hours or other discretionary measures where noise impacts are significant.

Further, construction noise is expected to occur for a total of 108 months (72 months for the Local Project and an addition 36 months for the Regional Project) with pile driving occurring for a total of seven months (three months for the Local Project and four months for the Regional Project). This duration of noise at sensitive receptors in excess of 90 dB is not reasonable and additional mitigation is necessary.

Further, West Basin has not demonstrated that it has implemented all feasible mitigation to reduce significant noise impacts. First, construction projects routinely implement noise-mitigating measures such as noise walls, shields, or blankets to physically block noise transmission. Projects with significant noise impacts also use drilling to avoid significant noise impacts during construction. Second, the mitigation measure offered lacks sufficient specificity for enforcement or the public's understanding of its requirements. Mitigation Measure NOI-3 lacks sufficient specificity for enforcement as it merely requires West Basin to "determine the feasibility of using" certain noise-reducing construction methods. It does not require any specific measures to reduce noise and constitutes impermissible deferred mitigation because it defers the identification of specific measures and their feasibility to a future study.

Mitigation Measure NOI-5 requires West Basin to evaluate whether vibration impacts from pile driving would damage the Chevron storage tank. This analysis should be included in the Draft EIR and should not be deferred. Further, Mitigation Measure NOI-5 does not provide specific measures required if the deferred study concludes that damage could occur. If damage were to occur to the tank, the risks of that damage would implicate the release of hazardous materials. The Draft EIR must analyze the potential for such damage to inform the public of potential environmental harms and environmental hazards.

Ambient noise impacts on nearby residential uses in Manhattan Beach are not analyzed in Section 5.12. Instead, the Draft EIR concludes that acoustical treatments are sufficient to maintain noise levels below Manhattan Beach's thresholds because "compliance with the noise ordinance standards would require that the facility control noise sources to levels below existing ambient levels" of 59.3 dBA Leq. The Draft EIR must analyze whether adherence to noise standards and thresholds would in fact occur by assessing anticipated noise levels (with the proposed acoustical treatments) at nearby sensitive receptors. This information is also necessary for public disclosure of the project's noise impacts on the nearby community. Without this analysis, it is not possible for the public to assess the project's noise impacts until the project is constructed and operational; CEQA mandates analysis of these environmental impacts at the EIR stage.

The environmental analysis for the Regional Project on page 5.12-30 fails to analyze the total noise levels of the Local and Regional Projects when both are operational. The Draft EIR must disclose the whole project's noise impacts on nearby sensitive receptors in the adjacent residential community.

O. Recreation

The Draft EIR discusses the potential impacts of the pump station(s) necessary for the desalinated water conveyance system, stating that the "approximately 5,000-square-foot pump station sites would remove some areas of existing parks from public use, but once constructed would not substantially reduce the availability of recreational facilities in the community." (p. 5.14-10.) Based on this superficial analysis, which does not appear to take into account input from the agencies with jurisdiction over the park areas, the Draft EIR concludes that the impacts will be less than significant. While "only small portions of existing public space would be committed to the pump station," accommodation of water supply projects should not supersede other policies related to the provision of adequate park and recreation facilities for the public. It is also unclear how conclusions about impacts can be reached when there has not been detailed analysis of the potential sites. Further, at a minimum, the Draft EIR should discuss replacement of lost park space.

Mitigation Measure REC-1 references coordination with local agencies and local approvals; however, the project description does not specifically identify these local approvals. Further, the mitigation measure defers the identification of the ways in which construction activities could be "minimized during peak-use periods for impacted facilities...." (p. 5.14-11.) The mitigation measure also discusses restoring bicycle facilities to their original condition but provides no details about whether bicycle facilities will be rerouted during the construction period to avoid closures of other impacts that would restrict use of the facilities for recreational and transportation purposes.

Analysis of construction related impacts for the Regional Project states that construction or expansion of recreational facilities will not be required (p. 5.14-13). This unsupported conclusion does not address the potential need to reroute the beach bike path away from the construction site due to noise, air quality, or other construction-related impacts. The same is true of construction impacts to bike facilities and parks as a result of the desalinated water conveyance facilities.

P. Transportation and Traffic

The Draft EIR includes (pp. 5.15-7 through 5.15-8) a listing of Manhattan Beach General Plan goals and policies applicable to the projects by virtue of the proximity to 45th Street. Yet, there is no analysis of consistency (or lack thereof) with these General Plan goals and policies. Please revise to provide this analysis.

The Draft EIR concludes that the Local Project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities (Impact TRA 5.15-6), but acknowledges that "construction activities would occur adjacent to the [Marvin Braude Coastal] bike trail for several weeks." (p. 5.15-33.) Does this mean that over the entire five-year construction period for the Local Project, West Basin commits that the trail would be impacted for only "several weeks" in total? How would the Local Project not decrease the safety of the bike trail if riders are forced onto the sand in the sections where the trails are to be closed?

The project description states that construction worker trips "would be expected to occur before 7AM in the morning and either before 4PM or after 6PM in the afternoon and would therefore occur outside of the peak traffic hours…." (p. 3-18.) Mitigation Measures TRA-1 and TRA-2 do not require construction worker trips to be during the above noted peak hours, and thus there is no assurance that the "expectations" relied upon in the Draft EIR are realistic or will be followed. Thus, specific mitigation prohibiting construction related trips from occurring during peak periods must be incorporated into the mitigation measures.

Q. Utilities and Service Systems

The Draft EIR includes several references to potential connection to the Manhattan Beach sewer system. (See, e.g., p. 5.16-16). Please note that the City of Manhattan Beach has not agreed to any such connection at this time and would require a full analysis of project impacts that addresses each of the comments set forth in this letter before it would consider approving such a connection.

R. Other CEQA Considerations

The Draft EIR states that the water generated by the project "would replace (a portion of) existing imported water… and therefore would not be growth inducing" (pp. 6-5; 6-7, 6-8). The Draft EIR does not, however, explain the why the additional water generated from the project could not be added to the existing imported water. The Draft EIR does not identify any impediment to a future District Board deciding to continue to get as much imported water as possible in addition into the desalinated water, in which case the expanded water supply in the area would likely induce growth. The Draft EIR must be revised to consider these types of impacts, and if the intent is to replace existing imported water, the project approval must have a legally enforceable condition requiring the replacement to preclude the potential growth inducement.

Tellingly, and contrary to the assertions that the desalinated water will replace existing imported water, the Draft EIR admits that project "would be implemented in phases ***to ensure the new supply is appropriately keeping up with population growth***" (p. 6-9, emphasis added). This admission suggests that the true intent is not simply to replace imported water, but is clearly intended to expand water supplies to accommodate (or induce) continued population growth. As such, further analysis is required of the project's removal of water constraints by increasing water

availability and the future development and population that will be accommodated by removing the water constraints, as well as the implications of this concession in other environmental impact areas such as GHG emissions, which are expressly premised on the reduction of imported water.

S. General Comments

The project description mentions that the decommissioned NRG Units 3 and 4 would need to be demolished in conjunction with use of the North Site. While some of the sections in the Draft EIR discuss the potential demolition impacts, others seem to ignore this significant aspect of the North Site. Further, because much of the construction analysis conflates the North and South Sites, the Draft EIR fails to disclose the difference in construction-related impacts between the North and South Sites. See, for example, the Local Project construction-related recreation impacts, where the analysis covers both the North and South Sites. The discussion states that "the construction activities involved with the demolition of the ESGS Units 3 and 4" are included; however, the demolition impacts of the North Site differ considerably from those associated with the South Site. This is a global comment and should be addressed in each subsection of Chapter 5 of the Draft EIR when discussing construction impacts, otherwise the difference in environmental impacts between the North and South Sites is not adequately disclosed.

III. The Draft EIR Fails to Consider Feasible Alternatives and Analyzes Ineffective Alternatives

In addition to the identified alternatives, the Draft EIR should include an analysis of an alternative that combines the brine discharge with the discharges of the Hyperion Water Reclamation Plan, which is the preferred method of reducing the salinity of the brine from the desalination project before putting it back into the ocean. The Hyperion facility is located in relatively close proximity to the project site and connecting the outflow activities between the two facilities would reduce potential impacts, and would further the Ocean Plan amendments. The Draft EIR should be revised to study this additional alternative.

It is unclear why the Layout Alternative: Reduced Elevation - ESGS South Site Plan Alternative was included for analysis when it does not address or reduce any of the potentially significant environmental impacts. As such, the Draft EIR should be revised to include more alternatives that actually could reduce one or more of the potentially significant impacts identified in the Draft EIR.

The Draft EIR's discussion of the environmentally superior alternative focuses in large part on a comparison of the North Site and South Site, although both of those sites were considered in the Local Project analysis throughout the EIR. Calling the North Site the environmentally superior site, although neither the North Site nor the South Site was analyzed as an alternative, undermines the Draft EIR's alternatives analysis. While the City does acknowledge that the impacts of the North Site likely are less than those on the South Site, a revised Draft EIR addressing all of the comments identified herein, including consideration of different alternatives, must be completed before an environmentally superior alternative can truly be identified.

IV. Conclusion

Based on the foregoing, the City of Manhattan Beach requests that appropriate additional environmental analysis and Draft EIR updates and revisions be completed, and that the Draft EIR be recirculated for additional public review and comment before the District considers the EIR for certification or takes any action on the project.

Please do not hesitate to contact us with any questions.

Very truly yours,

Ryan Heise
FOR ANNE McINTOSH

Anne McIntosh
Director of Community Development
City of Manhattan Beach