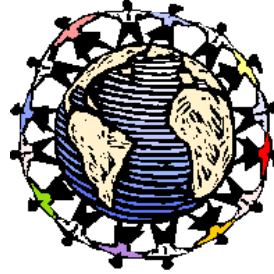




**CALIFORNIA
COMMUNITIES
AGAINST TOXICS**



June 25, 2018

Zita Yu, Ph.D., P.E.
Project Manager
West Basin Municipal Water District
17140 South Avalon Boulevard, Suite 210
Carson, California 90746-1296

Sent via e-mail to: DesalEIR@WestBasin.org

RE: Environmental Justice, Community, and Indigenous Groups' Comments on West Basin Municipal Water District Ocean Desalination Draft Environmental Impact Report

Dear Dr. Yu:

We the undersigned environmental justice, community, and indigenous groups thank you for this opportunity to comment on West Basin Municipal Water District's (West Basin) Draft Environmental Impact Report (DEIR) prepared pursuant to the California Environmental Quality Act (CEQA) for the proposed Ocean Water Desalination Project (Project).

West Basin’s longstanding and seemingly steadfast commitment to ocean-water desalination over less expensive and more energy friendly means of increasing water supply—conservation, recycling, stormwater capture, and brackish groundwater desalination—will result in a significant and disproportionate impact on low income and minority populations. The Project would produce *the* most expensive water¹ in an unnecessary amount² for a vast service area that encompasses widely disparate communities, the most disadvantaged of which will bear the brunt of the Project’s high costs, adverse environmental impacts, and outsized energy use.

The DEIR environmental justice analysis is inadequate for the reasons detailed below. We also find it notable that out of a 1000+ page DEIR, **only half of a single page is dedicated to the analysis of the Project’s environmental justice impacts** and the conclusion that the impacts would be less than significant. (See DEIR, 6-13.)

The Project Will Increase Water Rates and Disproportionately Impact Low-Income Populations.

Ocean desalination is the most expensive option for increasing our local water supplies at \$2,100 to \$2,500 per acre-foot.³ West Basin estimates the cost to build the Project will be half-a-billion dollars. The Project will inevitably increase water rates for West Basin’s ratepayers. This increase in water rates will disproportionately impact low-income populations in West Basin’s service area relative to the more affluent populations. For example, a \$10 increase to water rates that seems modest in affluent Rolling Hills Estates has a significantly great impact on a ratepayer living below the federal poverty line in Inglewood, Hawthorne, Lawndale, or Gardena, each of which 100% of the population is disadvantaged communities. The DEIR also does not account for the cumulative impact on water rates that the Project may have in light of, for example, Metropolitan Water District’s commitment to funding the multi-billion-dollar twin-tunnels project.⁴

The Project Will Effectively Result in Disadvantaged Communities Subsidizing Affluent Communities’ Excessive Water Consumption.

We applaud West Basin’s significant conservation savings over the past 25 years, but challenge the agency’s assertion that demand has hardened to a point that makes it difficult to realize the additional savings West Basin claims is needed if the Project is not built. Such opportunities for realizing additional conservation savings are clear when looking at the disparity between West Basin’s affluent communities’ and its low-income and minority communities’ residential per capita water usage (R-GPCD). West Basin customers in affluent communities such as Palos

¹ HEATHER COOLEY & RAPICHAN PHURISAMBAN, THE COST OF ALTERNATIVE WATER SUPPLY AND EFFICIENCY OPTIONS IN CALIFORNIA 13 (Pac. Inst. 2018), *available at* http://pacinst.org/wp-content/uploads/2016/10/PI_TheCostofAlternativeWaterSupplyEfficiencyOptionsinCA.pdf.

² Comment Letter from Los Angeles Waterkeeper to West Basin Municipal Water District (explaining that the need for 21,500 acre-feet a year of new potable water supply is not supported in the DEIR).

³ COOLEY & RAPICHAN, *supra* note 1, at 13.

⁴ Bettina Boxxall, *Southern California Water Votes to Controversial Plan to Build Two Delta Tunnels*, LA TIMES (Apr. 10, 2018, 8:15 PM), <http://www.latimes.com/local/lanow/la-me-delta-tunnel-mwd-20180410-story.html>.

Verdes use upwards of 200 R-GPCD—almost three times the South Coast region average⁵—while customers in Hawthorne use only 62 R-GPCD, (DEIR, 7-13.).⁶ Yet, West Basin seeks to impose the steep costs of building and operating an ocean desalination plant across its entire service area. This scenario effectively results in low income and minority communities subsidizing wealthier communities’ excessive water consumption.

The DEIR Fails to Account for Adverse Impacts to Disadvantaged Communities Outside of Hawthorne.

West Basin’s contention that its Project’s impact on disadvantaged communities is less than significant does not tell the whole story. The DEIR only analyzes the Project’s impacts to the census tracts where aboveground infrastructure would be implemented (census tracts in El Segundo and Hawthorne). (DEIR, 5-13.) For Hawthorne, the DEIR compares the demographics of the 3 impacted census tracts in Hawthorne to the demographics of the city of Hawthorne as a whole. (DEIR, 6-10–6-11.) However, in doing so, the DEIR averages the minority population percentages of the 3 impacted census tracts *before* comparing them to the minority population percentage of the whole city of Hawthorne, thus diluting the actual minority percentages of the individual, impacted tracts. (DEIR, 6-11.) This allows the DEIR to find that the impacted census tracts do not have significantly greater minority populations, and thus, the Project does not disproportionately impact minority populations. (DEIR, 6-10, 6-13.)

This Hawthorne-to-Hawthorne comparison is disingenuous. Hawthorne’s population is 100% disadvantaged communities (DAC). The Project would provide a water supply for all customers in West Basin’s service area, therefore at a minimum, the DEIR environmental justice analysis should look at West Basin’s service area as a whole and assess the impacts of the Project on the disadvantaged communities *relative to the Project’s impacts on the affluent communities*. By unreasonably, geographically limiting the environmental justice analysis, **the DEIR fails to account for the Project’s impacts to Carson, which is 82.1% DAC, Inglewood, which is 100% DAC, Gardena, which is 100% DAC, and Lawndale, which is 100% DAC.**

The DEIR Should Consider the Environmental Justice Impacts of the Project’s Air Quality Impacts.

Ocean desalination is the most energy-intensive option for increasing local water supplies.⁷ The continuous energy demand of the 20 MGD desalination plant is equivalent to the average annual

⁵ From July 2017 to August 2017 alone the average residential per capita water use for the South Coast region decreased from 69.63 R-GPCD to 65.87 R-GPCD. (*Is California Water Use Increasing?* 89.3 KPCC, <http://projects.scpr.org/applications/monthly-water-use/region/south-coast/>.)

⁶ STATE WATER RESOURCES CONTROL BOARD, *August Supplier Conservation*, 9, 10 (2017), https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/docs/2017oct/supplierconservation_100317.pdf.

⁷ HEATHER COOLEY & MATTHEW HEBERGER, KEY ISSUES IN SEAWATER DESALINATION IN CALIFORNIA: ENERGY AND GREENHOUSE GAS EMISSIONS (Pac. Inst. 2013), available at <http://pacinst.org/wp-content/uploads/2013/05/desal-energy-ghg-full-report.pdf>; NAT. RES. DEF. COUNCIL, ET AL., PROCEED WITH CAUTION II: CALIFORNIA’S DROUGHTS AND DESALINATION IN CONTEXT (2016), available at <https://www.nrdc.org/sites/default/files/california-drought-desalination-2-ib.pdf>.

energy demand of almost twice the number of households in Lawndale.⁸ Many of West Basin’s low-income and minority customers are among those most disproportionately burdened by multiple sources of pollution.⁹ These communities already suffer from poor air quality.¹⁰ Southern California Edison (SCE) would supply the energy needed by the Project, and while the DEIR discusses SCE’s power mix, it does not identify the specific plants on which SCE relies. (DEIR, 5.5-6–5.5-7.) The communities in or near where these plants are located, will be disproportionately impacted by the Project’s adverse impacts to air quality. Yet, the DEIR does not disclose which communities these are or analyze the impacts.

The DEIR Should Consider the Environmental Justice Impacts of the Project’s Greenhouse Gas Impacts.

Based on the 2014 power mix of SCE,¹¹ the 20 MGD ocean desalination plant would contribute as much as 44,702 metric tons of CO₂e emissions per year and the 60 MGD plant would contribute as much as 146,879 metric tons per year.¹² The Project’s significant GHG emission contributions will exacerbate climate change, and **disproportionately impact low-income and minority communities, which are least able to adapt to or recover from climate change impacts.**¹³

The DEIR Should Consider the Environmental Justice Impacts of the Project’s Marine Impacts.

The Project would use an open-ocean intake and discharge system to draw in ocean water and discharge concentrated brine, which has the potential to adversely impact marine life. The DEIR environmental justice analysis fails to discuss the potential impacts this may have on communities that rely on marine life for subsistence.

For all of the above reasons, West Basin’s CEQA analysis fails to comply with the Government Code¹⁴, CEQA, and the California Attorney General’s instructive Fact Sheet, *Environmental Justice at the Local and Regional Level Legal Background*.¹⁵

The bottom line is that ocean desalination is not the answer, and we call on West Basin to take a step back and see that the Project’s costs overwhelmingly outweigh any benefit, particularly in light of the more cost-effective, environmentally sound options available for meeting our water

⁸ See POWERS ENGINEERING, ASSESSMENT OF ENERGY INTENSITY AND GREENHOUSE EMISSIONS OF PROPOSED WEST BASIN DESALINATION PLANT AND WATER SUPPLY ALTERNATIVES 19 (2018), available at https://www.smarterwaterla.org/wp-content/uploads/2018/01/Powers_Engineering_2018_WB_Desal.pdf.

⁹ CALENVIROSCREEN 3.0, <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30> (last visited June 4, 2018).

¹⁰ *Id.*

¹¹ POWERS ENGINEERING, *supra* note 8, at 16.

¹² POWERS ENGINEERING, *supra* note 8, at 21.

¹³ U.S. GLOBAL CHANGE RESEARCH PROGRAM, THE IMPACTS OF CLIMATE CHANGE ON HUMAN HEALTH IN THE UNITED STATES: A SCIENTIFIC ASSESSMENT (2016), available at <https://health2016.globalchange.gov/>.

¹⁴ “[E]nvironmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” (Gov. Code, § 65040.12(e).)

¹⁵ OFFICE OF THE CALIFORNIA ATTORNEY GENERAL, ENTVL. JUSTICE AT THE LOCAL AND REG’L LEVEL LEGAL BACKGROUND (2012), available at https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf.

supply needs. Operation of an ocean desalination plant will have the perverse result of low-income communities subsidizing West Basin’s most affluent communities’ excessive water consumption. In addition, the Project will adversely impact air quality and contribute to climate change impacts on communities that already bear a disproportionate pollution burden.¹⁶ West Basin should be exploring opportunities for expanding its successful conservation and recycling programs and other water supply options that do not compromise the health and economic well-being of communities. Ocean desalination should be considered an option of last resort and one that West Basin should not be pursuing at this time.

Sincerely,

Taylor Thomas
Research and Policy Analyst
East Yards Communities for
Environmental Justice

Jane Williams
Executive Director
California Communities
Against Toxics

Cynthia Babich
Coordinator
Los Angeles Environmental
Justice Network

Cynthia Medina
Co-Director
Del Amo Action Committee

Martha Camacho-Rodriguez
Educator/Organizer SEE
Social Eco Education

Veronica Padilla
Executive Director
Pacoima Beautiful

Robina Suwol
Executive Director
California Safe Schools

Angela Mooney D’Arcy
Executive Director
Sacred Places Institute

Roberto Morales
Chair
Nature for All

Yvonne (Martinez) Watson
Chair, Environmental Justice Committee
Sierra Club Angeles Chapter

cc: Sally Magnani, Senior Assistant Attorney General, sally.magnani@doj.ca.gov

¹⁶ CALENVIROSCREEN 3.0, <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30> (last visited June 4, 2018).