

This document is an extract of a larger publication.

civilgrandjury.org is a project of UnGovr.org, a US-based 501(c)(3) nonprofit dedicated to government transparency and public accountability.



RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS/ FLOOD CONTROL DISTRICT

2022-2023 CIVIL GRAND JURY RECOMMENDATIONS FOR STORM WATER CAPTURE AND WASTEWATER REUSE

RECOMMENDATION NO. 1.1

LACFCD should continue to capture stormwater.

RESPONSE

Agree. The recommendation is currently being implemented and is a crucial part of the Los Angeles County Flood Control District's (LACFCD) mission. In current Water Year 2022-23, LACFCD has captured over 180 billion gallons of stormwater (the equivalent supply for over 4.4 million LA County residents for one year), which represents over 276% of the annual average capture.

RECOMMENDATION NO. 1.2

LACFCD should operate facilities to maximize stormwater capture and water conservation.

RESPONSE

Agree. The recommendation is currently being implemented through day-to-day operational efficiencies, annual and adaptively managed maintenance routines, and strategic long-term planning.

RECOMMENDATION NO. 1.3

LACFCD should continue to evaluate increased reservoir storage opportunities.

RESPONSE

Agree. The recommendation is currently being implemented through the LACFCD's ongoing and planned reservoir restoration projects to remove accumulated sediment and/or to maintain/enhance storage capacity at its dams.

RECOMMENDATION NO. 1.4

LACFCD should conduct a study to identify unused/under-utilized areas conducive to groundwater recharge and prepare a priority list for purchase and development of same.

RESPONSE

Agree. The recommendation is currently being implemented. Multiple studies (some of them under the umbrella of the Safe Clean Water Program's regional Scientific Studies Program) are already underway to identify and analyze unused or under-utilized areas conducive to groundwater recharge. These studies, along with the LACFCD's Metric and Monitoring Study, are anticipated to be used to help develop watershed scale planning documents and recommendations. The resulting

recommendations could help inform potential project applicants of areas of need and opportunity (including prioritizing projects that maximize water supply benefits) as well as support Watershed Area Steering Committees' development of Stormwater Investment Plans.

RECOMMENDATION 1.6

LACFCD should review the application process for Measure W funding (primarily the feasibility report) to see if revisions can be made to simplify the application while still ensuring fiscal responsibility.

RESPONSE

Agree. The recommendation will be implemented and is anticipated to be completed by December 31, 2023. The application process for Measure W, also known as the Safe, Clean Water Program (SCWP) Regional Program, is designed to be robust (to ensure good stewardship of the substantial investments involved) and is also intended to be adaptively managed. Processes are already in place to provide technical assistance to individuals or organizations who may lack expertise in the Program. Furthermore, upgrades to the Program's online portal occur annually to continue to help streamline the application process to ensure that even those without specialized expertise can effectively navigate the process or access the necessary help to do so. Additional evaluation is also in progress as part of the SCWP Biennial Progress Report development process, including a survey of all applicants following the July 31st close of the current Call for Projects.

RECOMMENDATION 1.7

LACFCD should prepare a presentation for school districts and Parent Teacher Associations extolling the environmental benefits of green space and semi-permeable pavements.

RESPONSE

Agree. The recommendation will be implemented and is anticipated to be completed by late 2024 due to the extensive level of engagement and development required to establish the desired suite of broader educational components most effectively. Green space and permeable pavements are indeed important aspects of the multi-benefit SCWP. Within the SCWP, the development of upcoming school education programs is currently underway and is anticipated to include materials/programs for school curriculum that could also be shared with school districts and Parent Teacher Associations (PTAs). The LACFCD recognizes the value of incorporating input and feedback from diverse stakeholders as part of that effort, as well as the broader range of other education initiatives associated with the SCWP and is committed to adaptively managing these subprograms. Education materials are therefore intended to represent all goals and priorities of the SCWP and creation of green space or permeable areas is often already part of the nature-based solutions built into a multi-benefit stormwater capture projects funded by the SCWP.

RECOMMENDATION 1.8

LACFCD should make their aerial photographs available to cities, other County agencies, and Non-Governmental Organizations for their use in identifying opportunities for creating or rehabilitating green space.

RESPONSE

Agree. The recommendation has been implemented. Elements of the SCWP use data from the LA Region Imagery Acquisition Consortium (LARIAC). The LARIAC is a multi-jurisdictional purchasing arrangement that enables participating local governments and agencies to benefit from combined economies of scale to acquire high-definition aerial data efficiently and cost-effectively. Certain data from the LARIAC is subject to licensing restrictions and cannot be shared by LACFCD. However, the existing SCWP Spatial Data Library serves as a comprehensive repository containing a diverse range of location-based data and aerial imagery that is already publicly available for use in identifying overarching project opportunities. In addition to aerial photographs, the library includes (but is not limited to):

- i. Existing SCWP-Funded Projects
- ii. Hydrogeologic Forebays
- iii. Groundwater Basins
- iv. Water Quality Data
- v. Water Treatment Plants and LACFCD Facilities
- vi. Community Characteristics
- vii. Political and Management Boundaries

This information supports cities, County agencies, Non-Governmental Organizations (NGOs), and anyone else in making well-informed decisions related to opportunities for creating or rehabilitating green spaces.

RECOMMENDATION NO. 1.9

LACDPW should establish a committee to study and identify potential users of recycled wastewater (industry, commercial nurseries/growers, regional and local parks, etc.). Committee to include, at a minimum, representatives of the City of Los Angeles, the City of Long Beach, and the Sanitation Districts of Los Angeles County.

RESPONSE

Agree. The recommendation will be implemented and is anticipated to be completed by late 2024 due to the extensive level of collaboration with other water agencies and stakeholders that is required for the efforts described below, as well as necessary approvals from the LA County BOS. Recognizing the new climate reality and the need to be thoughtful stewards of future water supplies, the BOS envisioned and directed the development of a Countywide water plan focused on collaborative management of Los Angeles County's water resources.

The draft County Water Plan focuses on leveraging local resource development like maximizing recycled water through agency-led projects like those mentioned above and the Safe, Clean Water Program. To avoid duplication of efforts and to maximize efficiency, the BOS will continue to utilize the County Water Plan framework to work with recycled water agencies to accomplish the goals of the Plan

through facilitation of partnerships and information-sharing between agencies, including the support of existing efforts related to planned regional recycled water programs.

RECOMMENDATION NO. 1.10

LACDPW should develop a master plan to distribute recycled wastewater (purple water) throughout the County.

RESPONSE

Agree. The recommendation will be implemented and is anticipated to be completed by late 2024 due to the extensive level of collaboration with other water agencies and stakeholders that is required for the efforts described below, as well as necessary approvals from the LA County BOS. Significant recycled water programs are being spearheaded by agencies including the City of Los Angeles, Metropolitan Water District of Southern California, Los Angeles County Sanitation Districts, Las Virgenes Municipal Water District, and Santa Clarita Valley Water District. The County Water Plan team will be building off the work these agencies are doing to further regional collaboration that has already begun through these programs.

**BOARD OF
SUPERVISORS**

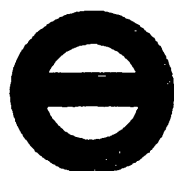
Hilda L. Solis
First District

Holly J. Mitchell
Second District

Lindsey P. Horvath
Third District

Janice Hahn
Fourth District

Kathryn Barger
Fifth District



**Chief
Executive
Office.**

COUNTY OF LOS ANGELES

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, CA 90012
(213) 974-1101 ceo.lacounty.gov

CHIEF EXECUTIVE OFFICER
Fesia A. Davenport

August 31, 2023

To: Supervisor Janice Hahn, Chair
Supervisor Hilda L. Solis
Supervisor Holly J. Mitchell
Supervisor Lindsey P. Horvath
Supervisor Kathryn Barger

From: Fesia A. Davenport *[Signature]*
Chief Executive Officer *FOR*

2022-2023 LOS ANGELES CIVIL GRAND JURY FINAL REPORT

Attached are responses to the 2022-2023 Civil Grand Jury Final Report. We are responding to specific recommendations dealing with the following sections:

- Aging Out: Transitional Aged Youth
- All Aboard: Is Metro Rail on Track
- Civil Grand Jury Compensation
- Election Operations
- Have We M.E.T.? Mental Health Evaluation Teams and How They Work
- Housing Vouchers For Low income and Homeless Angelenos
- The Inmate Reception Center: An Outdated Process Imperils Staff, Inmates, and the Justice System
- Juvenile Justice CYA
- Lack of Housing: The Social Injustice of the 21st Century
- Los Angeles County Fire Department Workers Compensation
- Medi-Cal Reimbursement: The Final Resolution of an Ongoing Issue
- Proposition 19: Implementation and Related Matters
- Sheriff's Operations: Examining Transparency, Accountability, and Community Policing within the LASD
- Storm Water Capture and Wastewater Reuse
- Zero Emissions: Air Quality Monitoring

Attachment A represents the Chief Executive Officer's responses; Attachments B through V represent the departments' responses; and Attachment W represents a matrix of the questions and responses from each department.



"To Enrich Lives Through Effective And Caring Service"

Each Supervisor
August 31, 2023
Page 2

If you have any questions regarding our responses, please contact me, or your staff may contact Cheri Thomas, by phone at (213) 974-1326 or by email at cthomas@ceo.lacounty.gov.

FAD:JMN:CT:md

Attachments

c: Executive Office, Board of Supervisors
County Counsel
District Attorney
Assessor
Sheriff
Auditor-Controller
Children and Family Services
Fire
Health Services
Human Resources
Internal Services
Mental Health
Probation
Public Health
Public Social Services
Public Works
Regional Planning
Registrar-Recorder/County Clerk
Los Angeles County Development Authority
Los Angeles County Metropolitan Transportation Authority
Los Angeles County Sanitation Districts
Los Angeles Homeless Services Authority

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICE FOR THE BOARD OF SUPERVISORS

2022-2023 CIVIL GRAND JURY RECOMMENDATIONS FOR STORM WATER CAPTURE AND WASTEWATER REUSE

RECOMMENDATION NO. 1.5

The BOS should provide funding for sediment removal behind dams, enlargement of spreading basins, and purchase of property for additional spreading basins.

RESPONSE

Agree. This recommendation continues to be implemented.

The County of Los Angeles Department of Public Works (DPW) has and intends to continue to make recommendations to the BOS to approve sediment removal projects from dams and spreading basins and projects to create new or enhance/expand existing spreading basins. The Los Angeles County Flood Control District has numerous ongoing and planned reservoir restoration projects to remove accumulated sediment and/or to maintain/enhance storage capacity at its dams.

RECOMMENDATION NO. 1.11

The BOS should provide funding for the design and construction of a backbone purple water system.

RESPONSE

Disagree. This recommendation will not be implemented.

The BOS continues to focus on governance and policymaking, ensuring efficient and effective allocation of public resources, leveraging regional partnerships for funding opportunities, and addressing various community needs. As such, the BOS has led the collaborative effort of highlighting the need for regional water resilience through collaborative strategies.

Recognizing the new climate reality and the need to be thoughtful stewards of future water supplies, the BOS envisioned and directed the development of a Countywide water plan focused on collaborative management of Los Angeles County's water resources.

The draft County Water Plan focuses on leveraging local resource development like maximizing recycled water through agency-led projects and the Safe, Clean Water Program. To avoid duplication of efforts and to maximize efficiency, the BOS will continue to utilize the County Water Plan framework to work with recycled water agencies to accomplish the goals of the Plan through facilitation of partnerships and information-sharing between agencies, including the support of existing efforts related to planned regional recycled water programs.

RECOMMENDATION NO. 1.15

Los Angeles Department of Water and Power should continue to remediate the San Fernando Basin to allow the reopening of wells that are currently closed.

RESPONSE

Disagree. This recommendation will not be implemented as jurisdiction for the implementation falls outside the County.

The remediation of the San Fernando Basin and decisions regarding the reopening of wells fall under the jurisdiction of the Los Angeles Department of Water and Power.

RECOMMENDATION NO. 1.16

The BOS should work with State Government to establish expedited procedures for water supply and water remediation projects.

RESPONSE

Agree. This recommendation continues to be implemented.

The BOS will continue to collaborate with State partners and provide a consistent regional voice on efforts to improve permitting and regulations related to water supply and water remediation projects.



**LOS ANGELES COUNTY
SANITATION DISTRICTS**
Converting Waste Into Resources

Robert C. Ferrante
Chief Engineer and General Manager

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
(562) 699-7411 • www.lacsd.org

July 20, 2023

VIA EMAIL cthomas@ceo.lacounty.gov

Ms. Fesia A. Davenport
Chief Executive Office
745 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

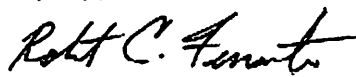
Dear Ms. Davenport:

Responses to the 2022-2023 Los Angeles County Civil Grand Jury Report
Stormwater Capture and Wastewater Reuse

Please find attached the Los Angeles County Sanitation Districts' (Sanitation Districts) response to the Grand Jury Report titled *Stormwater Capture and Wastewater Reuse*. The Sanitation Districts is submitting this response for the "Required Agencies" listed in the Required Responses section of your June 21, 2023, letter as "Sanitation Districts of Los Angeles County."

If you have any questions or concerns, please contact Mr. Ray Tremblay at (562) 908-4288, extension 2701, or at rtremblay@lacsd.org.

Very truly yours,


Robert C. Ferrante

RT:AM:pb

Enclosure

DOC 6961264

A Century of Service

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES SANITATION DISTRICTS

2022-2023 CIVIL GRAND JURY RECOMMENDATIONS FOR STORM WATER CAPTURE AND WASTEWATER REUSE

RECOMMENDATION NO. 1.9

LACDPW should establish a committee to study and identify potential users of recycled wastewater (industry, commercial nurseries/growers, regional and local parks, etc.). Committee to include, at a minimum, representatives of the City of Los Angeles, the City of Long Beach, and the Sanitation Districts of Los Angeles County.

RESPONSE

The Sanitation Districts agree with the finding. The recommendation will be implemented. The idea of establishing a committee is a very good one but there are already at least two regional recycled water committees performing this role in the County. First of all, Metropolitan Water District has formed the Water Reuse Collaborative Group to coordinate the planning for regional recycled water treatment and distribution systems. The Collaborative Group aims to coordinate the planning for two very large regional recycled water projects intended to provide over 350 million gallons per day of purified recycled water. The City of Los Angeles, City of Long Beach, Sanitation Districts, LACDPW already participate in this group as well as additional organizations such as the City of Torrance, West Basin Municipal Water District, and Central Basin Municipal Water District.

Furthermore, the California WaterReuse Association's Los Angeles County Chapter has formed the Los Angeles County WaterReuse Committee. The mission of the Los Angeles Chapter of the WaterReuse Association is to increase the amount of safe and beneficial uses of recycled water in and around the County. Its objectives shall be to promote water reclamation and recycling as a sustainable supplemental source of water for the state; to work for the adoption of legislation and regulations that allow the safe use of recycled water; to facilitate the development of technology aimed at improving water recycling; to promote legislation that would increase funding for water recycling projects; to provide mutual assistance and support between and among Los Angeles Chapter members involved with water recycling projects; and to increase public awareness and understanding of related water problems and solutions. Participants include Metropolitan Water District, Sanitation Districts, City of Los Angeles as well as State and County entities.

LACDPW is in the process of finalizing the Los Angeles County Water Plan. The Water Plan focuses on collaborative management of Los Angeles County's water resources. As part of implementation and to avoid duplication of efforts, LACDPW can utilize the County Water Plan framework to work with recycled water agencies to accomplish this recommendation.

RECOMMENDATION NO. 1.12 ?

Continue to construct ATW facilities to lessen the need for imported water.

RESPONSE

The Sanitation Districts agree with the finding. The recommendation is in the process of being completed. The Sanitation Districts have supported use of recycled water to lessen the need for imported water for many decades. Since the early 1960s, the Sanitation Districts have operated water recycling plants designed to recycle water used to replenish groundwater basins. More recently, the Sanitation Districts have participated in projects that take treated water from our water recycling plants and further purifies it using advanced treated water (ATW) facilities. However, statutory authority limits the Sanitation Districts' ability to directly provide recycled water to customers. As a result, we rely upon water agency partners to construct the ATW facilities and water distribution infrastructure. We are currently supporting the preliminary planning, engineering, and environmental review of substantial water recycling projects involving the construction of ATW facilities in both the Los Angeles Basin and Antelope Valley. Of note, the Sanitation Districts is partnering on a 150 million gallon per day recycling project with the Metropolitan Water District of Southern California using ATW facilities, known as Pure Water Southern California. When completed, this project could provide purified water to supply the needs of up to 1.5 million people.



KAREN BASS
MAYOR

October 6, 2023

Samantha P. Jessner
Presiding Judge
Superior Court of California, County of Los Angeles
Clara Shortridge Foltz Criminal Justice Center
210 W. Temple Street, Thirteenth Floor, Room 13-303
Los Angeles, CA 90012

**Re: Stormwater Capture and Wastewater Reuse
Report by the 2022-2023 Los Angeles County Civil Grand Jury**

Dear Honorable Judge Samantha P. Jessner:

The City of Los Angeles acknowledges receipt of the 2022-2023 Los Angeles County Civil Grand Jury Pre Report regarding Stormwater Capture and Wastewater Reuse, its findings and recommendations. The City respectfully submits Attachment A as the City's formal response, inclusive of recommendations relevant to both the Los Angeles Department of Water and Power and the City of Los Angeles. The City's responses were prepared by knowledgeable staff working in the Department of Water and Power and the LA Sanitation and Environment Bureau of the Department of Public Works.

For additional questions or comments, your staff may contact Randall Winston, Deputy Mayor of Infrastructure, at randall.winston@lacity.org.


KAREN BASS
Mayor


PAUL KREKORIAN
City Council President

CITY OF LOS ANGELES RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

Subject: 2022-2023 Civil Grand Jury Recommendations For:
Stormwater Capture and Wastewater Reuse

Recommendation 1.9 LACDPW should establish a committee to study and identify potential users of recycled wastewater (industry, commercial nurseries/growers, regional and local parks, etc.). Committee to include, at a minimum, representatives of the City of Los Angeles, the City of Long Beach, and the Sanitation Districts of Los Angeles County.

The City agrees with this recommendation and is very interested in participating in this committee if this recommendation is implemented by LACDPW in the future.

Recommendation 1.13 Establish permanent funding to complete the construction of the Hyperion and Donald C. Tillman projects.

The City agrees with the recommendation and is implementing it by actively pursuing funding for both projects. Being fully invested in establishing reliable and sustainable local water resources also requires a commensurate commitment to providing funding. Both the Donald C Tillman project (part of the broader Los Angeles Groundwater Replenishment Project) and Hyperion (part of the broader Operation NEXT project) are prioritized in the City's capital planning process. The City is committed to ensuring that its ratepayers pay the lowest cost possible for these vital projects. As such, the City is evaluating the viability of all available options, including grants and low-interest financing, to alleviate rate impacts for its customers.

Recommendation 1.15 LADWP should continue to remediate the San Fernando Basin to allow the reopening of wells that are currently closed.

The City agrees with this recommendation and is implementing it. LADWP is completing construction of three remediation projects, which are scheduled to begin operation over the next 12 months. Collectively, these projects will remove contaminant mass and capture groundwater contamination plumes, while also restoring the ability of LADWP to extract and treat groundwater from three major well fields: Tujunga, Rinaldi Toluca and North Hollywood West. Additionally, LADWP negotiated and executed two settlements with potentially responsible parties (Honeywell International Inc. and the Lockheed Martin Corporation), which will enable the remediation of groundwater plumes and operation of groundwater production wells in the North Hollywood East Well Field (and, if certain conditions are met, two wells in the Whitnall Well Field). Separately, LADWP has initiated an investigation of the contaminant plumes in the southern portion of the San Fernando Basin, which is intended to provide additional information to LADWP and others about the nature and extent of groundwater contamination, as a first step towards potential remediation of this portion of basin.

Correction Regarding Recommendation 1.14

The Chart on Page 22 of the Report suggest that LADWP should respond to Recommendation 1.14, but this is possibly a typo, as that recommendation regards "Establish[ing] permanent funding to complete the construction of JWPCP ATW projects," and LADWP does not have any involvement in JWPCP. This recommendation cannot be implemented by LADWP because the project is not owned or led by LADWP or the City of Los Angeles. It is being developed by the Metropolitan Water District of Southern California and the Los Angeles County Sanitation District.



CHRISTOPHER J. GARNER, General Manager

1800 E. Wardlow Road, Long Beach, CA 90807
562.570.2300 | LBUtilities.org

June 30, 2023

Presiding Judge
Superior Court of California, County of Los Angeles
Clara Shortridge Foltz Criminal Justice Center
210 W. Temple Street, Thirteenth Floor, Room 13-303
Los Angeles, CA 90012

RE: STORMWATER CAPTURE AND WASTEWATER REUSE REPORT

The City of Long Beach is in receipt of the 2022-2023 Los Angeles County Civil Grand Jury's Stormwater Capture and Wastewater Reuse report as well as its recommendations.

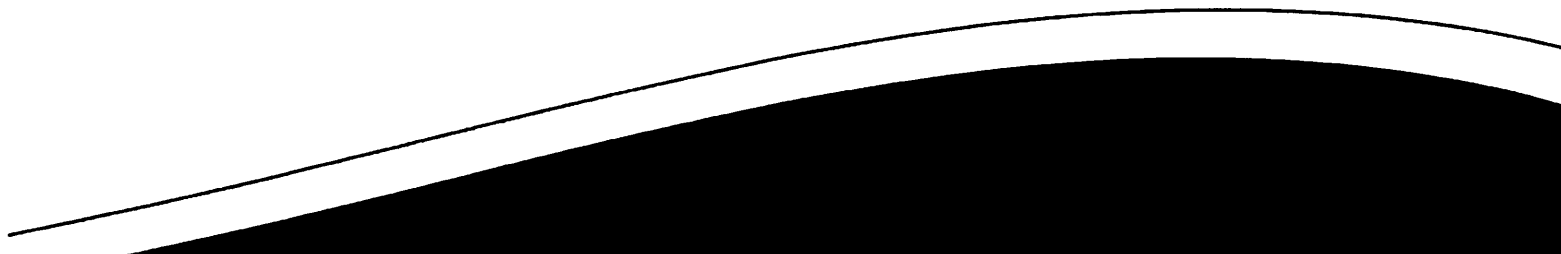
Consistent with Recommendation 1.9 of the report, the City of Long Beach agrees to participate in a committee to be established by the Los Angeles County Department of Public Works to study and identify potential users of recycled wastewater.

Sincerely,

Christopher J. Garner
General Manager

Attachment

cc: Rex Richardson, Mayor
Board of Utilities Commissioners
Tom Modica, City Manager
Eric Lopez, Director of Public Works
Monique De La Garza, City Clerk





THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Manager

Via Electronic and U.S. Mail

October 2, 2023

Presiding Judge of the Superior Court of California
Clara Shortridge Foltz Criminal Justice Center
210 W. Temple Street, Thirteenth Floor, Room 13-303
Los Angeles, CA 90012
[REDACTED]

Dear Presiding Judge:

The Metropolitan Water District of Southern California
Response to Grand Jury Report *Stormwater Capture and Wastewater Reuse*

On June 12, 2023, the Los Angeles Grand Jury released a report titled, *Stormwater Capture and Wastewater Reuse* (Grand Jury report), that examined the complex issues surrounding water supply conditions in Los Angeles County. The Grand Jury report presented information on the status of stormwater capture and water recycling efforts in Los Angeles County.

In partnership with local water agencies throughout the region and in Los Angeles County, The Metropolitan Water District of Southern California (Metropolitan) is a leader in implementing a One Water approach for water supply reliability. Metropolitan has invested over \$1.5 billion in drought-resilient resources such as conservation, recycling, stormwater, and groundwater recovery. Our 17 member agency partners in Los Angeles County have invested billions more.

Metropolitan appreciates the Grand Jury's effort to examine the complex issues surrounding Los Angeles County's water supplies. The Grand Jury requested that Metropolitan respond to findings and recommendations in the report. In accordance with California Penal Code Sections 933 and 933.05, the 2022-2023 Grand Jury requires (or, as noted, requests) each agency affected by the findings and recommendations presented in the report to submit their responses to the Presiding Judge of the Superior Court. Per the Grand Jury's request, below are Metropolitan's responses to Findings F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, and F15, and Recommendation R1.14.

Background of Metropolitan

Metropolitan is a voluntary cooperative created in 1928 under authority of the Metropolitan Water District Act. Metropolitan's primary purpose is to provide wholesale water for domestic and municipal uses to its member public agencies. Metropolitan has no retail customers. The mission of Metropolitan is to provide its service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Presiding Judge of the Superior Court of California

Page 2

October 2, 2023

Metropolitan is a public agency and the largest regional wholesale provider of water in the United States. It is comprised of 26 member public agencies that serve approximately 19 million people in Metropolitan's 5,200-square-mile service area that includes portions of six counties in Southern California, including Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura. Metropolitan's 26-member public agencies include 14 cities, 11 municipal water districts, and one county water authority, which collectively serve the residents and businesses of more than 300 cities and numerous unincorporated communities.

For most member agencies, Metropolitan's water serves as a supplemental source of water and for others, it is the primary source of water. Member agencies are not required to purchase or use any amount of the water available from Metropolitan. Some agencies depend on Metropolitan's supply nearly for all their water needs, regardless of the weather. Other agencies, with local surface reservoirs or aqueducts that capture rain or snowfall, rely on Metropolitan's supply more in dry years than in years with heavy rainfall. Yet other agencies, with ample groundwater supplies, purchase Metropolitan water only to supplement local supplies and to recharge groundwater basins. All agencies are always connected to Metropolitan's system and Metropolitan stands by to provide the water upon request. Member agencies provide estimates of demands to Metropolitan for each year and request water from Metropolitan at various delivery points within Metropolitan's system. The member agencies pay for such water at uniform rates established by Metropolitan's Board of Directors for each class of water service. Consumer demand and locally supplied water vary from year to year, resulting in variability in the volume of Metropolitan's water transactions with its member agencies.

Metropolitan owns and operates regional infrastructure to convey, treat and deliver water to its member agencies. This includes the 242-mile Colorado River Aqueduct and five associated pump stations, over 830 miles of large diameter pipelines, five large water treatment plants, and nine reservoirs with a combined storage capacity of 1.072 MAF. In addition to developing storage and exchange programs with partners throughout California and Colorado River Basin, Metropolitan also collaborates with its member agencies to fund regional water use efficiency and local supply development programs. Metropolitan's Board of Directors is also leading the development of our Climate Adaptation Master Plan that is anchored in reuse, stormwater capture, storage, and enhanced conveyance.

Comments

In the Grand Jury report, there were a few statements that Metropolitan would like to provide clarification on. These items are summarized below. The bulleted items below were taken from the Grand Jury report.

- Page 4: *"The three main importers of water are the City of Los Angeles (City), the California Department of Water Resources (DWR), and the Metropolitan Water District of Southern California (MWD)."*

Presiding Judge of the Superior Court of California

Page 3

October 2, 2023

Clarification:

The three main importers of water in Los Angeles County are the City, San Gabriel Valley Municipal Water District (SGVMWD), and Metropolitan. The City imports water from Owens Valley via the Los Angeles Aqueduct (LAA). Water from the LAA is treated at Los Angeles Department of Water and Power's (LADWP's) Los Angeles Filtration Plant and serves customers within the City. SGVMWD, which serves four cities (Alhambra, Azusa, Monterey Park, and Sierra Madre) in the San Gabriel Valley, imports water from the State Water Project (SWP). The SWP is managed by the Department of Water Resources (DWR) and conveys water from the Northern Sierras via the California Aqueduct. SGVMWD imports water from the SWP for groundwater recharge in the San Gabriel Valley. Metropolitan, in its role as supplemental supplier, imports water from the SWP and the Colorado River via the Colorado River Aqueduct.

- Page 5: *"In 2023, it is anticipated that number will rise to thirty percent (30%)."*

Clarification:

On April 20, 2023, DWR increased the SWP allocation to 100 percent.

- Page 17: *"'Purple water' is treated wastewater. It is called 'purple water' because it is transported in purple pipes."*

Clarification:

"Purple water" is treated wastewater for non-potable uses such as landscape irrigation and, industrial uses. Because the water is non-potable, it is conveyed in purple pipes and designated with purple placards to distinguish it from potable water supplies.

- Page 18: *"The JWPCP is a joint project by MWD and LACSD... The JWPCP, when certified, is designed to produce 150 MGD (168,000 AFY) of ATW"*.

Clarification:

Pure Water Southern California (Pure Water), Metropolitan's proposed regional purified water program, is a partnership with the Los Angeles County Sanitation District (LACSD) that would purify treated wastewater from LACSD's JWPCP. The program could produce up to 150 MGD, or an average of 155,000 acre-feet per year of purified water for groundwater replenishment, non-potable use, and raw water augmentation. The agencies have been working together since 2010 on the program. Metropolitan and LACSD are currently operating a demonstration facility and are in the environmental planning and preliminary design phase. At full scale, the program would be one of the largest water reuse efforts of its kind in the world.

On July 21, 2023, State officials presented Metropolitan with \$80 million in funding to help advance Pure Water. Metropolitan and LACSD are partnering on work to accelerate the

Presiding Judge of the Superior Court of California

Page 4

October 2, 2023

project's design and construction, with the potential to begin construction as early as 2025 and water deliveries to start in 2032.

Metropolitan Responses on Findings:

Finding F1: *"The LACFCD captures stormwater in reservoirs and spreading grounds."*

Response: Agree

Metropolitan agrees that LACFCD captures stormwater in reservoirs and spreading grounds.

Finding F2: *"Stormwater capture can provide a valuable source of water within the LACFCD."*

Response: Agree

Metropolitan agrees that stormwater capture can provide a valuable source of water within the LACFCD and throughout Southern California.

Finding F3: *"Increasing storage volumes behind dams will allow increased stormwater capture."*

Response: Agree.

Agree, but Metropolitan believes that expanding existing spreading grounds may provide more stormwater capture potential. In addition, distributed stormwater capture can be an effective tool, especially in fully developed urban areas

Finding F4: *"Increasing the number of spreading grounds will allow more infiltration of stormwater."*

Response: Agree

Agree, but Metropolitan believes that expanding existing spreading grounds may provide more stormwater capture potential.

Finding F5: *"Measure W projects are beneficial to stormwater capture, but dams and spreading grounds provide, by far, the largest volume of stormwater capture."*

Response: Agree

Agree. Spreading grounds and dam modifications do provide more water supply benefits compared to sub-regional or distributed stormwater projects. Distributed stormwater capture can be an effective tool, especially in fully developed urban areas

Presiding Judge of the Superior Court of California

Page 5

October 2, 2023

Finding F6: *“The application process for Measure W funding is time consuming and expensive.”*

Response: Agree partially.

While Metropolitan does not agree that Measure W funding is unnecessarily time consuming, Metropolitan does encourage efforts to streamline the application process for Measure W to prioritize project implementation. We recognize the groundbreaking work of LA County Public Works and their partners in the advancement of Measure W. As Southern California faces climate whiplash, the need for climate adaptation is urgent. It is imperative to accelerate every effort.

Finding F7: *“Measure W outreach funds are under-utilized.”*

Response: Agree

Metropolitan encourages efforts to expand Measure W outreach funds.

Finding F8: *“Increasing green space is beneficial to groundwater recharge.”*

Response: Agree partially.

The recharge effectiveness of green space projects is dependent upon whether there are groundwater recharge elements in the project and whether the groundwater conditions are confined or unconfined. In areas where there are unconfined groundwater conditions, increasing green space may be beneficial to groundwater recharge. In areas where there are confined groundwater conditions, there may not be a benefit to groundwater recharge.

Finding F9: *“Treated wastewater is being under-utilized.”*

Response: Disagree, partially

LACSD currently recycles and uses about 115,000 acre-feet per year. The City currently recycles and uses about 134,000 acre-feet per year. Between LACSD and the City, about 30 percent of the available recycled water is reused. The biggest opportunities are at the Hyperion Plant and at the JWPCP, where most of the wastewater is discharged to the ocean. Metropolitan is proposing Pure Water and the City is proposing Operation Next, which will increase the utilization rate of recycled water to above 80 percent.

Finding F10: *“There is no master planned county wide system to distribute treated wastewater.”*

Response: Disagree, partially.

While there is no overarching county-wide master plan effort for treated wastewater, LACSD and the City have completed master planning efforts for their service areas. LACSD completed the Clearwater Program Master Facilities Plan in 2012. The City is currently underway with the master planning effort entitled Hyperion 2035.

Presiding Judge of the Superior Court of California

Page 6

October 2, 2023

Finding F11: *“There is no funding program to establish a comprehensive purple water system.”*

Response: Disagree

Since 1982, Metropolitan has assisted local agencies in the development of water recycling projects under the Local Resources Program (LRP). The LRP has evolved over time to help support the development of local water recycling projects including the methodology for providing the incentives to the member agencies. In October 2014, Metropolitan’s Board approved additional LRP refinements to support further development of water recycling in the service area. These refinements covered increasing the maximum incentive amount, offering three incentive payment structures, including on-site recycled water retrofit costs, and providing reimbursable services for Metropolitan’s technical assistance. In addition, Metropolitan is developing its own regional program, Pure Water, that would provide advanced treated water for both potable and non-potable reuse. To date, Metropolitan has provided member agencies with \$534 million for water recycling projects that have produced more than 3 million acre-feet since the initiation of the program.

Finding F12: *“ATW can be a substitute for imported water.”*

Response: Agree, partially

At this time, recycled water can only serve non-potable and potable reuse for groundwater recharge projects. Therefore, ATW can only substitute for imported water if the projects are for non-potable uses or replenishment projects. Raw water augmentation and drinking water augmentation regulations are currently in development and are expected to be final by the end of 2023.

Finding F13: *“Construction of ATW facilities is expensive and seriously underfunded.”*

Response: Disagree, partially

Metropolitan agrees that the construction of ATW facilities is expensive. However, Metropolitan disagrees that it is seriously underfunded. As described above, Metropolitan has invested \$534 million to date in order to accelerate water recycling projects, including ATW.

In addition, Metropolitan and LACSD have partnered to fund the Pure Water project. Other utilities such as Orange County Water District and Orange County Sanitation District have partnered to complete the Groundwater Replenishment System (GWRS) that currently produces up to 130 mgd for groundwater replenishment in the Orange County Basin.

Presiding Judge of the Superior Court of California

Page 7

October 2, 2023

Finding F14: *“The San Fernando Basin remains on the Environmental Protection Agency’s Super Fund list.”*

Response: Agree, partially

Metropolitan agrees that the San Fernando Basin remains on the Environmental Protection Agency’s Super Fund list. In addition, portions of the Main San Gabriel Basin are also on the Environmental Protection Agency’s Super Fund list.

Finding F15: *“The permitting process for stormwater and wastewater projects take several years to complete.”*

Response: Agree

Agree. In particular, the permitting process for wastewater projects can be many years, depending upon the complexity of the project.

Metropolitan Responses on Recommendations:

Recommendation R1.14: *“Establish permanent funding to complete the construction of JWPCP ATW projects.”*

Response: Agree.

As discussed previously, Pure Water, Metropolitan’s proposed regional purified water program, is a partnership with LACSD that would purify treated wastewater from LACSD’s JWPCP. The program could produce up to 150 MGD, or an average of 155,000 acre-feet per year of purified water for groundwater replenishment, non-potable use, and raw water augmentation. Metropolitan and LACSD are currently operating a demonstration facility and in the environmental planning and preliminary design phase.

On July 21, 2023, State officials presented Metropolitan with \$80 million in funding to help advance Pure Water. Metropolitan and LACSD are partnering on work to accelerate the project’s design and construction, with the potential to begin construction as early as 2025 and water deliveries to start in 2032. Metropolitan and LACSD intend to fund Pure Water through our respective rate structures, state and federal grants, and other funding. Similarly, the City of Los Angeles is planning to fund Operation Next. However, these programs are very expensive when compared to traditional supply sources and the infrastructure to develop and move these supplies where needed will be costly. Alternative and sustainable funding sources could be important to ensure the success of these programs.

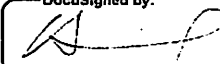
Presiding Judge of the Superior Court of California

Page 8

October 2, 2023

Thank you for providing Metropolitan with the opportunity to respond. Please feel free to contact us if you have any further questions.

Sincerely,

DocuSigned by:

BE4063CE65EF2D2
Adel Hagekhalil
General Manager

CIV:vsm

ZERO EMISSIONS AND AIR QUALITY MONITORING



**2022 – 2023
LOS ANGELES COUNTY
CIVIL GRAND JURY**

**BOARD OF
SUPERVISORS**

Hilda L. Solis
First District

Holly J. Mitchell
Second District

Lindsey P. Horvath
Third District

Janice Hahn
Fourth District

Kathryn Barger
Fifth District



**Chief
Executive
Office.**

COUNTY OF LOS ANGELES

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, CA 90012
(213) 974-1101 ceo.lacounty.gov

CHIEF EXECUTIVE OFFICER

Fesia A. Davenport

August 31, 2023

To: Supervisor Janice Hahn, Chair
Supervisor Hilda L. Solis
Supervisor Holly J. Mitchell
Supervisor Lindsey P. Horvath
Supervisor Kathryn Barger

From: Fesia A. Davenport *[Signature]*
Chief Executive Officer *for*

2022-2023 LOS ANGELES CIVIL GRAND JURY FINAL REPORT

Attached are responses to the 2022-2023 Civil Grand Jury Final Report. We are responding to specific recommendations dealing with the following sections:

- Aging Out: Transitional Aged Youth
- All Aboard: Is Metro Rail on Track
- Civil Grand Jury Compensation
- Election Operations
- Have We M.E.T.? Mental Health Evaluation Teams and How They Work
- Housing Vouchers For Low income and Homeless Angelenos
- The Inmate Reception Center: An Outdated Process Imperils Staff, Inmates, and the Justice System
- Juvenile Justice CYA
- Lack of Housing: The Social Injustice of the 21st Century
- Los Angeles County Fire Department Workers Compensation
- Medi-Cal Reimbursement: The Final Resolution of an Ongoing Issue
- Proposition 19: Implementation and Related Matters
- Sheriff's Operations: Examining Transparency, Accountability, and Community Policing within the LASD
- Storm Water Capture and Wastewater Reuse
- Zero Emissions: Air Quality Monitoring

Attachment A represents the Chief Executive Officer's responses; Attachments B through V represent the departments' responses; and Attachment W represents a matrix of the questions and responses from each department.



"To Enrich Lives Through Effective And Caring Service"

Each Supervisor
August 31, 2023
Page 2

If you have any questions regarding our responses, please contact me, or your staff may contact Cheri Thomas, by phone at (213) 974-1326 or by email at cthomas@ceo.lacounty.gov.

FAD:JMN:CT:md

Attachments

c: Executive Office, Board of Supervisors
County Counsel
District Attorney
Assessor
Sheriff
Auditor-Controller
Children and Family Services
Fire
Health Services
Human Resources
Internal Services
Mental Health
Probation
Public Health
Public Social Services
Public Works
Regional Planning
Registrar-Recorder/County Clerk
Los Angeles County Development Authority
Los Angeles County Metropolitan Transportation Authority
Los Angeles County Sanitation Districts
Los Angeles Homeless Services Authority

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICE FOR THE BOARD OF SUPERVISORS

2022-2023 CIVIL GRAND JURY RECOMMENDATIONS FOR Zero Emissions and Air Quality Monitoring

RECOMMENDATION NO. 1.6

This committee supports the option of green hydrogen but recommends that the exposure of nitrous oxide pollution be identified and eliminated in its energy applications.

RESPONSE

Agree. This recommendation will not be implemented as jurisdiction for the implementation falls outside the County.

Green hydrogen is produced using renewable energy. Once the hydrogen is produced, it can be used to generate carbon-free electricity through fuel cells or combustion turbines. When hydrogen is used in fuel cells, the byproducts are heat and water vapor. However, hydrogen can also be combusted like gas to produce electricity, which creates water vapor and nitrogen oxide byproducts.

Nitrogen oxide emissions from fired combustion equipment are regulated by the Air Quality Management Districts (AQMD), of which there are two that cover the County: Antelope Valley AQMD and South Coast AQMD. All owners and operators of equipment or facilities that may emit nitrogen oxide must meet AQMD permitting requirements and not exceed established emissions thresholds.

RECOMMENDATION NO. 1.7

Nitrous oxides need to be contained during hydrogen production operations.

RESPONSE

Agree. This recommendation will not be implemented as jurisdiction for the implementation falls outside the County.

Green hydrogen is produced using renewable energy. Once the hydrogen is produced, it can be used to generate carbon-free electricity through fuel cells or combustion turbines. When hydrogen is used in fuel cells, the byproducts are heat and water vapor. However, hydrogen can also be combusted like gas to produce electricity, which creates water vapor and nitrogen oxide byproducts.

Nitrogen oxide emissions from fired combustion equipment are regulated by the AQMD, of which there are two that cover the County: Antelope Valley AQMD and South Coast AQMD. All owners and operators of equipment or facilities that may emit nitrogen oxide must meet AQMD permitting requirements and not exceed established emissions thresholds.

RECOMMENDATION NO. 1.8

(A) Schools, county/city public agencies/buildings, and commercial offices should be retrofitted with energy efficient systems, thereby modeling consistent ZE goals and practices.

(B) Construction building codes should reflect ZE goals.

RESPONSE

(A) and (B) Agree. This recommendation will be implemented.

The BOS issued a motion on March 15, 2022 titled, "Ensuring the Equitable Decarbonization of Buildings," directing multiple County departments including the Chief Sustainability Office (CSO) and DPW in partnership with the CEO and Department of Regional Planning to reduce local air pollution and global climate change effects from building emissions. A coordinated effort is pending to develop recommendations for an ordinance or building code changes that would phase in the decarbonization of all new residential and commercial construction and substantial renovations. The recommendations are currently scheduled to be submitted to the BOS in November 2023.

RECOMMENDATION NO. 1.9

To comply with SB 1383, separating food waste from regular garbage disposal into green collection bins and its collection needs to be closely monitored.

RESPONSE

Agree. This recommendation has been implemented.

The BOS adopted the Zero Waste Plan on September 13, 2022, which outlines strategies and initiatives to reduce the amount of waste going to landfills and the greenhouse gas emissions created by landfill waste. The County has been amending existing waste collection contracts and developing new contracts to include mandatory organic waste collection service to all residents and businesses. The County also prepared an Organic Waste Disposal Reduction Ordinance adopted by the BOS in November 2021 to ensure the organic waste collection service is being utilized. The Sustainable Waste and Recycling Management subcommittee developed under the Infrastructure LA Workgroup meets quarterly to discuss issues related to solid waste infrastructure and SB 1383 implementation. The County continues to conduct outreach by using existing and developing new outreach.

RECOMMENDATION NO. 1.10

Each Los Angeles Sanitation District should publish updated reports on their community's adherence to SB 1383.

RESPONSE

Disagree. This recommendation will not be implemented as jurisdiction for the implementation falls outside the County.

The Los Angeles Sanitation District is not a county entity and jurisdiction falls under the Los Angeles Sanitation District.



AMY J. BOEDK, AICP
Director,
Regional Planning

DENNIS SLAVIN
Chief Deputy Director,
Regional Planning

July 18, 2023

Fesia A. Davenport
Chief Executive Office
713 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Attention: Cheri Thomas

Dear Ms. Davenport:

**2022-23 CIVIL GRAND JURY RECOMMENDATIONS RESPONSE FOR
ZERO EMISSIONS AND AIR QUALITY MONITORING**

Attached for your consideration is the Department of Regional Planning's response to the 2022-23 Civil Grand Jury report, as required by California Penal Code sections 933(c). Please contact me or Thuy Hua @thua@planning.lacounty.gov if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amy J. Boedk'.

AMY J. BOEDK, AICP
Director of Regional Planning

AJB:CC:lg

Attachment

S_07_18_2023_AP_L_FESIADAVENPORT_GRANDJURYREPORT

320 West Temple Street, Los Angeles, CA 90012 • 213-874-6411 • TDD: 213-817-2292

@LACDRP • planning.lacounty.gov

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES REGIONAL PLANNING

2022-2023 CIVIL GRAND JURY RECOMMENDATIONS FOR ZERO EMISSIONS AND AIR QUALITY MONITORING

RECOMMENDATION NO 1.6

This committee supports the option of green hydrogen but recommends that the exposure of nitrous oxide pollution be identified and eliminated in its energy applications.

RESPONSE

Disagree. This recommendation will not be implemented as jurisdiction for implementation of this recommendation falls outside County Planning. Green hydrogen is produced using renewable energy. Once the hydrogen is produced, it can be used to generate carbon-free electricity through fuel cells or combustion turbines. When hydrogen is used in fuel cells, the byproducts are heat and water vapor. However, hydrogen can also be combusted like gas to produce electricity, which creates water vapor and nitrogen oxide byproducts.

Nitrogen oxide emissions from fired combustion equipment are regulated by the AQMD, of which there are two that cover the County: Antelope Valley AQMD and South Coast AQMD. All owners and operators of equipment or facilities that may emit nitrogen oxide must meet AQMD permitting requirements and not exceed established emissions thresholds.

RECOMMENDATION 1.7

Nitrous oxides need to be contained during hydrogen production operations.

RESPONSE

See response above for Recommendation No. 1.6.

RECOMMENDATION 1.8

(a) Schools, county/city public agencies/buildings, and commercial offices should be retrofitted with energy efficient systems, thereby modeling consistent ZE goals and practices.

(b) Construction building codes should reflect ZE goals.

RESPONSE

Agree. This recommendation requires further exploration to be completed by November 2023. The BOS issued a motion on March 15, 2022 titled, "Ensuring the Equitable Decarbonization of Buildings," directing multiple County departments including the CSO and DPW in partnership with the CEO and Department of Regional Planning to reduce local air pollution and global climate change effects

from building emissions. A coordinated effort is pending to develop recommendations for an ordinance or building code changes that would phase in the decarbonization of all new residential and commercial construction and substantial renovations. The recommendations are currently scheduled to be submitted to the BOS for their consideration in November 2023.

RECOMMENDATION 1.9

In order to comply with SB 1383, separating food waste from regular garbage disposal into green collection bins and its collection needs to be closely monitored.

RESPONSE

Disagree. This recommendation will not be implemented as jurisdiction for implementation of this recommendation falls outside County Planning. The BOS adopted the Zero Waste Plan on September 13, 2022, which outlines strategies and initiatives to reduce the amount of waste going to landfills and the greenhouse gas emissions created by landfill waste. The County has been amending existing waste collection contracts and developing new contracts to include mandatory organic waste collection service to all residents and businesses. The County also prepared an Organic Waste Disposal Reduction Ordinance adopted by the BOS in November 2021 to ensure the organic waste collection service is being utilized. The Sustainable Waste and Recycling Management subcommittee developed under the Infrastructure LA Workgroup meets quarterly to discuss issues related to solid waste infrastructure and SB 1383 implementation. The County continues to conduct outreach by using existing and developing new outreach material to help educate residents and businesses on how to comply with SB 1383.

RECOMMENDATION 1.10

Each Los Angeles Sanitation District should publish updated reports on their community's adherence to SB 1383.

RESPONSE

Disagree. This recommendation will not be implemented as jurisdiction for implementation of this recommendation falls outside County Planning. The County supports transparency and encourages all public agencies to make information publicly available. The Los Angeles County Sanitation Districts (LACSD) is a public agency independent of the County government consisting of a confederation of 24 special districts. They publish annual reports on collective progress on wastewater and trash management. Reports can be accessed here:

<https://www.lacsd.org/about-us/who-we-are/annual-reports>. Information on LACSD's process of food waste recycling to meet SB 1383 can be found here: <https://www.lacsd.org/services/solid-waste-programs/food-waste-recycling>.



COUNTY OF LOS ANGELES
EXECUTIVE OFFICE
BOARD OF SUPERVISORS

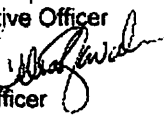
KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 383
LOS ANGELES, CALIFORNIA 90012
(213) 974-1411 • www.bos.lacounty.gov

MEMBERS OF THE BOARD

HILDA L. SOLIS
HOLLY J. MITCHELL
LINDSEY P. HORVATH
JANICE HAHN
KATHRYN BARGER

July 21, 2023

TO: Fesia A. Davenport
Chief Executive Officer

FROM: Celia Zavala 
Executive Officer

2022-23 LOS ANGELES CIVIL GRAND JURY RESPONSE

Attached are responses to the 2022-23 Civil Grand Jury Final Report. We are responding to specific recommendations related to the following sections:

- Proposition 19 Implementation and Related Matters
- Sheriff's Operations, Examining Transparency, Accountability and Community Policing within the Los Angeles County Sheriff's Department
- Zero Emissions and Air Quality Monitoring

Despite not being a designated department for the Proposition 19 response, it is important to mention that we provided feedback because it relates to the operations of the Assessment Appeals Board division within the Executive Office of the Board of Supervisors.

If you have any questions, please contact me at (213) 974-1401, or your staff may contact Hanna Cheru, Assistant Executive Officer, at (213) 893-2564 or hcheru@bos.lacounty.gov.

CZ:HC:ja

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
EXECUTIVE OFFICE OF THE BOARD OF SUPERVISORS – CHIEF SUSTAINABILITY
OFFICE (CSO)

2022-2023 CIVIL GRAND JURY RECOMMENDATIONS FOR ZERO EMISSIONS AND AIR QUALITY MONITORING

RECOMMENDATION NO. 1.6

This committee supports the option of green hydrogen but recommends that the exposure of nitrous oxide pollution be identified and eliminated in its energy applications.

RESPONSE

The respondent agrees with the finding. However, the recommendation requires additional analysis to understand the most appropriate applications for green hydrogen and how the consequences of hydrogen use, such as nitrous oxide pollution, can be best be identified and eliminated.

The CSO plans to do a preliminary exploration of the sustainability and equity considerations associated with the production and use of hydrogen and discuss next steps with the BOS and relevant Departments over the next six months.

RECOMMENDATION NO. 1.7

Nitrous oxides need to be contained during hydrogen production operations.

RESPONSE

The respondent agrees with the finding. However, the recommendation requires additional analysis to understand the considerations associated with hydrogen production, including containment and mitigation of nitrous oxide pollution.

The CSO plans to do a preliminary exploration of the sustainability and equity considerations associated with the production and use of hydrogen and discuss next steps with the BOS and relevant Departments over the next six months.

RECOMMENDATION NO. 1.8

(a) Schools, county/city public agencies/buildings, and commercial offices should be retrofitted with energy efficient systems, thereby modeling consistent ZE goals and practices.

(b) Construction building codes should reflect ZE goals.

RESPONSE

The respondent agrees with the finding. The recommendation will be implemented.

The State and County both have climate pollution reduction goals that include decarbonization for new and existing buildings, and the County is actively pursuing strategies to achieve these goals. Areas of activity include how to prioritize buildings for retrofits and regulations, technological challenges and solutions associated with converting new and existing buildings from gas to electric equipment, potential sources of funding to address the needs of different building types and planning for engagement and outreach around building decarbonization. Currently, the County is exploring available regulatory mechanisms to incorporate decarbonization goals into building codes and standards. The CSO will have more detailed implementation strategies to share over the next six to 12 months to align with relevant considerations, including anticipated state guidance on funding for decarbonization of existing buildings and an anticipated ruling from the 9th Circuit on relevant case law for new buildings.

RECOMMENDATION NO. 1.9

In order to comply with Senate Bill (SB) 1383, separating food waste from regular garbage disposal into green collection bins and its collection needs to be closely monitored.

RESPONSE

The respondent disagrees with the finding. The recommendation will not be implemented since CSO does not have a monitoring or reporting role related to waste.

RECOMMENDATION NO. 1.10

Each Los Angeles Sanitation District should publish updated reports on their community's adherence to SB 1383.

RESPONSE

The respondent disagrees with the finding. The recommendation will not be implemented since CSO does not have authority over the Los Angeles Sanitation District.



BARBARA FERRER, Ph.D., M.P.H., M.Ed.
Director

MUNTU DAVIS, M.D., M.P.H.
County Health Officer

MEGAN McCLAIR, M.S.P.H.
Chief Deputy Director

313 North Figueroa Street, Suite 806
Los Angeles, CA 90012
TEL (213) 268-8117 • FAX (213) 973-1273

www.ph.lacounty.gov



BOARD OF SUPERVISORS

Mike L. Solis
First District

Nelly J. Mitchell
Second District

Gregory P. Herreath
Third District

Janice Hahn
Fourth District

Kathryn Bonner
Fifth District

July 31, 2023

TO: Fesia A. Davenport
Chief Executive Office
713 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Attention: Cheri Thomas

FROM: Barbara Ferrer, Ph.D., M.P.H., M.Ed.
Director *B. Ferrer*

SUBJECT: 2022-23 Civil Grand Jury Recommendations Response For: Aging Out of
Transitional Aged Youth, Zero Emissions and Air Quality Monitoring, Have
We M.E.T Mental Health Evaluation Teams and How They Work

Attached for your consideration is the Department of Public Health's response to the 2022-2023 Civil Grand Jury report, as required by California Penal Code sections 933(c). Please note that Public Health's Toxicology and Environmental Assessment Branch has been folded into the new Office of Environmental Justice and Climate Health. Please contact Joshua Bobrowsky at jbobrowsky@ph.lacounty.gov if you have any questions.

Sincerely,

Attachment
BF:nq:lf

cc: Chief Executive Officer
Acting County Counsel
Executive Officer, Board of Supervisors
Internal Services Department

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC HEALTH - ENVIRONMENTAL HEALTH DIVISION, OFFICE
OF ENVIRONMENTAL JUSTICE AND CLIMATE HEALTH

2022-2023 CIVIL GRAND JURY RECOMMENDATIONS FOR ZERO EMISSIONS AND AIR QUALITY MONITORING

FINDING NO. 7

Producing hydrogen using electrolysis can produce nitrous oxides.

RESPONSE

Partially disagree, as this finding is only partially accurate. DPH suggests that further analysis into this finding be conducted. It is our understanding that production of hydrogen gas using electrolysis does not result in the formation of nitrous oxides, but rather that the use and burning of hydrogen gas can form nitrous oxides.

RECOMMENDATION NO. 1.6

This committee supports the option of green hydrogen but recommends that the exposure of nitrous oxide pollution be identified and eliminated in its energy applications.

RESPONSE

Disagree. This recommendation will not be implemented as jurisdiction falls outside DPH. Green hydrogen is produced using renewable energy. Once the hydrogen is produced, it can be used to generate carbon-free electricity through fuel cells or combustion turbines. When hydrogen is used in fuel cells, the byproducts are heat and water vapor. However, hydrogen can also be combusted like gas to produce electricity, which creates water vapor and nitrous oxide byproducts. Nitrous oxide emissions from fired combustion equipment are regulated by the Air Quality Management District (AQMD).

RECOMMENDATION NO. 1.7

Nitrous oxides need to be contained during hydrogen production operations.

RESPONSE

Partially disagree. This recommendation will not be implemented as jurisdiction falls outside DPH. It is the understanding of the Department that the production of hydrogen does not produce nitrous oxides, but rather that the combustion of hydrogen that can produce nitrous oxides. Nitrous oxide emissions from fired combustion equipment are regulated by the AQMD.

RECOMMENDATION NO. 1.8

(a) Schools, county/city public agencies/buildings, and commercial offices should be retrofitted with energy efficient systems, thereby modeling consistent ZE goals and practices.

(b) Construction building codes should reflect ZE goals.

RESPONSE

Disagree. This recommendation will not be implemented as jurisdiction falls outside DPH.

RECOMMENDATION NO. 1.9

In order to comply with Senate Bill (SB) 1383, separating food waste from regular garbage disposal into green collection bins and its collection needs to be closely monitored.

RESPONSE

Disagree. This recommendation will not be implemented as jurisdiction falls outside the DPH.

RECOMMENDATION NO. 1.10

Each Los Angeles Sanitation District should publish updated reports on their community's adherence to SB 1383.

RESPONSE

Disagree. This recommendation will not be implemented as jurisdiction falls outside DPH. The Los Angeles County Sanitation Districts are a public agency consisting of 24 independent special districts that operate independently of Los Angeles County Government.



425 S. Palos Verdes Street Post Office Box 151 San Pedro, CA 90733-0151 TEL/TDD 310 SEA-PORT www.portoflosangeles.org

Karen Bass *Mayor, City of Los Angeles*

Board of Harbor
Commissioners

Lucille Roybal-Allard
President

Diane L. Middleton
Vice President

Michael Muñoz
Commissioner

Edward R. Renwick
Commissioner

I. Lee Williams
Commissioner

Eugene D. Seroka

Executive Director

November 17, 2023

Presiding Judge
Los Angeles County Superior Court
Clara Shortridge Foltz Criminal Justice Center
Los Angeles County Grand Jury
210 W. Temple Street, Thirteenth Floor, Room 13-303
Los Angeles, CA 90012
(via E-mail: n.rascon@lacourt.org)

Dear Presiding Judge:

**SUBJECT: RESPONSES TO THE 2022-2023 LOS ANGELES COUNTY CIVIL
GRAND JURY FINAL REPORT**

Attached please find responses from the City of Los Angeles Harbor Department (Harbor Department) to the Findings and Recommendations in the Los Angeles County Civil Grand Jury Report titled *Zero Emissions Air Quality Monitoring*.

Thank you for providing the Harbor Department with the opportunity to respond. If you have any additional questions or concerns, please contact Lisa Wunder, Acting Director of Environmental Management via email at lwunder@portla.org.

Sincerely,

Michael DiBernardo

MICHAEL DiBERNARDO
Deputy Executive Director

MD:LW:TD:TP:mrk

Attachment



425 S. Palos Verdes Street Post Office Box 151 San Pedro, CA 90733-0151 TEL/TDD 310 SEA-PORT www.portoflosangeles.org

Karen Bass *Mayor, City of Los Angeles*

Board of Harbor
Commissioners

Lucille Roybal-Allard
President

Diane L. Middleton
Vice President

Michael Muñoz
Commissioner

Edward R. Renwick
Commissioner

I. Lee Williams
Commissioner

Eugene D. Seroka

Executive Director

**RESPONSE TO THE 2022-2023 LOS ANGELES COUNTY CIVIL GRAND JURY
FINAL REPORT
ZERO EMISSIONS & AIR QUALITY MONITORING
PORT OF LOS ANGELES RESPONSES TO FINDINGS AND RECOMMENDATIONS**

FINDINGS

TRANSPORTATION

FINDING No. 1

The total electrical load for the entire port can be exceeded.

RESPONSE:

Respondent agrees. Estimates developed in a formal study with the Los Angeles Department of Water and Power (LADWP) and the Electric Power Research Institute (EPRI)¹ indicate that adopting zero emission equipment could significantly increase the port's electrical demand.

FINDING No. 2

Switching the cargo ship's onboard diesel engines to electrical power is held up when ships are waiting to be docked.

RESPONSE:

Respondent agrees. Ships inbound to the Port of Los Angeles are given specific berth assignments, and per CARB regulations² are required to have their engine emissions controlled by connection to shore power or approved alternative within one hour of "ready to work" status, which is when the ship has been fully tied to the dock and can be boarded. Following COVID, for a period in 2021 to 2022, there was an unprecedented level of ship queuing waiting for a berth. In response, the Marine Exchange (port vessel traffic manager) and the shipping industry devised a new ship queueing system³ in place since

¹ EPRI, *Zero-Emission Planning and Grid Assessment for the Port of Los Angeles*, June 2023.

<https://kentico.portoflosangeles.org/getmedia/6b15966c-e99f-4ec0-9eca-3b9974e8a976/EPRI-POLA-ZE-Planning-Grid-Assessment>

² <https://ww2.arb.ca.gov/our-work/programs/ocean-going-vessels-berth-regulation>

³ <https://mxsocal.org/assets/pdf/announcements/container-vessel-queueing-process-faqs-for-la-lb-oak-v-2.pdf>

June 2022, in which ships slow-steam in the Pacific before being assigned to enter the ports of Los Angeles and Long Beach waters. As a result, currently wait times for ships to dock have returned to pre-COVID levels. The Port and the shipping industry continue to collaborate on ensuring that ships will not need to wait for docking stations.

FINDING No. 3

A high percentage of trucking companies cannot afford to replace their single or small fleet of trucks, therefore needing financial assistance or subsidies to transition to ZE vehicles.

RESPONSE:

Respondent agrees.

FINDING No. 4

The number of infrastructure electric charging stations must keep pace with public demand for converting to ZE alternative vehicles.

RESPONSE:

Respondent agrees. Fueling Infrastructure for hydrogen fuel cell ZE vehicles must also keep pace with demand for such vehicle types.

FINDING No. 5

As ZE vehicles are replacing gasoline and diesel trucks, the recycling and disposal of those trucks is a concern.

RESPONSE:

Respondent disagrees in part with this finding. While recycling of vehicles is always an environmental concern, the expected increase in the need for recycling diesel trucks is likely to be managed by market response to increased demand for such services under the already extant processes for recycling vehicles.⁴

FINDING No. 6

Hydrogen is an alternative to electricity to generate power for motor vehicles.

RESPONSE:

Respondent agrees.

⁴ https://www.epa.gov/sites/default/files/2020-10/documents/eol_vehicle_guide_final_english.pdf

FINDING No. 7

Producing hydrogen using electrolysis can produce nitrous oxides.

RESPONSE:

Respondent disagrees in part with this finding. The production of hydrogen via electrolysis requires water and energy and produces hydrogen gas. The combustion of the resulting hydrogen gas can produce nitrous oxides. However, hydrogen fuel cells can be used to generate electricity without producing nitrous oxides⁵.

RECOMMENDATIONS

TRANSPORTATION

RECOMMENDATION 1.1

The Ports' electrical grid should be managed to service expanding energy needs.

RESPONSE:

This recommendation is being implemented. Estimates developed in a formal study with the Los Angeles Department of Water and Power (LADWP) and the Electric Power Research Institute (EPRI)⁶ indicate that adopting zero emission equipment could significantly increase the port's electrical demand. Respondent continues to work with LADWP to manage expanding energy needs.

RECOMMENDATION 1.2

Violations should be implemented if docked beyond wait time.

RESPONSE:

If this recommendation refers to "violations" of the CARB 2020 At-Berth Regulation⁷, this recommendation should be referred to the California Air Resources Board, as the regulatory agency with the appropriate authority under its At-Berth Regulation 2020 to implement the Grand Jury's recommendations for ship violations enforcement. Respondent does not have the authority to enforce non-compliant actions under this particular regulation.

⁵https://afdc.energy.gov/fuels/hydrogen_benefits.html

⁶ EPRI, Zero-Emission Planning and Grid Assessment for the Port of Los Angeles, June 2023.
<https://kentico.portoflosangeles.org/getmedia/6b15966c-e99f-4ec0-9eca-3b9974e8a976/EPRI-POLA-ZE-Planning-Grid-Assessment>

⁷ <https://www2.arb.ca.gov/our-work/programs/ocean-going-vessels-berth-regulation/ocean-going-vessels-berth-regulatory>

RECOMMENDATION 1.3

Payments from the POLA and POLB Clean Truck Program should be prioritized as a means of helping small business truck companies purchase ZE trucks.

RESPONSE:

This recommendation is being implemented. Respondent has adopted, through its Board of Harbor Commissioners, a formal Spending Plan for the Clean Truck Fund Rate that collects approximately \$30-40 Million annually. The Plan identifies several key elements to support small business truck companies via direct incentives and the support for regional infrastructure. Most recently, Respondent has expanded the Clean Truck Fund's Voucher program to include an additional \$25,000 for small truck companies towards the purchase of a ZE truck, for a total added incentive of \$100,000 per truck⁸.

RECOMMENDATION 1.4

The Ports Complex should determine the best locations for electric charging stations for both present and planned electric trucks/cars.

RESPONSE:

This recommendation is being implemented. Respondent continues to work with the Port of Long Beach, various agencies, and other stakeholders in the region to determine the best locations for electric charging stations for ZE drayage trucks calling at the SPB ports. Several projects are either underway or in the early stages of development, including projects both within and outside the Port Complex.

RECOMMENDATION 1.5

The Clean Truck Program should develop a means for potential buyers and sellers to market the recycled truck materials.

RESPONSE:

This recommendation will not be implemented, as it is not reasonable and beyond the port's statutory requirements to use its resources for purposes of maritime commerce, navigation, and fishery. The Clean Truck Program does not have a nexus to the industry for recycling trucks and has no role in that process.

RECOMMENDATION 1.6

This committee supports the option of green hydrogen but recommends that the exposure of nitrous oxide pollution be identified and eliminated in its energy applications.

⁸ https://www.portoflosangeles.org/references/2023-News-Releases/news_110923_hvip_ze_trucks

RESPONSE:

This recommendation is being implemented. Respondent is aware of the concerns related to nitrous oxide production in various uses of hydrogen and will work to identify and eliminate any such uses related to the Port.

RECOMMENDATION 1.7

Nitrous oxides need to be contained during hydrogen production operations.

RESPONSE:

This recommendation is being implemented. Respondent is working with the hydrogen industry throughout the state of California to minimize and ultimately eliminate nitrous oxide emissions that occur as part of some hydrogen production operations.

RECOMMENDATION 1.8.a and 1.8.b

(a) Schools, county/city public agencies/buildings, and commercial offices should be retrofitted with energy efficient systems, thereby modeling consistent ZE goals and practices.

(b) Construction building codes should reflect ZE goals.

RESPONSE:

The recommendation is being implemented by the City of Los Angeles. This recommendation is consistent with the City of Los Angeles' Green New Deal goal of making all new buildings in the City net-zero carbon by 2030 and decarbonizing all existing City buildings by 2050.⁹

RECOMMENDATION 1.9

In order to comply with SB 1383, separating food waste from regular garbage disposal into green collection bins and its collection needs to be closely monitored.

RESPONSE:

The recommendation is being implemented. Respondent is updating, and will adopt, its Zero Waste Plan, which contains goals and measures to comply with SB1383. The Zero Waste Plan will also incorporate the City of Los Angeles Ordinance 187718 (Zero Waste City Facilities on City Property), which requires Respondent and its applicable tenants and contractors to segregate waste and recycle organics. Respondent is working with its franchised waste hauler for developing service levels of black, blue, and green waste. Per AB939 (California Integrated Waste Management Act), Respondent will monitor and report its waste diversion quantities and programs.

⁹ <https://plan.lamayor.org>

RECOMMENDATION 1.10

Each Los Angeles Sanitation District should publish updated reports on their community's adherence to SB 1383.

RESPONSE:

Not applicable to Respondent, as this recommendation references the Los Angeles Sanitation District rather than the Los Angeles Harbor Department.

August 14, 2023

Presiding Judge

Superior Court of California, County of Los Angeles
Clara Shortridge Foltz Criminal Justice Center
210 W. Temple Street, Thirteenth Floor, Room 13-303
Los Angeles, CA 90012

SUBJECT: 2022-2023 Los Angeles County Civil Grand Jury Zero Emissions and Air Quality Monitoring Report

Your Honor,

Thank you for the opportunity to participate in this process, including an interview held between the Los Angeles County Civil Grand Jury (Civil Grand Jury) and Port of Long Beach (Port) staff on January 31, 2023 and to review the 2022-2023 Los Angeles County Civil Grand Jury Zero Emission and Air Quality Monitoring Report (Report). The Port appreciates the thoroughness and dedication exhibited by the Civil Grand Jury in conducting the investigation and compiling the Report. We also value the critical role the Civil Grand Jury plays in ensuring transparency, accountability, and the highest standards of governance in the County of Los Angeles.

The Report was developed to investigate the transition to zero emissions in support of the Los Angeles County carbon neutrality goal. We share the understanding that greenhouse gas (GHG) emissions produced worldwide must be reduced significantly if we are going to be able to limit global warming to 1.5°C in alignment with the Paris Agreement. The Port of Long Beach has long been committed to environmental stewardship, and to that end, we are actively pursuing zero emissions and decarbonization for port-related operations. In the 2017 update to our Clean Air Action Plan¹, we established goals to transition to zero emission terminal equipment by 2030 and trucks by 2035. As identified in our Energy Policy, adopted in 2013, we are further committed to promoting energy conservation and efficiency, optimizing generation of renewable energy, and fostering innovative energy technologies. Our efforts directly support the Los Angeles County's goal to reach carbon neutrality by 2045.

¹ <https://cleanairactionplan.org/>

For more than two decades, the Port of Long Beach has been implementing measures to reduce air emissions from port-related operations. These efforts have been tremendously successful, as evidenced by our 2021 emissions inventory report² which identified an 88% reduction in overall diesel particulate matter and 49% reduction in overall nitrogen oxides from 2005 levels. While our 2021 emission inventory identified an increase in greenhouse gas emissions compared to 2005 due to the impacts of pandemic-related cargo congestion that occurred during the reporting period, we anticipate that future inventories will continue on the downward trend now that cargo operations have returned to more typical conditions. On pages 7-8 of the Grand Jury Report, it identified that the largest source of greenhouse gas emissions in Los Angeles County is the transportation sector, accounting for 52% of the GHGs produced within the County borders. Of the transportation sector however, it is important to point out that passenger vehicles are the largest contributor to greenhouse gas emissions³. In the Grand Jury Report on page 10, is a statement that the port complex is the largest source of pollution in Los Angeles County. While the port sector is a major source of pollution and has been identified as the largest contributor in the region to certain pollutants, passenger vehicles are in fact the largest source of greenhouse gas emissions.

The Port of Long Beach is aggressively moving forward with our efforts to decarbonize port-related operations. The Port's 2021 Emission Inventory identified that 249 units or 17% of all of the cargo handling equipment used in the Port of Long Beach terminals is already electric. We continue to work with marine terminal tenants on the preparation of electrical infrastructure master plans to better understand the infrastructure requirements to support the transition to zero emissions. Further, we are continuing to secure grant funding to help offset the costs, recently receiving the largest grant awarded in the state through the Port Freight Infrastructure Program in the total amount of \$383M, with \$224M dedicated to zero emission projects. For trucks, as of July 2023, the Port Drayage Truck Registry has 117 zero emission trucks registered for port service. We continue to implement our Clean Truck Fund Rate, collecting approximately \$40M per year to use toward zero emission truck incentives and infrastructure to accelerate the transition. For vessels, shorepower is available at all of our container terminals and efforts are underway to control at-berth emissions from tankers and car carriers in the next few years. In addition the Port of Long Beach continues to provide financial

² <https://polb.com/environment/air/#emissions-inventory>

³ <https://ww2.arb.ca.gov/ghg-inventory-data>



incentives for ships that reduce their speeds on approach and departure from the port, resulting in less fuel burned, and lower greenhouse gas emissions. Currently greater than 90% of the vessels that call at the port participate in this program. Lastly, the Port continues to push forward with new innovative technologies to further reduce emissions, helping to support the demonstration of new technologies through financial contributions awarded through our Technology Advancement Program.

In response to the specific findings and recommendations in the Grand Jury Report, we offer the following responses:

- The Report identified that the “...total electrical load for the entire port can be exceeded” and recommended that the “...ports’ electrical grid should be managed to service expanding energy needs.” Port of Long Beach has a close working relationship with our electrical utility provider, Southern California Edison (SCE). The Port of Long Beach recently completed a Power Systems Resiliency Assessment which included a forecast of anticipated electrical demand, the results of which were shared with SCE. We continue to work with SCE on anticipated projects and forecasting of future electrical demand to ensure that adequate electricity will be available when needed.
- The Report identified that the ability to benefit from the use of shorepower is “...held up when ships are waiting to be docked.” And that “violations should be implemented if [vessels are] docked beyond wait time.” In response, we want to identify that it is standard operating practice for vessel schedules to be coordinated in order to maximize efficiencies and minimize conflicts with availability of berth space. It is extremely rare for containerships in particular to be tied up at anchor waiting for a berth space to open. The pandemic-related cargo congestion in recent years that lead to a backup of containerships at anchor was an unprecedented event. Currently, there are no containerships at anchor waiting to berth. Further, it is important to clarify that ships do not need to plug into shore side power “within thirty minutes after a ship docks”. The California Air Resources Board (CARB) At Berth Regulation requires control of ship emissions at berth within two hours of the vessel being declared “Ready to Work.” According to the rule⁴, ““Ready to Work” means that the vessel is tied to the berth, the

⁴ <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2019/ogvatberth2019/fro.pdf>



gangway has been lowered with netting down, and all government authorities with jurisdiction over the vessel visit have cleared the vessel.”⁵

- The Report recommended that Clean Truck Program funds should be prioritized for small business truck companies to purchase zero emission trucks. The Port of Long Beach currently has approximately \$25 million available for clean truck vouchers and we anticipate to grow that by another approximately \$8 million over the next year. These funds have been identified in the Harbor Commission’s approved year 1 and year 2 Clean Truck Fund Rate spending priorities to be used for voucher supplements, adding on to the CARB’s Hybrid and Zero Emission Truck and Bus Voucher Incentive Program (HVIP) vouchers for zero-emission truck purchases. Our approach is to provide \$75,000 supplements to CARB’s standard \$150,000 voucher for the purchase of a zero-emission drayage truck, bringing the total voucher amount to \$225,000 for a truck serving the port. In the interest of supporting small operators, we have increased the incentive by an additional \$25,000 for fleets of less than 10 trucks, bringing their total incentive to \$250,000 per zero-emission truck. Therefore, in alignment with your recommendation, we anticipate that at least \$10 million will be available to small operators. Going forward we will monitor the specific utilization of port-funded incentives by the small operators to determine if any adjustments need to be made to meet this minimum \$10 million target. Further, I will note that while we recognize the desire to ensure that the small operators have access to funding, we are also trying to balance the needs of building the market for zero-emissions trucks. Currently zero-emissions trucks are limited and very expensive. Financial incentives to bring down the cost for the purchase of these zero-emission trucks by all operators, large and small, are essential to accelerate deployment. For the cost of zero-emission trucks to come down, much greater numbers of trucks will need to be produced and sold. Small drayage truck operators that have less access to capital have typically not purchased new trucks, waiting instead to purchase lower cost trucks in the secondary market. In order for the zero-emission truck market to develop, larger fleets with greater access to capital will be critical first movers. Therefore, while we will ensure that there are opportunities for small operators to access the funds and provide them with higher levels of incentives, we also need to balance that with supporting investments by larger operators at this early stage to help build the market.

⁵ <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2019/ogvatberth2019/fro.pdf>



- The Report recommends that the Ports should identify the best locations for electric charging stations for electric trucks and cars. Keep in mind that our Clean Truck Program is focused on transitioning the heavy-duty trucks that perform port drayage service to zero emission by 2035. In support of that goal, the Port of Long Beach has completed a Public Truck Charging and Fueling Assessment to identify potential locations for zero emission charging and fueling infrastructure within and adjacent to the port. That effort was followed up with a Request for Information to gauge interest and solicit information from potential developers of public truck charging. In the past few years, the Port of Long Beach has developed the first two publically available heavy-duty truck charging stations for drayage in the nation at our Clean Truck Program Terminal Access Center. We have also entered into new leases with three operators that collectively could result in the development of more than 100 heavy-duty truck charging stations at full build out. It is important to keep in mind as well however that charging needs for zero-emission drayage truck operations will not be met by installing infrastructure only in the port area. Zero-emission charging infrastructure will need to be distributed throughout the entire region, along major corridors, and near distribution centers and warehouses, similar to fueling operations today. To that end, the Port will continue to partner with other regional organizations and agencies to support studies, grant funding applications, and projects to address this regional infrastructure need. Furthermore, the Port has recently issued a Request for Information from hydrogen project developers to understand what types of projects could be developed on Port land to support a hydrogen ecosystem. Several of the project proposals we received are related to heavy-duty hydrogen fueling stations.
- The Report identifies that the Ports should develop a market for recycled truck materials. We believe this is a statewide challenge, in response to the California Air Resources Board's recently adopted Advanced Clean Fleet Regulation that will transition all trucks statewide to zero emissions over the coming decades. This is also a challenge for off-road vehicles, such as the cargo-handling equipment used by marine terminals, which is anticipated to be subject to a future statewide regulation. To the extent possible, we would encourage owners to consider repowering this equipment by replacing engines and drive trains to accommodate grid-connected, battery-electric, or hydrogen fuel cell components, where practicable.
- And finally, the Report identifies that "nitrous oxides need to be contained during hydrogen production operations". Further, the Report on page 7 states, "Producing



Port of
LONG BEACH
THE PORT OF CHOICE

hydrogen using electrolysis can also produce nitrous oxides which are harmful to humans through a chemical reaction of the released oxygen and atmospheric nitrogen.” This is reiterated on Page 15 as Finding #7: “7. Producing hydrogen using electrolysis can produce nitrous oxides.” These statements are not footnoted and we were unable to independently identify information that supports this position. Production of hydrogen via electrolysis produces hydrogen and oxygen. We are not aware of a reaction of excess of oxygen produced from electrolysis, mixing in the atmosphere, to produce any oxides of nitrogen. Air itself is a mixture of oxygen (21%) and nitrogen (78%). Combustion of fuel (e.g., fossil fuel, hydrogen) however, does produce oxides of nitrogen as a product of combustion. The high temperatures of combustion break the triple bond of a nitrogen molecule and thereby enable the nitrogen atoms to combine with oxygen to form oxides of nitrogen. The ARCHES partnership, in charge of developing a sustainable clean hydrogen hub in California, has identified that combustion of hydrogen produces significantly less oxides of nitrogen than burning natural gas, and dramatically less than burning coal⁶. It’s also important to identify that the production of electricity from hydrogen using a fuel cell produces zero emissions of nitrogen oxides.

We hope the feedback in this letter helps to paint a complete picture of both the significant success of our transportation decarbonization efforts and our Clean Air Action Plan and the challenges that face California and the County of Los Angeles as it transitions to zero emissions. Thank you for your investigation of this important subject matter and for allowing us to participate in this process.

Respectfully,

Mario Cordero
Chief Executive Officer
Port of Long Beach

⁶ <https://archesh2.org/frequently-asked-questions/>

December 15, 2023

Los Angeles County Civil Grand Jury
222 South Hill Street, Suite 670
Los Angeles, CA 90012

RE: 2022-2023 Los Angeles County Civil Grand Jury Zero Emissions and Air Quality Monitoring Report

Dear Members of the Civil Grand Jury,

The City of Long Beach (City) appreciates the Los Angeles County Civil Grand Jury's (CGJ) dedication to examining the operations of various government agencies within Los Angeles County. The CGJ initiated an investigation and compiled a report titled "Zero Emission and Air Quality Monitoring" to investigate the transition to zero emissions in support of the Los Angeles County carbon neutrality goal. The City is committed to significantly reducing greenhouse gas (GHG) emissions and creating a more sustainable and resilient city in the face of climate change impacts. The City's efforts are in alignment with Los Angeles County's goal to reach carbon neutrality by 2045.

On August 16, 2022, the City Council approved the Long Beach Climate Action Plan (LB CAP), which provides a framework for reducing our city's greenhouse gas emissions and mitigating the impacts of climate change. One of the primary objectives of LB CAP is for the city to reach complete carbon neutrality by 2045, with a target of reducing GHG emissions to 40 percent by 2030. To help reach this goal, LB CAP outlines detailed actions across several sectors to combat issues related to extreme heat, air quality, drought, sea level rising and flooding, building and energy, transportation, and waste. With the newly established Office of Climate Action and Sustainability, the City is now organized to centrally coordinate interdepartmental efforts for LB CAP implementation and take steps to reduce GHG emissions. Furthermore, through the Grow Long Beach Initiative, the City has set in motion a citywide transition towards a more climate-sustainable economy and away from its historical dependence on oil revenues by investing in five strategic industry sectors that show promise for continued growth: aerospace and aviation; healthcare; ports and logistics; housing and education; and arts, culture, and tourism.

The Los Angeles County Civil Grand Jury Final Report identifies key needs to create a zero emissions environment by addressing the importance of a cleaner and more stable electric grid, sustainable transportation modes, and decarbonizing buildings. Stationary Sources Recommendation 1.8 calls for energy efficiency through building retrofitting of schools, public facilities, and commercial offices aligns with the following LB CAP Building Energy Goal: Long Beach buildings are energy efficient, and our communities run on affordable, renewable



electricity. This LB CAP goal is comprised of eight actions that identify the importance of transitioning to a carbon-free more resilient electricity system, increasing the efficiency of buildings/facilities, and ensuring new buildings are low-carbon or carbon-neutral. The LB CAP utilizes a development checklist to guide discretionary projects subject to the California Environmental Quality Act analyses to decarbonize buildings through various strategies, including building energy efficiency retrofits. Decarbonizing buildings is an effective way to mitigate climate change and effectuate sustainable development.

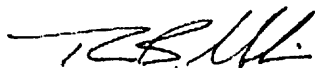
In response to the specific findings and recommendations in the Grand Jury Report, however, it is important that Recommendation 1.8B stating "Construction building codes should reflect ZE goals" be fleshed out in greater detail. As currently written, the recommendation is unclear and vague. Additionally, while the City shares the report's support of expanding adoption of electric vehicles and charging infrastructure, the report should also consider the equity impacts for lower-income communities. Expanding support and resources for public transit and multi-modal transportation options are important considerations for the effort to decrease air quality impacts from the transportation sector, in an equitable and inclusive manner.

Regarding Recommendation 1.9 related to food waste, the City directly services all single family residences for trash collection along with a portion of the City's commercial and multifamily locations. Private waste haulers service the remaining commercial and multi-family locations. Private haulers have already implemented organics collection to almost all of their customers in the City. For City-serviced accounts, the City will be providing organics collection to our customers and has just completed providing the service to all city-serviced commercial customer accounts that are required to have the service. The City is in the planning phases to provide the service to remaining accounts. The City is working closely with Cal Recycle on the status of the implementation of this program. Prior to 2020, as required by SB 1383, the City updated the Municipal Code to require services as outlined by SB 1383.

Lastly, transportation-related items, including Recommendations 1.1-1.7, are addressed by the Port of Long Beach's comments, and Recommendation 1.10 is related to the Los Angeles County Sanitation Districts, not the City.

Thank you for your consideration of these comments in response to the CGJ report.

Sincerely,



THOMAS B. MODICA
City Manager

