

David Pettit (Bar No. 67128)
Margaret Coulter (Bar No. 304708)
CENTER FOR BIOLOGICAL DIVERSITY
2100 Franklin Street, Suite 375
Oakland, California 94612
Telephone: (510) 844-7100
Facsimile: (510) 844-7150
dpettit@biologicaldiversity.org
mcoulter@biologicaldiversity.org

Attorneys for the Center for Biological Diversity

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

CENTER FOR BIOLOGICAL
DIVERSITY,

Petitioner/Plaintiff,

v.

CITY OF LOS ANGELES; LOS
ANGELES DEPARTMENT OF WATER
AND POWER,

Respondents/Defendants;

DOES 1-10,

Real Parties in Interest.

Case No. _____

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

[Pub. Res. Code § 21000, *et seq.*
(California Environmental Quality Act);
Code Civ. Proc. §§ 1085, 1094.5]

Petitioner and Plaintiff (hereinafter “Petitioner”) the Center for Biological Diversity brings this action on its own behalf, on behalf of its members, on behalf of the general public, and in the public interest, and alleges as follows:

INTRODUCTION

1. This Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief challenges the decision of the City of Los Angeles (“City”) and the Los

1 Angeles Department of Water and Power (“LADWP”) to approve the Scattergood Generating
2 Station Units 1 and 2 Green Hydrogen-Ready Modernization Project (“Project”) for the
3 Scattergood Generating Station (“Scattergood”) in reliance on a flawed and unlawful Final
4 Environmental Impact Report (“EIR”) under the California Environmental Quality Act
5 (“CEQA”), Pub. Res. Code § 21000 *et seq.*

6 2. Climate change is destroying California as we know it. LADWP is required by
7 state law to shut down the fossil-fueled Scattergood Generating Station by 2029. It has a
8 choice—to do the right thing and replace Scattergood’s capacity with clean renewable power, or
9 to do the easy thing and build a new fossil-fueled facility that will continue to spew carbon
10 dioxide (“CO₂”) and other pollution into the air. It chose the easy thing and produced a shoddy
11 EIR to justify it. That is what this case is about.

12 3. Respondents and Defendants (hereinafter “Respondents”) City and LADWP claim
13 the Project is “integral to the goal of implementing a carbon-free energy system,” but that is
14 doublespeak. The notion that the facility would be partially fueled by hydrogen was a chimera
15 that was not analyzed in the EIR, and is now dead due to federal attacks on potential hydrogen
16 fueling infrastructure in California.

17 4. Respondents fail to identify where the green hydrogen to be burned at the Project
18 will come from, how it will be transported or stored, or even *when* the Project will actually
19 operate.

20 5. In fact, the Project, if allowed to commence operations, will be a methane-
21 powered operation that will be obsolete on Day One, but which LADWP ratepayers will be
22 paying for for 50 years or more. The EIR tries to obscure these facts.

23 6. As detailed more fully below, the City and LADWP inadequately or fully fail to
24 address these and other environmental impacts and considerations in their Final Environmental
25 Impact Report (“EIR”), rendering it flawed and unlawful, warranting rescission of the Project
26 approvals.

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9. Venue for this action properly lies in the Superior Court of Los Angeles County under Code of Civil Procedure sections 393, 394, and 395, because 1) the challenged action occurred in Los Angeles County, 2) the Scattergood facility is located in Los Angeles County, 3) a significant portion of the effects of the Project will occur in Los Angeles County, and 4) Respondents and Defendants are a public agency and city located in Los Angeles County.

10. Petitioner the Center for Biological Diversity (the “Center”) is a nonprofit conservation organization dedicated to the preservation, protection, and restoration of biodiversity, native species, ecosystems, public lands and water, and public health through science, policy, and environmental law. The Center has over 101,600 members worldwide, including over 22,900 members who live in California, and over 5,000 members who live in the County of Los Angeles. The Center has worked for many years to protect clean air, safeguard communities, and enforce pollution prevention laws to protect air quality, public health and the overall quality of life for people in the State and in Los Angeles County. Members of the Center will be directly and adversely affected by the unlawful approval and operation of the Project. The Center has submitted written comments to LADWP and given public comments at Los Angeles City Council hearings, as well as filed a written appeal to the City Council and provided comments on the appeal.

11. Respondent the City of Los Angeles is a political subdivision of the State of California. The Los Angeles City Council denied Petitioner's appeal of LADWP's Project and EIR approvals.

12. Respondent the Los Angeles Department of Water and Power is an agency of the City of Los Angeles named on a Notice of Determination posted on November 7, 2025. This notice was invalid because Petitioner and others timely appealed LADWP's action to Los Angeles City Council, so the November 7 Notice of Determination did not relate to a final action. Respondent has taken final agency action by issuing the Notice of Determination on August 4, 2026.

13. Real Parties in Interest named as Does 1 to 10 are given fictitious names because their names and capacities are presently unknown to Petitioners.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

14. Petitioner the Center has satisfied all conditions precedent to filing the instant action and has exhausted any and all administrative remedies to the extent required by law.

15. The Center submitted letters during the comment period raising the issues set forth herein. The Center submitted comments on the Initial Study/Notice of Preparation and draft EIR for the Project. LADWP approved the Project and adopted the EIR on October 28, 2025, and posted a Notice of Determination on November 7, 2025.

16. On November 14, 2025, pursuant to California Public Resources Code section 21151, subdivision (c), the Center along with other environmental organizations submitted an administrative appeal of LADWP's approval to the Los Angeles City Council. On August 4, 2026, the Los Angeles City Council denied the Center and other organizations' appeal, thereby upholding LADWP's Project approval, and filed a Notice of Determination.

17. This action is timely filed within 30 days of the City Council's August 4, 2026 decision and Notice of Determination, in accordance with Public Resources Code section 21167, subdivision (c), and California Code of Regulations, title 14, section 15112, subdivision (c)(1).¹

18. The Center complied with the requirements of Public Resources Code section 21167.5 by serving a written notice of Petitioner's intention to commence this action on Respondents. A copy of the written notice and proof of service is attached as **Exhibit A**.

¹ California Code of Regulations, title 14, section 15000 *et seq.* is hereinafter referred to as "CEQA Guidelines."

19. The Center elects to prepare the record of proceedings in this proceeding or pursue an alternative method of record preparation pursuant to Public Resources Code section 21167.6, subdivision (b)(2). A copy of the Center's Election to Prepare Administrative Record of Proceedings is attached as **Exhibit B**.

20. The Center complied with Public Resources Code section 21167.7 and Code of Civil Procedure section 388 by providing the Attorney General of the State of California with a copy of the Petition and notice of filing this action. A true and correct copy of the notice and proof of service to the Attorney General are attached as **Exhibit C**.

21. The Center complied with the requirements of CEQA Guidelines section 15232 by concurrently filing a request for a hearing. A copy of the Petitioner's Request for Hearing and Notice of Request is attached as **Exhibit D**.

22. The Center has no plain, speedy or adequate remedy at law unless this Court grants the requested writ of mandate, and declaratory and injunctive relief. In the absence of such remedies, Respondents' approval of the Project would irreparably harm the Center and its members by allowing development and operation of the Project to proceed in violation of state law.

FACTUAL BACKGROUND

23. Scattergood is one of four fossil methane gas-fired powerplants located in the Los Angeles area that are owned and operated by LADWP, the City's public electric utility.

24. Respondents propose to retrofit the Scattergood Generating Station, a fossil methane-fueled electric generating facility located in the Playa del Rey community of Los Angeles, ostensibly to be capable of combusting a blend of hydrogen gas and fossil methane. Respondents also plan to retrofit the other three methane-fueled power plants in its service area.

25. Scattergood currently operates six generation units, which use various technologies to generate electricity from methane combustion.

26. Scattergood Units 1 and 2 utilize an ocean water-fed once-through cooling system as part of their electric generation process, which is well-known to cause devastating impacts to

1 aquatic organisms. These units are slated to be removed from service by the end of 2029 to
2 comply with federal restrictions and the statewide once through-cooling policy.²

3 27. LADWP is committed to transitioning wholly to carbon-free energy sources by
4 2035 under the City Council’s Los Angeles 100% Renewable Energy Study (“LA100”).
5 Recommendations from the LA100 study were integrated into LADWP’s 2022 Power Strategic
6 Long-Term Resource Plan (“SLTRP”) which provided a roadmap for obtaining reliable and
7 carbon-free electrical power for the City.

8 28. The SLTRP identified the Project, a conversion to hydrogen blended fuel and
9 restart of Scattergood Units 1 and 2, as “firm generation capacity” necessary to maintain
10 “resilience and reliability” for the City’s electric grid. Although Respondents claim that the
11 Project will serve as a “peaker,” meaning that it will only be used occasionally, Respondents’
12 application to the South Coast Air Quality Management District under Title V of the federal
13 Clean Air Act sought and obtained permission to operate the project full-time.

14 **Project Approvals**

15 29. LADWP issued a Notice of Preparation (“NOP”) and Initial Study (“IS”) on May
16 15, 2023, for the Project. LADWP held a presentation and hearing on the NOP and IS on June 7,
17 2023. The Center submitted written comments jointly with other concerned organizations on the
18 NOP and IS.

19 30. Respondents released the Draft EIR (“DEIR”) on October 31, 2024 and accepted
20 comments through April 7, 2024. LADWP held a public presentation and hearing on the DEIR
21 on November 20, 2024. The Center submitted written comments on the DEIR jointly with
22 Communities for a Better Environment, Los Angeles Waterkeeper, Sierra Club, and Food and
23 Water Watch on April 7, 2024.

24 31. Respondents published the final EIR on October 16, 2025 with only one

25 ² Pursuant to the Federal Water Pollution Control Act section 316, subdivision (b) (33 U.S.C. §
26 1326(b)) and California State Water Quality Control Board Policy on the Use of Coastal and
27 Estuarine Waters for Power Plant Cooling, *available at*
28 https://www.waterboards.ca.gov/water_issues/programs/ocean/cwa316/docs/otc-policy-2023/otc-policy-2023.pdf (last accessed Aug. 31, 2026)

1 substantive change, adding a measure for biological resources impacts.

2 32. The Center and Communities for a Better Environment submitted supplemental
3 written public comments on the draft EIR on October 10, and on the final EIR on October 27,
4 2025.

5 33. On October 28, 2025, the LADWP Board of Commissioners voted to adopt the
6 Final EIR and approve the Project. LADWP filed a Notice of Determination advising that the
7 Final EIR had been approved, which was posted by the Los Angeles Registrar-Recorder/County
8 Clerk on November 7, 2025.

9 34. The Center, along with Communities for a Better Environment, Los Angeles
10 Waterkeeper, Food and Water Watch, Physicians for Social Responsibility and Sierra Club,
11 timely appealed the Board of Commissioners vote to the City Council. On August 4, 2026, the
12 Los Angeles City Council denied the Center and other organizations' appeal, thereby upholding
13 LADWP's Project approval, and Respondents filed a Notice of Determination that same day.

14 **The Proposed Project**

15 35. The claimed Project objectives are to 1) provide resilience to LADWP electrical
16 power system during times of peak demand and emergency disruptions; 2) establish an always
17 available, dispatchable and local generation source; 3) support grid stability in the Scattergood
18 service area, which includes Los Angeles International Airport ("LAX"), Hyperion Water
19 Reclamation Plant, and the western districts of the City of Los Angeles; and 4) reduce
20 greenhouse gas emissions from power generation in the shift to a carbon-free electrical power
21 system.

22 36. The Project is misleadingly entitled the "Scattergood Generating Station Units 1
23 and 2 Green Hydrogen-Ready Modernization Project," but does not require the use of *green*
24 hydrogen (produced from renewable sources) or even *any* hydrogen at all.

25 37. Additionally, though Respondents claim the Project will serve only in times of
26 increased load as a "peaker," they sought and obtained a federal Clean Air Act Title V air permit
27 allowing them to operate the project full-time.

1 38. LADWP proposes to replace Scattergood Units 1 and 2 with a rapid-response
2 combined cycle combustion turbine and steam turbine generation system (“CCGS”) capable of
3 utilizing blends of 30% or more hydrogen combined with methane for the Project.

4 39. The EIR for the Project admits that “[t]he green hydrogen system that would
5 supply the proposed project has not yet been identified,” and therefore does not discuss the
6 environmental impacts of hydrogen production nor the “installation of the infrastructure for the
7 production, delivery, and storage of hydrogen” to the facility.

8 40. The Project is entitled the “Scattergood Generating Station Units 1 and 2 Green
9 Hydrogen-Ready Modernization Project” but does not require the use of *green* hydrogen
10 (produced from renewable sources) or even *any* hydrogen at all.

11 41. Green hydrogen is so-called because it is produced via electrolysis using
12 renewable electricity (usually from wind or solar); other hydrogen production methods typically
13 utilize fossil-fuel inputs, with steam-methane reforming (“SMR”) as the most common
14 technique. Green hydrogen produced with renewable energy via electrolysis can have near zero
15 direct greenhouse gas emissions, whereas SMR hydrogen production methods release between
16 10 to 14 kilograms of CO₂ equivalent per kilogram of hydrogen produced.

17 42. However, even electrolysis involves significant amounts of water and energy
18 inputs to produce hydrogen. And, when combusted, hydrogen results in substantial localized
19 NO_x emissions, an indirect greenhouse gas that is a precursor to ground level ozone.

20 43. Further, it very likely that the Project will commence operation with “combustion
21 of 100 percent natural gas,” as the EIR admits “may be the circumstance during the initial
22 phases of operation of the proposed CCGS, in case of limited availability of hydrogen fuel.”

23 44. On July 4, 2025, the One Big Beautiful Bill Act limited the eligibility window for
24 producers of green hydrogen to claim tax credits under U.S. Tax Code Section 45(v), 26 U.S.C.
25 § 45(v). Additionally, on October 1, 2025, the U.S. Department of Energy cancelled \$1.2 billion
26 in federal funding for California’s Alliance for Reviewable Clean Hydrogen Energy Systems
27 (“ARCHES”) hydrogen hub proposal. ARCHES included approximately 35 projects including
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1 clean hydrogen production facilities, pipelines, and power generation equipment. Thus, it is
2 nearly certain that a future green hydrogen supply and associated required transportation and
3 storage infrastructure upon which the Project depends will never come into existence.

4 45. Calling the Project “hydrogen-ready” obscures the reality that the Project actually
5 entails a repowering of fossil fuel electric generation units slated for closure that will operate
6 almost completely, if not entirely, using methane.

7 46. Shovel-ready alternatives exist to building a new fossil-fueled powerplant. The
8 Center and other commenters urged study and use of a system of renewable energy backed by
9 battery storage, but LADWP rejected this suggestion without taking a hard look at its efficiency
10 or availability.

11 **STATUTORY BACKGROUND**

12 47. The California Environmental Quality Act is a comprehensive statute designed to
13 provide for the long-term protection of the environment. (Pub. Resources Code §§ 21001 (d),
14 21080 (a); Cal. Code Regs., tit. 14, § 1681 *et seq.*)

15 48. One of the fundamental purposes of the CEQA process is to provide
16 decisionmakers and the public with detailed information about the environmental impacts a
17 proposed project is likely to have and to find feasible ways to avoid or significantly reduce those
18 impacts. (CEQA Guidelines § 15002(a).) To that end, “[u]nder CEQA, an agency must solicit
19 and respond to comments from the public and from other agencies concerned with the project”
20 to ensure that the public and other agencies are informed and able to participate in the process.
21 (*Id.* at (j).)

22 49. Subject to certain limited statutory and categorical exemptions, CEQA requires
23 lead agencies to, at minimum, conduct an initial study on any project that “may have a
24 significant effect on the environment.” (CEQA Guidelines § 15063(a).) This study must
25 examine all significant direct, indirect, and cumulative impacts of the proposed project.

26 50. Where a lead agency determines after an initial study that the project may have a
27 significant impact on the environment, the lead agency must prepare an Environmental Impact
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1 Report (“EIR”). (Pub. Res. Code § 21151; CEQA Guidelines §§ 15064(f), (h).) The EIR is the
2 “heart” of CEQA’s environmental review requirement. (*See No Oil, Inc. v. City of Los Angeles*,
3 529 P.2d 66, 76 (Cal. 1974) [quoting *City of Inyo v. Yorty*, 108 Cal. Rptr. 3d 377, 388 (Ct. App.
4 1973)].) The EIR has been described as an environmental “alarm bell” whose purpose is to alert
5 the public and decisionmakers to environmental changes “before they have reached ecological
6 points of no return.” (*City of Inyo, supra*, 108 Cal. Rptr. 3d at 388.)

7 51. The EIR must identify and describe “[d]irect and indirect significant effects of the
8 project on the environment.” (CEQA Guidelines § 15126.2(a).) The EIR must also describe
9 feasible mitigation measures and alternatives to the project that could avoid or minimize
10 significant environmental impacts. (CEQA Guidelines §§ 15126.4, 15126.6.)

11 52. Additionally, an EIR must identify and analyze cumulative effects when the
12 “incremental effects of an individual project are significant when viewed in connection with the
13 effects of past projects, the effects of other current projects, and the effects of probable future
14 projects.” (CEQA Guidelines § 15065(a)(3); *see also id.* § 15130(a).)

15 53. Under CEQA, agencies can only approve projects if all feasible alternatives or
16 mitigation measures that would substantially lessen a project’s significant environmental effects
17 have been imposed. (Pub. Res. Code, § 21002; CEQA Guidelines § 15091.)

18 **I. FIRST CAUSE OF ACTION**

19 **(Violations of the California Environmental Quality Act)**

20 54. Petitioner/Plaintiff realleges and incorporates all previous paragraphs as if fully set
21 forth here.

22 55. The Project’s Environmental Impact Report violates CEQA’s substantive and
23 procedural requirements.

24 **A. The EIR improperly piecemeals the environmental impacts of the Project.**

25 56. The EIR improperly piecemeals the environmental impacts of the Project by
26 failing to analyze reasonably foreseeable environmental impacts from the production, storage
27 and transportation of the green hydrogen that Respondents contend will supply the Project. The
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1 EIR also improperly piecemeals the analysis of the four repower projects contemplated by
2 LADWP by only considering the Scattergood project in the EIR (see Section B, below).

3 57. The CEQA Guidelines explain that the EIR must analyze “the whole of an action,”
4 including “all phases of project planning, implementation, and operation.” (CEQA Guidelines
5 §§ 15063(a)(1), 15378(a).) “The requirements of CEQA cannot be avoided by piecemeal review
6 which results from ‘chopping a large project into many little ones—each with a minimal
7 potential impact on the environment—which cumulatively may have disastrous consequences.’”
8 (*Envtl. Prot. Info. Ctr. v. Cal. Dept. of Forestry & Fire Prot.*, 187 P.3d 888, 918 (Cal. 2008)
9 (quoting *Rio Vista Farm Bureau Center v. County of Solano*, 7 Cal. Rptr. 2d 307, 314 (Ct. App.
10 1992)).

11 58. In the EIR, LADWP admits that no utility-scale source of green hydrogen is
12 currently available, and states “the details of the green hydrogen system in terms of the
13 production, delivery, and storage infrastructure are currently unknown” for the Project.

14 59. The EIR unlawfully piecemeals its analysis by failing to discuss the environmental
15 impacts of the production, transportation and storage of the green hydrogen that will fuel the
16 Project. In fact, the EIR includes a 100-percent methane vendor in its impact analysis,
17 acknowledging a lack of certainty that Scattergood can be retrofitted to burn hydrogen blends
18 and procure hydrogen by the end of 2029.

19 60. The production of new sources of green hydrogen and buildout of necessary
20 infrastructure to deliver green hydrogen fuel to the Project are inextricably and intrinsically
21 linked to the Project, and the EIR cannot unlawfully piecemeal its analysis by deferring
22 disclosure, discussion, and mitigation of the accompanying environmental impacts of procuring
23 green hydrogen for the Project.

24 61. This violation is not cured by vague assertions that LADWP will evaluate
25 hydrogen supply in a “separate environmental review and approval process when the necessary
26 information to support an adequate analysis of potential environmental impacts is available.”

27 62. Finally, the EIR fails to analyze the consequences of the entire project
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1 contemplated in LADWP's planning documents, of which Scattergood is only a part. In
2 particular, the air quality and climate change consequences of repowering four fossil-fueled
3 power plants within the basin will be vast, but were not mentioned in the EIR.

4 **B. The EIR inadequately analyzes the foreseeable cumulative environmental**
5 **impacts.**

6 **i. The EIR failed to adequately analyze the foreseeable cumulative**
7 **environmental impacts of related and future projects.**

8 63. CEQA requires an EIR to analyze whether a project's effects, despite appearing
9 limited on their own, are cumulatively considerable and therefore significant. (Pub. Res. Code §
10 21083(b)(3).)

11 64. The EIR fails to analyze the foreseeable cumulative environmental impacts of
12 future related projects, namely other planned hydrogen fueling actions at LADWP's other in-
13 basin power plants and infrastructure in LADWP's energy system.

14 65. The Project at issue is just one component of a basin-wide effort to modernize
15 LADWP's electric generation facilities for reliability and decarbonization purposes. LADWP
16 has stated its intent to undertake similar hydrogen combustion conversions at other LADWP
17 plants as well as to update or develop infrastructure to supply hydrogen fuel to the Project and
18 other facilities. The Project at issue here is but one component of this larger plan.

19 66. Yet, the analysis in the EIR focuses almost exclusively on work to be undertaken
20 within the physical boundaries of the Project site, and fails to consider system-wide impacts and
21 other planned conversions. The short list of projects the EIR does admit may lead to cumulative
22 impacts does not acknowledge the basin-wide planned conversions of three other generating
23 stations and necessary accompanying hydrogen fuel production, storage and transport
24 infrastructure that comprise its broader grid modernization plans reflected in LADWP's most
25 recent 2022 Power Strategic Long-Term Research Plan.

26 67. Ignoring the larger plan violates CEQA's mandate to provide the public and
27 decisionmakers with key information about the project and its reasonably foreseeable future
28 impacts, and unlawfully excludes adequate consideration of all reasonable alternatives and

mitigation measures to address those foreseeable cumulative impacts of related and future project impacts.

ii. The EIR does not adequately evaluate cumulative Project impacts to environmental justice communities.

68. Despite acknowledging that the Project is one element of a unified and systemic fuel conversion plan, LADWP does not identify or discuss the potential impacts of retrofits at power generation stations located in communities recognized as disadvantaged, including the Harbor Generating Station and Valley Generating Station.

69. The EIR does not discuss the Project in the context of LADWP's broad fuel conversion plan—which includes plans to combust hydrogen at the Harbor Generating Station as soon as 2032—preventing the public and decisionmakers from analyzing sweeping environmental impacts that burning hydrogen in multiple Los Angeles City power plants will cause.

70. The EIR unlawfully fails to disclose, analyze and mitigate the environmental impacts of LADWP's broad repowering plan, including impacts disproportionately borne by disadvantaged communities near generation facilities like to localized air quality; cumulative energy use, water use, and infrastructure development; and increased safety and leakage risks.

71. Where a community already experiences a high cumulative pollution burden, CEQA requires an EIR to evaluate the addition of any amount of pollution from a proposed project in light of existing pollutants in the community. (*Kings Cnty. Farm Bureau v. City of Hanford*, 270 Cal. Rptr. 650, 661 (Ct. App. 1990).)

72. Limiting the EIR to just the Project, despite LADWP's basin-wide repowering and retrofit plan, unlawfully narrows the scope of the EIR to obscure impacts to environmental justice communities.

C. The EIR project description is improper.

73. The EIR project description unlawfully fails to give concrete information about the degree to which the Project will measurably aid grid reliability and fails to give a precise description of how frequently the Project will operate (i.e., capacity factor). It is unclear from

1 the EIR whether this Project will operate as a peaker plant or at a more frequent capacity factor.

2 74. An EIR must provide a description of the project sufficient to allow for adequate
3 evaluation and review of a project's environmental impacts. (CEQA Guidelines § 15124.) "An
4 accurate, stable and finite project description is the sine qua non of an informative and legally
5 sufficient EIR." (*County of Inyo v. City of Los Angeles*, 139 Cal. Rptr. 396, 402 (Ct. App.
6 1977).) CEQA requires the EIR to accurately describe the Project's technical and environmental
7 characteristics, including metrics for meeting the Project's objective. (CEQA Guidelines §
8 15124(c).)

9 75. However, the EIR project description merely states that an objective of the Project
10 is to maintain grid reliability during peak demand periods and under emergency circumstances,
11 but does not state a clear reliability standard that the Project or any alternatives must meet.

12 76. Further, the EIR does not discretely describe the Project's projected frequency of
13 use or capacity factor. While LADWP's permit applications state it expects the Scattergood
14 facility to be available for 24/7/365 operations, they also include high numbers of startups and
15 shutdowns at Scattergood (nearly 2 per day), indicative of a potential for very frequent peaker
16 usage. Taken together, this indicates a very wide range of capacity factors, and a
17 correspondingly wide range of environmental impacts, in violation of CEQA's requirements that
18 a project description include an accurate and finite description of how and when the project will
19 operate.

20 77. The project description in the EIR violates CEQA because it does not sufficiently
21 describe the Project to allow for public review and informed decision-making.

22 **D. The EIR uses an incorrect environmental baseline.**

23 78. The EIR incorrectly includes emissions and impacts from Scattergood's current
24 plant operations as part of the environmental baseline, despite requirements that current plant
25 operations cease by the end of 2029.

26 79. CEQA requires an EIR to state the baseline conditions used to compare a project's
27 anticipated environmental impacts and determine whether an impact is significant. (CEQA
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Guidelines § 15125(a).) Utilizing projected future conditions as the environmental baseline is appropriate and required when necessary to give the public and decision makers the most accurate understanding of a project's likely impacts. (CEQA Guidelines §§ 15125(a)(1), (2).)

80. The EIR misleadingly minimizes the emissions impacts of repowering Scattergood with hydrogen by including existing plant emissions from Scattergood's current once-through cooling natural gas combustion operations in the environmental baseline rather than utilizing a baseline which reflects the mandatory future cessation of plant operations.

81. Using current plant operations as the environmental baseline is improper and unlawful because it assumes that such operations would continue indefinitely in the future, even though the plant must cease its natural gas combustion operations in less than four years. Instead, the EIR must treat the environmental baseline for plant operations as the complete cessation of any generation capacity whatsoever.

E. The EIR fails to consider a reasonable range of feasible alternatives.

82. The EIR must describe a reasonable range of project alternatives sufficient to permit informed decision-making and public participation. (CEQA Guidelines § 15126.6(a).)

83. "Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Pub. Res. Code § 21002.1), the discussion of alternatives shall focus on alternatives. . . which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." (CEQA Guidelines § 15126.6(b).) To that end, CEQA requires an EIR to include a "clearly written statement of objectives [to] help the lead agency develop a reasonable range of alternatives to evaluate in the EIR" (CEQA Guidelines § 15124(b).)

84. CEQA specifies that comments should propose "additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects." (CEQA Guidelines § 15204(a).) Potential alternatives are reviewed to determine whether they: 1) can substantially reduce significant environmental impacts; 2) can

1 attain most of the basic project objectives; 3) are potentially feasible; and 4) are reasonable and
2 realistic. (CEQA Guidelines § 15126.6(c).)

3 85. The EIR fails to analyze a reasonable range of alternatives and should have more
4 fully considered multiple reasonably feasible alternatives to meet Project objectives and
5 minimize environmental impacts, including but not limited to, the more condensed and longer-
6 duration energy storage resources and a combined resource portfolio approach.

7 **i. The EIR arbitrarily excludes reasonable alternatives.**

8 86. As one example, the EIR does not adequately explain why environmentally
9 superior zero emissions alternatives were excluded as infeasible.

10 87. The South Coast Air Quality Management District (“SCAQMD”) commented that
11 LADWP should consider alternatives that would achieve energy reliability through zero
12 emissions technologies. However, the alternatives that would do so were “considered but
13 dismissed from detailed analysis” in the EIR without adequate justification or explanation.

14 88. The EIR names zero emissions alternatives to the proposed Project (such as
15 hydrogen fuel cells and proton exchange membrane fuel cells) but dismisses them because of
16 concerns with high technology and labor costs, limited availability of green hydrogen inputs,
17 and technological uncertainty—the very same concerns that afflict the proposed Project.
18 However, the EIR does not explain why cost, hydrogen availability, and uncertainty render the
19 zero emissions alternatives unviable but do not also disqualify the proposed Project itself.

20 89. As discussed more fully below, the EIR also fails to properly evaluate alternatives
21 identified in the National Renewable Energy Laboratory (“NREL”) Alternatives Analysis,
22 which the City of Los Angeles ordered LADWP to complete—likely because, despite knowing
23 the NREL report was coming, LADWP finalized the draft EIR *before* NREL released its report.

24 **ii. The EIR improperly dismissed an energy storage and demand
25 management alternative.**

26 90. As another example, the EIR improperly dismissed an energy storage and demand
27 management alternative (Alternative 2) as infeasible purportedly due to cost, land constraints,
28 and failing to meet project objectives if multiple transmission lines are down, but does not

1 provide sufficient evidence to support its conclusions.

2 91. The EIR claims battery energy storage technology would not be “reliable,
3 resilient, and readily dispatchable” during major interruptions in service despite comments
4 identifying existing technology that could potentially double the battery storage capacity
5 presumed in the EIR. The EIR does not adequately explain why such an alternative is infeasible.

6 92. In comments, the Center and other environmental groups proposed a reasonable
7 and feasible energy and demand management alternative. A report by PSE Healthy Energy also
8 discussed other forms of energy storage that could offer consistent, reliable dispatchable
9 capacity beyond the energy batter systems described in the EIR as well as long duration storage
10 alternatives that the EIR should have considered. The EIR fails to adequately explain why these
11 alternatives are infeasible.

12 93. Further, because the EIR fails to include a finite reliability objective for the
13 proposed Project, the EIR has no objective standard with which to compare energy storage
14 alternatives, further undermining the EIR’s alternative analysis.

15 94. The EIR also justified dismissing the energy storage alternative because of land
16 constraints but did not consider the very reasonable and feasible option of vertically stacking
17 battery storage projects or leasing additional space or utilizing other distributed space within the
18 basin.

19 95. Furthermore, the EIR improperly limits its discussion to in-basin alternatives,
20 demonstrating an unlawful precommitment to specific alternatives. The EIR cites a five-year-old
21 LA100 study to justify limiting the scope of its alternatives analysis, but that study does not
22 preclude the use of outside the basin alternatives. Rather, the cited LA100 study merely states
23 that “firm capacity” (i.e., peaker capacity) will be needed, and assumes hydrogen and biofuels
24 are the only ways to meet this need. The EIR fails to evaluate the emergence of new long-
25 duration energy storage technologies which could also be used to meet this “firm capacity” need
26 since the LA100 study was published in 2021.

1 **iii. The EIR failed to consider a reasonable and feasible energy storage and**
2 **demand-side hybrid alternative.**

3 96. Despite the Center and other environmental groups flagging an energy storage and
4 demand-side hybrid alternative in comments, the EIR also, for example, failed to consider this
5 reasonable and feasible alternative.

6 97. In comments, the Center and other environmental groups and researchers proposed
7 a reasonable and feasible energy storage and demand-side hybrid alternative, which meets and
8 exceeds the basic project objectives, is both economically and legally feasible, and would avoid
9 the significant air impacts associated with the Scattergood Project by eliminating operational air
10 quality impacts altogether. The EIR fails to consider and evaluate this feasible and reasonable
11 alternative.

12 98. The EIR adopts but does not substantively grapple with the NREL report's cursory
13 assumption that alternatives involving combinations of technologies or reliability strategies to
14 meet project objectives would be disqualified as more costly or technologically uncertain. This
15 does not constitute substantial evidence upon which LADWP can rely to elevate the proposed
16 Project over a combination alternative.

17 **F. The EIR fails to adequately disclose and analyze many environmental impacts of**
18 **the Project and require associated mitigation measures.**

19 99. Under CEQA, an agency must disclose and evaluate a project's environmental
20 impacts in an EIR to inform the public and decisionmakers, and impose all feasible mitigation
21 measures to minimize significant environmental impacts of a project. (*See* CEQA Guidelines §§
22 15002, 15091(a), 15126.2(a), 15126.4, 15126.6.)

23 100. The EIR is unlawful because it fails to disclose, analyze and/or mitigate many of
24 the Project's potential environmental impacts.

25 **i. The EIR fails to adequately evaluate air quality and emissions impacts,**
26 **including to public health.**

27 101. The EIR fails to adequately evaluate air quality impacts because it applies
28 inaccurate significance determinations for air quality and GHG emissions impacts, resulting in,
among other consequences, a flawed cumulative public health impact analyses.

 102. As discussed above, the EIR does not utilize the proper environmental baseline,

1 comparing Project impacts to a baseline of current emissions rather than zero emissions, since
2 Scattergood is mandated to cease current operations by the end of 2029. Consequently, the EIR
3 ignores that Project emissions will lead to exceedances of the SCAQMD's CEQA significance
4 thresholds for NO_x, Ozone (O₃), and PM_{2.5}.

5 103. Even minor increases in NO_x are highly significant since the South Coast is
6 already in severe noncompliance with federal air quality standards. The EIR admits that the
7 Project will emit significant NO_x emissions, whether under the 100-percent methane
8 combustion or 70/30 hydrogen blend scenario. However, the EIR does not evaluate the
9 cumulative public health impacts of such increases in an extreme nonattainment area, including
10 increased incidences of asthma, hospital visits, and mortalities due to respiratory issues.

11 104. Further, LADWP states it intends to run the Project as a peaker, typically on hot
12 days when demand—and thus NO_x emissions generally—are high. Adding NO_x emissions
13 during those periods will make the regional smog problem worse at the most critical times—
14 especially for the environmental justice communities that bear the brunt of the smog problem in
15 the South Coast Air Basin. The EIR does not disclose or evaluate the acute emissions
16 contributions the Project could have under stressed load conditions on extreme weather days that
17 are likely to already have poor air quality.

18 105. The EIR also fails to consider whether emissions from the Project's proposed
19 combustion of hydrogen blends would lead to potentially significant increases in NO_x (even
20 under the improper baseline of current plant emissions). Despite the fact that hydrogen blends
21 have been shown to emit as much as six times as much NO_x as methane alone when combusted,
22 the EIR uncritically accepts vendor data asserting their blends will emit the same amount of
23 NO_x as methane to avoid finding significant impacts.

24 106. Finally, the EIR improperly finds without analysis that the Project would not
25 significantly expose sensitive receptors to substantial pollutant concentrations, despite numerous
26 childcare centers, schools, hospitals, nursing homes, and a prison in the near vicinity. The EIR
27 does not evaluate whether these sensitive receptors would be vulnerable to increased incidences
28

1 of asthma, hospital visits, and respiratory illness related mortalities as a result of increased air
2 pollution from the Project.

3 **ii. The EIR fails to adequately evaluate greenhouse gas emission impacts**
4 **across multiple capacity factors of proposed Project operation.**

5 107. The EIR does not make a good-faith effort to evaluate the amount of greenhouse
6 gas emissions that are likely to result from the proposed Project.

7 108. While CEQA provides a lead agency with the discretion to determine whether a
8 quantitative or qualitative analysis of a proposed project's greenhouse gas emissions is
9 appropriate, an EIR must nevertheless sufficiently analyze the impact of such emissions based to
10 the extent possible on scientific and factual data. [CEQA Guidelines § 15064.4(a).] The EIR's
11 superficial greenhouse gas emissions analysis is insufficient under CEQA.

12 109. First, the EIR does not analyze greenhouse gas emissions from hydrogen blends at
13 all, only the 100-percent methane gas combustion scenario. This is inadequate.

14 110. Second, even for the 100-percent methane gas combustion scenario, the EIR does
15 not evaluate greenhouse gas emissions impacts across multiple capacity factors. A
16 comprehensive analysis would consider and compare at least the 10-percent capacity factor
17 assumed for the Project, the current Scattergood 25-percent capacity factor, and a 40-percent
18 capacity factor as assumed in the System-Wide Local Reliability Transmission Program.

19 111. Third, the EIR fails to consider lifecycle greenhouse gas emissions associated with
20 the Project. The EIR only counts emissions from combustion, and ignores the well-known
21 emissions associated with leakage (for both methane-only and hydrogen blends) during
22 production, transport and storage. Further, given the acknowledged lack of current utility scale
23 green hydrogen capacity via pipeline, the EIR fails to identify or evaluate the lifecycle
24 greenhouse gas emissions associated with alternative transport of hydrogen fuel to the Project
25 facility, such as by truck. The EIR also ignores the cumulative greenhouse gas emissions
26 impacts that will accompany hydrogen storage for the Project, including considerable emissions
27 from compressing and storing hydrogen blends and methane on site.

28 112. Finally, the cursory greenhouse gas emissions analysis in the EIR lacks

1 fundamental disclosures necessary to understand the adequacy of its analysis, including a clear
2 description of which construction activities it considered in determining whether greenhouse
3 emissions may have a significant impact on the environment.

4 **iii. The EIR fails to comprehensively discuss the Project's hazards and**
5 **hazardous materials impacts.**

6 113. The EIR's impact discussion is inadequate under CEQA because it does not
7 address hazards or hazardous materials from: 1) decommissioning and demolition of
8 Scattergood Units 1 and 2, or 2) hydrogen production waste-streams.

9 114. Instead, the EIR states effects from hazardous materials from decommissioning
10 and demolition would not be significant because "the handling of construction-related hazardous
11 materials would occur in conformance with applicable local, state, and federal regulations."
12 However, the existence and potential exposure of the public to these hazardous materials as a
13 result of the Project is not ameliorated by mere lip service to future compliance with existing
14 regulations.

15 115. Additionally, the EIR does not evaluate potential impacts from hydrogen
16 production waste-streams. Instead, it states that "the EIR does not address green hydrogen
17 infrastructure because details related to the infrastructure needed to support the proposed project
18 do not currently exist," and the agency "would not implement or operate the infrastructure that
19 supplies hydrogen to Scattergood and would instead be a purchaser of hydrogen for the project."
20 This unlawfully piecemeals the inextricably linked hydrogen supply from the Project.

21 116. The EIR also fails to evaluate the effects of hydrogen transportation and storage
22 infrastructure necessary for the Project being sited near an environmental justice community.
23 Adding hydrogen transportation and storage infrastructure to the nearby community, already
24 affected by existing fossil fuel infrastructure, will increase public safety risks and
25 disproportionately affect these already overburdened communities.

26 117. Hydrogen transport through pipelines and storage poses serious public safety
27 concerns in addition to impacts from health-harming nitrogen oxides (NOx) that are produced
28 from hydrogen combustion. Transporting hydrogen through pipelines is more dangerous than

1 transporting methane: it's more likely to explode, burns hotter, and is more corrosive to
2 pipelines. There is no mandatory requirement that hydrogen transported by pipeline contain an
3 odorant (in contrast to natural gas) so leaks are typically undetectable by members of the public.

4 118. It is unsafe to transport hydrogen in the existing gas pipeline network, since
5 existing pipelines are designed for methane or other larger molecule gases. As a very small
6 molecule, hydrogen transport will require construction of new pipeline infrastructure, which
7 poses significant construction and other impacts.

8 119. Hydrogen is also a potent, indirect greenhouse gas with 100 times the warming
9 power of CO₂ over a 10-year period and 33 times over 20 years. This small molecule is more
10 leakage-prone than methane, posing increased climate and public health risks across the entire
11 production and supply chains.

12 120. By failing to substantively discuss and grapple with the many hazards likely to
13 result from hydrogen use at this Project, the EIR fails to meet CEQA's standard for public
14 disclosure and informed decision making.

15 **G. The EIR does not adequately respond to public comments.**

16 121. Despite providing thorough comments on the Initial Study, Draft EIR, and at Los
17 Angeles City Council hearings, the final EIR does not adequately respond to
18 Petitioner/Plaintiff's comments raising concerns about increased air pollution, environmental
19 justice, the possible use of dirtier forms of hydrogen, and the risks hydrogen poses to
20 transportation and storage infrastructure running through communities.

21 122. CEQA guidelines require the lead agency to respond to the public's comments and
22 questions. (CEQA Guidelines § 15088.) Further, when comments raise significant
23 environmental concerns, the agency must explain why the comment was not accepted. (CEQA
24 Guidelines § 15088(c).)

25 123. The EIR does not adequately respond to comments that the Project will have
26 ripple effects on environmental justice communities as a result of increased hydrogen gas
27 demand and continued methane gas combustion at the Scattergood facility. Nor does the EIR
28 respond to comments raising concerns that by diverting renewable solar- or wind-generated

1 electricity toward electrolysis to produce hydrogen and increasing in-basin electricity demand,
2 the Scattergood Project could prolong polluting gas plant operations, thereby increasing
3 greenhouse gas and air pollution in the Basin—particularly, prolonging excess pollution in
4 disadvantaged communities already burdened by heavy truck traffic, refining, industrial
5 manufacturing, and dirty hydrogen production, may exacerbate human health impacts in those
6 communities.

7 124. The EIR also fails to respond to comments that, given LADWP’s admission that
8 current green hydrogen supply does not exist, environmentally overburdened communities have
9 no assurance that the Project will not end up relying on dirtier forms of hydrogen to combust at
10 Scattergood.

11 125. The EIR also does not respond to comments raising the alarm that blended
12 hydrogen fuels can embrittle storage and transportation materials, and that the Project thus
13 threatens the communities that surround Scattergood and those that live along pipeline routes
14 with new or increased risks of hydrogen leaks, seepage, or explosions.

15 **H. Respondents unlawfully adopted a Statement of Overriding Considerations**
16 **despite significant environmental impacts.**

17 126. The EIR admits that the Project will result in exceedances of air quality
18 significance thresholds (such as for operational VOC) and, if it had used the proper
19 environmental baseline, would find additional significant impacts to air quality (such as to NOx
20 and PM2.5). The EIR also does not establish mitigation measures which avoid these impacts.

21 127. Under CEQA, once a project’s impacts exceed the significance threshold, the
22 agency must identify that impact as significant, adopt feasible mitigation measures to avoid
23 significant impacts, and then, if the identified impacts remain significant, adopt a “Statement of
24 Overriding Considerations” to explain to the public why the project will move forward despite
25 its significant environmental impact. (*See* CEQA Guidelines § 15091; Pub. Res. Code § 21081.)

26 128. To issue a Statement of Overriding Considerations, the agency must make two
27 separate findings: 1) that “[t]here is no feasible way to lessen or avoid the significant effect . . .”
28

of the project” (CEQA Guidelines §§ 15043, 15093(b)); and 2) that the project’s benefits outweigh its significant adverse environmental impacts (CEQA Guidelines § 15093(a)). Both findings must be supported by substantial evidence. (CEQA Guidelines §§ 15093(a)-(b).)

129. The EIR admits that the Project will have significant unavoidable environmental impacts, warranting a Statement of Overriding Considerations. However, Respondents failed to provide sufficient substantial evidence to support these findings, in violation of CEQA.

130. The Center and other commenters raised various alternatives and mitigation measures that have been implemented elsewhere that are feasible here; and Respondent cannot support its finding that the purported benefits of the Project outweigh its significant environmental impacts admitted in the EIR.

PRAYER FOR RELIEF

As enumerated in the paragraphs above, Respondents violated their statutory duties, abused their discretion, failed to proceed in the manner required by law, and drew conclusions unsupported by support of substantial evidence. Accordingly, their approval of the EIR and the Project must be set aside.

WHEREFORE Petitioner prays for the entry of a judgment as follows:

1. For a writ of mandate or peremptory writ pursuant to Code of Civil Procedure section 1085, or in the alternative, section 1094.5, commanding Respondents to:

A. Set aside and vacate the certification and approval of the EIR, Findings of Fact and Statement of Overriding Conditions, any Conditions of Approval, and Mitigation Monitoring and Reporting Program supporting the approval of the Project; and

B. To set aside and vacate any approvals for the Project based upon the EIR, including but not limited to approval of any Resolutions approving the Project.

2. For temporary, preliminary and permanent injunctive relief enjoining Respondents from taking any action to construct any portion of the Project or to develop or alter the Project site in any way that could result in a significant adverse impact on the environment unless and until a lawful approval is obtained from Respondents after the preparation and consideration of a

1 legally adequate EIR and adoption of all feasible alternatives and mitigation measures;

2 3. For declaratory relief finding and ordering that the certification and approval of
3 the EIR, Findings of Fact and Statement of Overriding Conditions, any Conditions of Approval,
4 and Mitigation Monitoring and Reporting Program supporting the approval of the Project violate
5 CEQA;

6 4. For Petitioner's fees and costs of the suit, including reasonable attorneys' fees and
7 costs, as authorized by Code of Civil Procedure section 1021.5 and any other applicable
8 provisions of law; and

9 5. For any such other legal and equitable relief as this Court deems just and proper.
10

11 DATED: August 31, 2026

Respectfully submitted,

12 /s/ David Pettit

13 DAVID PETTIT (Bar No. 67128)

14 dpettit@biologicaldiversity.org

MARGARET COULTER (Bar No. 304708)

15 mcoulter@biologicaldiversity.org

CENTER FOR BIOLOGICAL DIVERSITY

16 2100 Franklin Street, Suite 375

17 Oakland, CA 94612

Tel. (510) 844-7100

18 *Attorneys for the Center for Biological*
19 *Diversity*
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VERIFICATION

I, David Pettit, hereby declare:

I am a Senior Attorney with Petitioner and Plaintiff the Center for Biological Diversity. I have read the foregoing Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief and know its contents. I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this verification is executed on this 31th day of August, 2026 at Santa Monica, California.

/s/ David Petit

David Pettit

EXHIBIT A

August 28, 2026

By U.S. Certified Mail

Los Angeles City Council
Office of the City Clerk
City Hall
200 North Spring Street
Los Angeles, CA 90012

Board of Commissioners
Los Angeles Department of Water and
Power
Corporate Environmental Affairs
Environmental Planning and Assessment
Attention: Jazmin Martin
111 North Hope Street, Room 1044
Los Angeles, CA 90012

**Re: Notice of Commencement of Legal Challenge under the California
Environmental Quality Act regarding approval of Scattergood Generating Station
Units 1 and 2 Green Hydrogen-Ready Modernization Project**

Dear City Councilmembers, Department of Water and Power Commissioners, and Ms.
Martin:

Please take notice that the Center for Biological Diversity intends to file a Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief challenging the failure of the City of Los Angeles and the Los Angeles Department of Water and Power to comply with the California Environmental Quality Act and other provisions of California law in approving on November 7, 2025 the Scattergood Generating Station Units 1 and 2 Green Hydrogen-Ready Modernization Project.

This litigation will be filed in Los Angeles County Superior Court. Please contact me if you need clarification or wish to discuss this notice.

Sincerely,

David Pettit
dpettit@biologicaldiversity.org
(510) 844-7100
Center for Biological Diversity
2100 Franklin Street, Suite 375
Oakland, California 94612

EXHIBIT B

1 David Pettit (Bar No. 67128)
Margaret Coulter (Bar No. 304708)
2 CENTER FOR BIOLOGICAL DIVERSITY
2100 Franklin Street, Suite 375
3 Oakland, California 94612
4 Telephone: (510) 844-7100
Facsimile: (510) 844-7150
5 dpettit@biologicaldiversity.org
6 mcoulter@biologicaldiversity.org

7 *Attorneys for the Center for Biological Diversity*

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11 CENTER FOR BIOLOGICAL
DIVERSITY,

12 Petitioner/Plaintiff,

13 v.

14 CITY OF LOS ANGELES; LOS
15 ANGELES DEPARTMENT OF WATER
16 AND POWER,

17 Respondents/Defendants;

18 DOES 1-10,

19 Real Parties in Interest.
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Case No. _____

**PETITIONER'S NOTICE OF
ELECTION TO PREPARE THE
ADMINISTRATIVE RECORD**

[Pub. Res. Code § 21167.6(b)(2)]

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that pursuant to California Public Resources Code section
3 21167.6(b)(2), Petitioner CENTER FOR BIOLOGICAL DIVERSITY hereby elects to prepare
4 the record of proceedings before Respondents CITY OF LOS ANGELES, a political subdivision
5 of the State of California; and LOS ANGELES DEPARTMENT OF WATER AND POWER, a
6 an agency of the City of Los Angeles, relating to the subject of the above-captioned action, or to
7 pursue an alternative method of record preparation following further discussion with
8 Respondents.

9 The record will be organized chronologically, paginated consecutively, and indexed so
10 that each document may be clearly identified as to its contents and source, in a form and format
11 consistent with California Rules of Court Rule 3.2205.

12
13 DATED: August 31, 2026

Respectfully submitted,

14 /s/ David Pettit

15 DAVID PETTIT (Bar No. 67128)

16 dpettit@biologicaldiversity.org

17 MARGARET COULTER (Bar No. 304708)

18 mcoulter@biologicaldiversity.org

CENTER FOR BIOLOGICAL DIVERSITY

2100 Franklin Street, Suite 375

Oakland, CA 94612

19 Tel. (510) 844-7100

20 *Attorneys for the Center for Biological*
21 *Diversity*

EXHIBIT C

August 31, 2026

By Electronic Mail and U.S. Certified Mail

Honorable Rob Bonta
California Attorney General
CEQA@doj.ca.gov

Re: Challenge under the California Environmental Quality Act regarding approval of Scattergood Generating Station Units 1 and 2 Green Hydrogen-Ready Modernization Project by the City of Los Angeles and the Los Angeles Department of Water and Power

Honorable Attorney General Bonta:

Find enclosed a copy of the Petition for Writ of Mandate filed to challenge the City of Los Angeles and the Los Angeles Department of Water and Power's failure to comply with the California Environmental Quality Act and other provisions of California law in approving the Scattergood Generating Station Units 1 and 2 Green Hydrogen-Ready Modernization Project.

This Petition is being provided pursuant to the notice provisions of the Public Resources Code. Please contact me if you have any questions.

Sincerely,

David Pettit
dpettit@biologicaldiversity.org
(510) 844-7100
Center for Biological Diversity
2100 Franklin Street, Suite 375
Oakland, California 94612

EXHIBIT D

1 David Pettit (Bar No. 67128)
Margaret Coulter (Bar No. 304708)
2 CENTER FOR BIOLOGICAL DIVERSITY
2100 Franklin Street, Suite 375
3 Oakland, California 94612
4 Telephone: (510) 844-7100
Facsimile: (510) 844-7150
5 dpettit@biologicaldiversity.org
6 mcoulter@biologicaldiversity.org

7 *Attorneys for the Center for Biological Diversity*

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11 CENTER FOR BIOLOGICAL
DIVERSITY,

12 Petitioner/Plaintiff,

13 v.

14 CITY OF LOS ANGELES; LOS
15 ANGELES DEPARTMENT OF WATER
16 AND POWER,

17 Respondents/Defendants;

18 DOES 1-10,

19 Real Parties in Interest.
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Case No. _____

**PETITIONER'S REQUEST FOR
HEARING AND NOTICE OF
REQUEST**

[Pub. Res. Code § 21167.4]

1 NOTICE IS HEREBY GIVEN that, pursuant to Public Resources Code section 21167.4,
2 Petitioner Center for Biological Diversity requests a hearing on the merits of the Verified
3 Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, which alleges
4 violations of, *inter alia*, the California Environmental Quality Act, Public Resources Code
5 section 21000 *et seq.*

6 This request is being filed with the Court and will be served on the parties. Following the
7 filing of this Request for Hearing and Notice of Request, any party may apply to the Court to
8 establish a briefing schedule and hearing date for the hearing. (*Leavitt v. County of Madera*
9 (2004) 123 Cal.App.4th 1502, 1514–23.) The hearing date, time, and place, and the briefing
10 schedule for the hearing are to be established by the Court following such application by any
11 party or at any case management conference to be scheduled by the Court. (*See id.*)
12

13 DATED: August 31, 2026

Respectfully submitted,

14 /s/ David Pettit

15 DAVID PETTIT (Bar No. 67128)

16 dpettit@biologicaldiversity.org

17 MARGARET COULTER (Bar No. 304708)

18 mcoulter@biologicaldiversity.org

CENTER FOR BIOLOGICAL DIVERSITY

2100 Franklin Street, Suite 375

Oakland, CA 94612

19 Tel. (510) 844-7100

20 *Attorneys for the Center for Biological*
21 *Diversity*
22
23
24
25
26
27
28