

Safe, Clean Water Program

Central Santa Monica Bay

Watershed Area Steering Committee (WASC)



Meeting Minutes:

Monday, April 5, 2021
1:00 PM – 3:00 PM
WebEx Meeting

Attendees:

Committee Members Present:

Cung Nguyen (LACFCD)	Bruce Reznik (LA Waterkeeper)
Art Castro* (LADWP)	Hany Demitri* (West Hollywood)
Sheila Brice (Los Angeles Bureau of Sanitation)	Charles Herbertson (Culver City)
Darryl Ford* (LADRP)	Liz Crosson (Los Angeles)
Rita Kampalath (LA County CEO)	Bruce Hamamoto (LA County Public Works)
Gloria Walton (The Solutions Project/SCOPE)	Curtis Castle (Santa Monica)

Committee Members Not Present:

Jacob Lipa (Lipa Consulting Co.)
Max Podemski (Los Angeles)
Rafael Prieto (Los Angeles)

*Committee Member Alternate

See attached roll call sheet for the full list of attendees.

1. Welcome and Introductions

Liz Crosson, the Chair of the Central Santa Monica Bay WASC, welcomed WASC and called the meeting to order.

Liz Crosson welcomed Michaela Randolph from Heal the Bay as the WASC's Watershed Coordinator (WC). Also, she asked about the status of the WASC's second WC, Steve Groner & Associates. Kirk Allen (District) indicated that Steve Groner & Associates needs to provide the required insurance documents before the WC contract can be executed.

Kirk Allen (District) discussed WebEx features and facilitated the roll call. WASC made self-introductions and a quorum was established.

2. Approval of Meeting Minutes from March 18, 2021

The District provided a copy of the meeting minutes from March 18, 2021. Liz Crosson asked the WASC for comments or revisions.

A motion to approve the March 18, 2021 was made by Cung Nguyen and seconded by Bruce Reznik; minutes were approved by WASC (10 Approved, 2 abstained).

3. Public Comment Period

Anna Gruben, Program Director for the Los Angeles Neighborhood Land Trust, submitted a Public Comment Form (see attached). At this meeting, Anna commented on their full support for the Slauson Connect Clean Water Project. She noted that it will benefit underserved communities of color by providing

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much needed open green space. Moreover, she emphasized that the project would turn a flooding liability into a water supply asset.

Caroline Orija, Project Manager of Baldwin Hills Conservancy, commented on their full support for the Slauson Connect Clean Water Project and emphasized that the access to open space can help address the public health disparities that Covid-19 has exposed in underserved communities.

Sherilyn Correa, Planning Director for City of Los Angeles 9th District Councilmember Curren Price, commented on their full support for the Slauson Connect Clean Water Project. She mentioned the various partners that have joined in support, such as: Voices Neighborhood Council, CANNDU Neighborhood Council, The Brotherhood Crusade, Community Build, The Coalition for Responsible Community Development Board, Economic Development Corp., Vermont Slauson Economic Development Corp., Los Angeles Neighborhood Land Trust, and Baldwin Hills Conservancy.

Jim Stahl submitted a Public Comment Form (see attached). At this meeting, Jim expressed support for the LASAN Ballona Creek TMDL Project. He stated for the record that he is a member of the LA Regional Water Quality Control Board but is commenting in the capacity of a practicing environmental engineer.

Jacquelyn Dupont-Walker, President of the Ward Economic Development Corp., commented on their support for funding the Slauson Connect Clean Water Project. She noted the project will complement the Rail-to-Rail/River Project.

Shahriar Eftekharzadeh (SEITec) asked if Jim Stahl has reviewed the competing project, the Ballona Creek Low Flow Diversion Project, submitted by SEITec, which accomplishes the same benefits as the LASAN Ballona Creek TMDL Project, but uses a gravity method instead of pumping method, which he states has significantly lower cost and energy demands.

David Pederson (Las Virgenes Municipal Water District) submitted a Public Comment Form (see attached) expressing support for the LASAN Ballona Creek TMDL Project.

4. Committee Member and District Updates

Kirk Allen provided the District updates, noting:

- Fund Transfer Agreements (TA) are being executed for the Municipal and Regional programs, and over half of the Cities have received their local returns. Cities that have not returned their executed TAs were requested to return them as soon as possible.
- Second Annual Plans were due April 1, 2021; 2nd Annual Payments are expected to be available in August.
- The Stormwater Investment Plan (SIP) Tool and Partial Funding Guidelines are now available. WASCs are encouraged to complete their respective SIPs as soon as possible (by early May). Regional Oversight Committee (ROC) will review SIPs and provide recommendations to the Board of Supervisors.
- All Watershed Coordinators have been selected and are working to execute contracts and completing insurance requirements.
- Technical Resource Program (TRP) - District has issued 14 of 16 Notices to Proceed (NTPs) for development of Feasibility Studies.
- The Round 3 call for projects deadline is July 31, 2021.
- LACFCD and sewer agency conceptual approval, where appropriate, is requested at least 2 months in advance of the Feasibility Study submittal deadline.

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- Tax relief applications are due May 1, 2021. Low-Income Senior-Owned (LISO) properties and General Income-Based Tax Reductions (GIBTR) are available to homeowners who meet the minimum income and/or age thresholds.

5. Discussion Items:

a) Ex Parte Communication Disclosure

Bruce Reznik disclosed he had general discussions about project recommendations with OurWaterLA. Also, he noted a brief text exchange with Shahriar Eftekhazadeh (SEITec) about the differences between SEITec's and LASAN's projects. Additionally, he shared he had a brief conversation with Liz Crosson about the Ballona Creek TMDL Project.

b) Central Santa Monica Bay (CSMB) Project Prioritization and Selection Discussion for populating the Fiscal Year 2021-22 Stormwater Investment Plan ([SCW Portal](#) & [CSMB Scoring Rubric](#))

i) Scientific Studies Program (SSP)

- (1) Regional Pathogen Reduction Study – Gateway Water Management Authority
- (2) Fecal source markers and pathogens in water along Ballona Creek and at two impaired beaches in Los Angeles – Professor Jennifer Jay

Liz Crosson inquired on the status of the Scientific Studies summaries from SCCWRP. Kirk Allen (District) indicated that they are currently waiting for the independent panel of scientific experts to provide a two-page write up of the technical merits of the two proposals.

ii) Technical Resources Program (TRP)

- (1) Syd Kronenthal Park Stormwater Capture Project – City of Culver City
- (2) Watershed Coordinators (2)

iii) Infrastructure Program (IP)

- (1) Ballona Creek Low Flow Diversion Project – SEITec
- (2) Ballona Creek TMDL Project – LASAN
- (3) Blackwelder Track Lower Ballona Creek Green BMPs and Landscape Improvement Project – California Greenworks, Inc.
- (4) Hayden Tract Lower Ballona Creek Green BMPs and Landscape Improvement Project – California Greenworks, Inc.
- (5) Normandie Ave ES - DROPS and Paving – LAUSD
- (6) Slauson Connect Clean Water Project – Corvias Infrastructure Solutions, Geosyntec Consultants
- (7) Venice High School Comprehensive Modernization Project – LAUSD
- (8) Webster MS - DROPS – LAUSD

c) Preliminary Ranking of Projects

Liz Crosson extended the opportunity to WASC members to rank projects. The District facilitated logging WASC rankings using the Ranking Tool excel document (see attached).

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Bruce Hamamoto updated the Ranking Tool by selecting the Ballona Creek TMDL with a (1).

Bruce Reznik requested clarification on three projects he assumed were ineligible to be ranked since they did not have the appropriate approvals. Kirk Allen responded that the Ballona Creek Low Flow Diversion Project does not have approval from the City of Los Angeles or the LA County Flood Control District, and Blackwelder Tract and Hayden Tract Lower Ballona Creek Green BMP Projects require support from a Municipality; project applicants were recommended to return for the Round 3 call for project once they have secured the required approvals/support.

Rita Kampalath provided her project rankings as follows: Slauson Connect (1), Ballona Creek TMDL Project (2), and Venice High School (3).

Gloria Walton provided her project rankings as follows: Slauson Connect (1), Venice High School (2), Normandie Ave ES (3), and Ballona Creek TMDL (4).

Kirk Allen (District) reiterated that the ranking of projects is not for voting purposes, but a preliminary exercise. Liz Crosson asked project applicants that will need to partner with a Municipality if they are amenable to submitting their projects during the Round 3 call for projects. Jenna D'Ottavio, from California Greenworks, Inc., indicated that the request to secure Municipality support for the Blackwelder and Hayden Tract Projects is in process and believes it can be fulfilled before the July 31st deadline.

Curtis Castle provided his project rankings as follows: Ballona Creek TMDL (1), Slauson Creek (2), and Hayden Tract Lower Ballona Creek (3).

Cung Nguyen indicated he had discussions with Jenna D'Ottavio and informed her that LACFCD can begin reviewing the Feasibility Studies for the Blackwelder and Hayden Tract Project, however, Letters of Intent from a Municipality will be required before a support letter from LACFCD would be issued for the projects.

Kirk Allen (District) noted that Alysén Weiland* (PSOMAS) is abstaining from voting because she is involved in one of the projects.

Bruce Reznik asked for clarity regarding Venice High School being identified as a DAC. Scott Singletary clarified that the high school is not physically in a DAC, but students from 2 DAC zip codes attend the school.

Mike Antos commented that the WASC's WCs will soon begin working with the community, which will lead to a better understanding of community support for the projects.

Cung Nguyen commented that Venice High School benefits the DAC population, since students that are in the Magnet Program attend the school from DAC zip codes.

Sheila Brice requested clarification on the Normandie DROPS project and asked if the project had already been constructed and if the project applicant is asking for funds reimbursement. Tara Liampetchakul, engineer with LAUSD, indicated that the project has been constructed with funds from their maintenance budget; the requested funds would reimburse their maintenance fund, but she will verify and get back to the WASC.

Mike Antos noted that the WC fund allocations are factored in the SIP tool and added that the Partial Funding Guidelines is valuable for the WASC to consider.

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6. Public Comment Period

Albert Farias, Chair of the Voices Neighborhood Council in South LA, commented on their support for the Slauson Connect Clean Water Project.

Scott Singletary commented he supports the Venice High School Modernization Project.

Shahriar Eftekharzadeh (SEITec) submitted a letter (see attached) to the WASC responding to the 03/17/21 letter submitted by the LA City Bureau of Sanitation regarding their Ballona Creek TMDL Project. He asked that the WASC review the letter.

7. Voting Items

There were no voting items.

8. Items for Next Agenda

a) Approve the final Fiscal Year 2021-22 Stormwater Investment Plan funding recommendations for the CSMB Watershed Area and approve submission to the Regional Oversight Committee for review.

9. Adjournment

Liz Crosson thanked the WASC and public for their time and participation and adjourned the meeting.

CENTRAL SANTA MONICA BAY WASC MEETING - April 5, 2021						
Member Type	Organization	Quorum Present				Voting Items
		Member	Voting?	Alternate	Voting?	Meeting Minutes 03/18/21
Agency	LACFCD	Cung Nguyen	x	Marcela Benavides		Y
Agency	West Basin MWD	E.J. Caldwell		Alex Heide		
Agency	LA Water & Power	Delon Kwan		Art Castro	x	Y
Agency	LA Sanitation District	Sheila Brice	x	Michael Scaduto		Y
Agency	LA Recreation & Parks	Cathie Santo Domingo		Darryl Ford	x	A
Community Stakeholder	LAC Chief Sustainability Office	Rita Kampalath	x	Gary Gero		Y
Community Stakeholder	Lipa Consulting Company / Business Sector	Jacob Lipa		Alysen Weiland		
Community Stakeholder	The Solutions Project / SCOPE	Gloria Walton	x	Gloria Medina		Y
Community Stakeholder	LA Waterkeeper	Bruce Reznik	x	Melanie Rivera		Y
Community Stakeholder	VACANT					
Municipal Members	Beverly Hills / West Hollywood	Josette Descalzo		Hany Demetri	x	A
Municipal Members	Culver City	Charles Herbertson	x	Kim Braun		Y
Municipal Members	Los Angeles	Max Podemski		Ackley Padilla		
Municipal Members	Los Angeles			Rafael Prieto		
Municipal Members	Los Angeles	Liz Crosson	x	Susie Santilena		Y
Municipal Members	LAC Public Works	Bruce Hamamoto	x	Armando D'Angelo		Y
Municipal Members	Santa Monica	Curtis Castle	x	George Rodriguez		Y
Total Non-Vacant Seats		15			Yay (Y)	10
Total Voting Members Present		12			Nay (N)	0
Agency		4			Abstain (A)	2
Community Stakeholder		3			Total	12
Municipal Members		5				Approved

Other Attendees		
Aiyla Balakumar	Karen Lee	Tara Liampetchakul
Amy Meenan	Katie Harrel	Wendy Dinh
Anna Gruben	Ken Susilo	Megyn
Armando D'Angelo	Kim Braun	Nooshin Eftekhazadeh
Brett Perry	Limor Horowitz	Sean Singletary
Carmen Andrade	Lisa Skutecki	Carlos Moran
Caroline Orija	Lorena Matos	Alejandro
Chanel Kincaid	Lori Selna	Joyce Amaro
Brenda Ponton	Marisol Cira	Koa Anderson
Chris Dorn	Maritsa DRA INC	Taraneh.nik-khah
Christine McLeod	Melanie Rivera	
Conor Mossavi	Michael Gagan	
Albert Farias	Mike Antos	
Alfredo Magallanas	Mike Rudd	
Ilene Ramiez	Mohammad Baig	
Jacquelyn Dupont-Walke	Nichole Heil	
Jae	Scott Singletary	
Jenna D'Ottavio	Sean Agid	
Jennifer Jay	Shahram Kharaghani	
Jessica Cassman	Shahriar Eftekhazadeh	
Jim Stahl	Sherilyn Correa	
Julia Hawkinson	Susie Santilena	

April 4, 2021

ELECTRONIC MAIL

Central Santa Monica Bay (CSMB) Watershed Area Steering Committee (WASC)
Safe, Clean Water Program
Los Angeles, CA

Attention: Chairwoman Liz Crosson, Vice Chairman Charles Herbertson

Dear Central Santa Monica Bay Watershed Area Steering Committee

Subject: Ballona Creek Low Flow Diversion Project

This letter provides responses to items in LASAN letter to CSMB WASC dated March 17, 2021 pertaining to the subject project. This letter also provides responses to questions and concerns raised by the Steering Committee during the CSMB WASC meeting of 3/18/2021.

A: Responses to LASAN Letter Dated March 17, 2021

Appendix 1 provides detailed responses to statements made by LASAN on public comments of March 1, 2021. The responses clearly refute the merits and substance of LASAN's arguments, particularly the astonishing claim that somehow a pump station solution that costs 2.5 times more and consumes in excess 10,000 kWh per day of electricity is the preferred solution!

It is evident that LASAN never conceived of a gravity alternative for this project. The pretense that the small rubber dam, which LASAN considered as an alternative to the saw cut channel to divert water to the pump station, is the same, is preposterous and dishonest. LASAN must acknowledge this and firmly state the fact that they never considered a gravity solution as an alternative to the pump station. They owe this to the public and the engineering community. Their refusal to do so is damages the integrity of the engineering studies process as a trusted vehicle to select the best solution.

The truth is that the gravity solution came about when LASAN was too far advanced in their process. Having already finished the EIR, made significant progress in the design, and obtained the key permits, they are protective of their work and resist the development. However, being far advanced in a project does not make it the right thing to do. History is full of projects that should have never been permitted or were stopped far advanced into construction because of environmental harm. A good example is the Keystone Pipeline project, which was recently stopped.

So, the issue here is not how advanced in the process LASAN's pump station alternative is versus the gravity solution. Rather, it is which solution best serves the public and the environment. No true evaluation by an independent consultant would select the pump station over the gravity solution as the preferred alternative. The facts and numbers simply do not allow it.

Given the criticality of fact-based decision making for such an important and consequential project, the Committee must seek independent technical advice. Therefore, SEITec respectfully requests that the evaluation of these project alternatives be assigned to an independent consultant tasked with making a formal recommendation to the Committee on which project to include in the SIP. This will ,

reveal the truth and preserve the integrity of the process. It would avoid the perception of bias that would emerge if the Committee were to from opt for the much-higher cost, higher energy demand pump station project over a much simpler, less costly, low energy demand project that serves the exact same function.

B: Responses to Steering Committee questions and concerns

Below are list of comments and concerns raised by the Steering Committee about the gravity solution (in bold letters) followed by SEITec responses.

- 1. The project backwater will probably reach several miles upstream.**
Project normal operation pool level is El. 51.0 and will extend upstream by about 7,500 ft (1.4 miles) to near Obama Rd where it will coincide with the Ballona Creek invert.
- 2. We will need flap gates at outlets of tributary storm drains to prevent backwater propagating upstream inside.**
No. Tributaries do not need flap gates. There is no harm in backwater propagating upstream inside tributary storm drains. The backwater only exists during dry weather conditions. Minimum elevation of surrounding ground is El. 61.0 i.e., at least 10 ft above.
- 3. What if there is sudden wet weather flow event when dam is up?**
 - a. The deflation of the dam can be accomplished within a matter of minutes, in far shorter time than the Ballona Creek watershed time of concentration.
 - b. Dam operation is fully automatic in response to a range of wet weather flow identifying parameters (flow, water level, rain gauge data,). Dam will be fully down before any significant wet weather flow reaches the dam location.
 - c. The peak discharge resulting from dam deflation is only a fraction of the Ballona Creek flow capacity.
- 4. Dam will cut off all dry weather flow downstream.**
No. All dry weather flow will be bypassed downstream during construction. Project will treat and release all dry weather flow up to 6 mgd downstream.
- 5. Rubber dam is prone to vandalism.**
The area around the dam will be fenced off and beyond public reach. Bullet holes will puncture the dam but will not cause it to burst. Puncture holes can be plugged and will not endanger the safety of the dam. If vandalism is a major concern and a fatal flaw, then the steel gate alternative would be more suitable.
- 6. Rubber dam can fail as it did in the Arizona reference project.**
The causes of the Arizona rubber dam failure were attributed to poor maintenance. Rubber dam failures are exceedingly rare. There have been no cases of rubber dam failures since. If rubber dam failure is a major concern and a fatal flaw, then the steel gate alternative would be more suitable.
- 7. We know about rubber dams but prefer using saw cut channel.**
This is a false choice. Saw cut channel is used in lower flow conditions for either pure gravity diversion or for diversion to pump station intake. With higher flow diversions, a rubber dam is used downstream of a saw cut channel to prevent downstream discharge of the design flow. Rubber dams are typically used for pure gravity diversion in lieu of saw cut channel.

8. We know a pump station works, but not sure about dam diversion.

Gravity diversion is the oldest form of diversion since pre-Roman times. It is the simplest and surest form of diversion used by mankind. Pumping is only used where there is no gravity solution and is always less reliable than gravity diversion.

Please admit the above as application documents and permit time during the appropriate Agenda Item for their public reading.

Respectfully submitted,

SEITec

A handwritten signature in blue ink, appearing to read 'S. Eftekharzadeh', written in a cursive style.

Shahriar Eftekharzadeh, PhD, PE
Principal Engineer

Appendix 1: Responses to LASAN's letter dated March 17, 2021

The following are responses to LASAN's statements in letter dated March 17, 2021. The original text copied is shown in italic with responses in immediately below.

“A rubber dam being evaluated as an alternative to either a saw cut channel or the pump station would need to divert the same amount of water. Additionally, a larger rubber dam, replacing the saw cut channel and raising the water level by up to 19 ' to avoid pumping requirements would have even greater environmental, safety, and access impacts than a "smaller" dam which was evaluated and deemed infeasible.”

This argument misguides the reader by suggesting that the smaller rubber dam that LASAN evaluated was deemed infeasible because of “environmental and safety”, in addition to “access impacts”. This is not true. LASAN did not look at any environmental and safety issue with the rubber dam. They only looked at access.

The truth of the matter is that LACFCD prefers a saw-cut channel to a rubber dam for gravity diversions from the channel bed. This because a rubber dam obstructs the passage of their maintenance vehicles across.

However, this is only applicable when the rubber dam is to an alternative to a saw cut channel and not when it is to replace the saw cut channel plus the pump station. LACFCD has NO maintenance work inside the pool created by the dam while it is operating. Because of low flow velocities of the dry weather flow, there are no sediment loads brought into the pool. The higher flows resulting from lowering of the dam will flush out any debris that might have accumulated. LACFCD vehicles and crew can drive across the dam when it is lowered.

“Additionally, a pump station is a requirement for these projects to ensure operability. This project has to manage a complex water balance between the fluctuating creek input, downstream water demand, available sewer capacity, and the ozone treatment process. In order to ensure the project attains its stated goals , basic operative functionality, integration with current City infrastructure, and commitments in the EI R, permits, and regulatory documents, any diversion alternative would require pump control. This pump station is also critical to provide potential future wet weather treatment options.

The complex flow balance situation is a direct consequence of using a pump station solution, and disappears entirely with the proposed gravity solution. The notion that a pump station is a requirement to achieve flow control is utterly false.

Of course, it is hard to match the fluctuating creek inflow with pumps. This is why the LASAN project needs five pumps of two different sizes equipped with variable frequency drives that are inherently inefficient. This is a liability and not as asset.

In contrast, the gravity solution replaces the five pumps with hydraulic head and the variable frequency drive with a single valve that automatically regulates the flow to the treatment process (and downstream discharge) with the balance going to Hyperion treatment plant.

Because of the constant head of the gravity solution, it can provide practically unlimited flow control flexibility, which no pump station could do.

Regarding potential future wet weather treatment options, the capacity of the proposed pump station will require upgrading for such operation, meaning larger pumps and horse power. This flexibility can easily be accommodated for in the gravity solution by using a larger diameter diversion pipe at a fraction of a cost.

“Critical issues identified of a rubber dam alternative include:

- 1. Safety concern with deep water body in urban setting (including adjacent bike path).*
- 2. Flood control functionality of the channel. Saw cut channel has significantly lower risk.*
- 3. Inherent complexity and number of moving parts compared to saw cut channels.*
- 4. Geotechnical/structural concerns related to anchoring and dam foundations to hold up to 19 feet of water depth against 50-year-old channel walls/ slope*
- 5. Expressed preference by LA County project partner. LACFCD would require a new access ramp upstream of the dam, increasing project cost.”*

The above items are neither issues nor critical because:

1. There are numerous deep water bodies in urban setting with adjacent bike path. The water body stretches about a mile upstream and can be fenced off from the bike path at a fraction of the cost difference between the two alternatives.
2. There is no impact on the flood control functionality of the channel. Dam will be lowered during wet weather flows. There are numerous examples of rubber dams in flood control channels and waterways. This argument is synonymous to saying that not building something will lowers its risk of failure!
3. The comparison of complexity is with the saw-cut channel and pump station combined and not the saw cut channel alone. Surely, the pump station solution is far more complex
4. The dam will have its entirely independent foundation and embankments and will not be “anchoring against 50-year old channel walls/slope”. The suggestion is highly uninformative.
5. The dam civil design will include access ramp provisions upstream and downstream of the dam per LACFCD requirements. The cost is already included.

“Documents included in our funding application that reflect the Project's due diligence of project alternatives are below. This represents only a portion of total discussions held as LASAN pursued a project that met minimal permitting and regulatory requirements, maximized project benefits, and minimized project cost.

1. *Ballona Creek Bacteria TMDL Project Initial Study page 23 (November 2015) – page 1738/1903*
2. *Revised Pollution Prevention Plan page 31 (July 2016) -page 837/1903*
3. *Final EIR Table 2.6-1 (April 2018)-page 1327/1903*

There is no reference to a gravity solution in any of the “alternatives” referenced:

1. Below is the exact text copied from “Ballona Creek Bacteria TMDL Project Initial Study page 23 (November 2015) – page 1738/1903”:

"In addition to the saw cut and Coanda screen options to divert flow, an inflatable dam option was also considered for flow diversion. Under this alternative an inflatable rubber dam spanning the 80-ft width of the channel would be installed to divert flow into the wet well. All subsequent processes would be the same as describe under the Project and its alternative. However, it was determined that the rubber dam would obstruct the path of LACFCD maintenance trucks as they drive through the channel, and a new access ramp would need to be constructed to allow maintenance trucks to bypass the rubber dam. The maintenance ramp would be constructed on the western slope of Ballona Creek Channel."

As noted previously, the rubber dam mentioned is only an alternative for diverting the flow to the pump station wet well and not as an alternative to the pump station.

2. The alternative mentioned in "Revised Pollution Prevention Plan page 31 (July 2016) -page 837/1903" pertains to LFTF-2, and not LFTF-1. SEITec is also using a saw cut channel at LFTF-2 as a gravity solution.
3. The rubber dam considered in "Final EIR Table 2.6-1 (April 2018)-page 1327/1903" is for diverting the flow to the pump station wet well and not as an alternative to the pump station.

It is clear that LASAN never conceived of nor evaluated a gravity solution for this project. LASAN would do well to acknowledge this.

SEITec has demonstrated that there are two feasible gravity solution alternatives for this project, 1) a rubber dam, and 2) steel gates. Either of these gravity solutions results in significant capital and O&M cost savings for this project and would drastically reduce the project energy consumption and carbon footprint.

"This argument assumes that a 19' tall rubber dam in the flood control channel has smaller environmental impacts than a saw cut channel. Withholding judgement on the specific technical merits, it is clear the additional flood control, local environmental, and safety impacts of a new semi-permanent water body in the flood control channel are not clearly cut as smaller impacts and would need thorough evaluation."

The comparison is between a 19' tall rubber dam and a 56' x 42' x 50' deep, pump station with 250 hp rating, and not the saw cut channel. SEITec would greatly welcome any judgment and substantive technical feedback on the technical merits of the proposed gravity solution. What additional flood control does the proposed project impose that are of any significance? What are the local environment concerns regarding a relatively small pool of water other than positive? What unusual and significant safety concerns that cannot be addressed. Given the current existential climate change crises, the key environmental concern is the carbon footprint of constructing and operating the project.

"We request the commenter provide the specific language in 14 CCR Section 15162 that shows "all that is needed is an addendum for the EIR, given the smaller environmental impacts. The addendum does not need to be circulated for public review."

14 CCR Section 15162 (C) outlines that a subsequent EIR or negative declaration must be prepared for any changed context or scope of the project. 14 CCR Section 15162 (D) requires that the new EIR "shall be given the same notice and public review as required under Section 15087 or Section I 5072." There would also be additional delays as this new EIR is scoped, completed, and approved by the City of Los Angeles's LASAN management, the Board of Public Works, the Energy, Climate Change, Environmental Justice, and River Committee and full City Council, as the current EIR was approved,

requiring at least one year. Similar approvals by all project partners and other permitting agencies such as the California Department of Fish and Wildlife, who have approved the current scope, will require time and are not guaranteed. The current 404 and 408 permits are tied to the current approved Full EIR and could require delays for amendment.”

[14 CCR Section 15162](#) identifies the conditions and circumstance when a new EIR would be required. It clearly shows that a new EIR would only be required where proposed changes in the project would increase the severity of the impacts or bring about new impact, which is not the case. The proposed gravity solution will drastically reduce impacts.

[14 CCR Section 15164](#) informs that when conditions 14 CCR Section 15162 are not triggered, then *“The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR”*. It further informs that *“An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration”*.

*“The USACE 408 Permits for LFTF-1 and LFTF-2 were applied for on Dec 10, 2019 by the City of Los Angeles and the LACFCD, and were received on Jan 6, 2021. The permit numbers are as follows:
408-SPL-2020-0008
408-SPL-2020-0009”*

The [USACE Engineering Circular No. 1165-2-220](#) dated Sept 10, 2018 (EC) provides procedural changes to expedite the 408 Permit application process. Accordingly, when a Corps district receives a Section 408 request, the district must respond within 30 days, informing the requestor that the submission was complete or specifying what additional information is required. Once a completeness determination is made, the Corps district has 90 days to render a decision. If the district cannot meet the 90 day timeline, it can provide an estimated date of a final decision. If that estimate extends beyond 120 days, the Corps must report this to Congress.

Furthermore, the EC allows for a multi-phased review. It allows the requestor to submit information at each design milestone and information for each milestone will be cumulative and result in a complete Section 408 request with the information submitted for the final milestone. The EC also removes the requirement for 60% plans and specifications to initiate the Section 408 review process.

The implication is that the 408 permit is not in the project critical path and will not be a cause for any delay in the project. SEITec has sufficient design development information to initiate the 408 permit process and will do so immediately upon inclusion of the project in the SIP.