# PUBLIC REQUEST TO ADDRESS
# THE BOARD OF SUPERVISORS
# COUNTY OF LOS ANGELES, CALIFORNIA



## Correspondence Received

| | | | The following individuals submitted comments on agenda item: | |
|---|---|---|---|---|
| **Agenda #** | **Relate To** | **Position** | **Name** | **Comments** |
| 3. | | **Favor** | Brittney M Lane | |
| | | | DEBORAH K GREGORY | Ballona Creek Renaissance, a 25+ year old non-profit that CLEANS, GREENS, EDUCATES, BEAUTIFIES & ADVOCATES for the health of the Ballona Creek Watershed, is in full support of approval of the 007 Interceptor being permanently installed. While we are still working on upstream trash solutions we must work on all ends of the plastic pollution problem. The Interceptor is the best solution for downstream solutions we have ever had. We must remain vigilant in supporting ALL solutions and entrusting The County of Los Angeles to continue to help aquatic animals -and all humans- live in a world without plastic waste. We understand that The Interceptor is part of the solution and not part of the problem. We have followed the installation of The Interceptor since it was signed in with Janice Hahn and have been waiting - this is the best thing that has come along in 30 years.<br><br>We clean the Ballona creek with up to 10 cleanup events annually and up to 450 volunteers - do you know how much trash we collect? only up to 3 tons! That is a drop in the bucket compared to The Interceptor's collection stats.<br><br>Let's continue to reduce our single use plastic through legislature and work toward the same goal The Interceptor has: to make itself unnecessary! |
| | | | Elena Woodhead | |
| | | | Emily Ornella | |
| | | | Eric Boulanger | |
| | | | Erin Peters | The Interceptor has proven itself to an excellent tool to help decrease trash entering and polluting the ocean. It needs to remain as is. |
| | | | Genevieve Osmena | Please see attached pdf Environmental Evaluation memo which addresses comments received on October 7, 2024 related to CEQA. |
| | | | Heather Alvarez | This is helping so much with the trash. Removing it is not in our best interest. |
| | | | Ilene Florin | |
| | | | Irene McKwnna | We are in favor of the interceptor! |
| | | | Jennifer Duran | I am a 20 year Playa del Rey resident (10 of those years as a homeowner) & I'm strongly in favor of *keeping* the Interceptor! |
| | | | Jennifer Shen | |

**As of: 10/9/2024 9:00:09 AM**

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| **Agenda #** | **Relate To** | **Position** | **Name** | **Comments** |
| 3. | | **Favor** | Johnny Hentsch | Since this has been in place there has been a noticeable decrease in trash on the local beaches. Please remember that your fiduciary duty is to the broader audience of angelinos and not special interest groups. There is absolutely no legitimate justification to remove the interceptor which was an absolute success from every measurable metric. Not only should the interceptor be fully adopted, another should be added further upstream to capture even more trash running into the ocean (which ends up on the shore). |
| | | | Juliana Bolden | Interceptor is working, reducing waste, making environment healthier, and needs to continue operating.<br>PDR neighborhood resident |
| | | | Kai Chang | |
| | | | Karla Garcia | |
| | | | Karolina Csmarillo | We are in favor of interceptor |
| | | | Karyn Frazeur | The TOC and their Interceptor project have been a crucial part of cleaning up the beaches and water in our community. It's such a genius project. Please do not take it away!! |
| | | | Ken Toman | Please do not remove this amazing piece of useful technology. Everyone I know in Playa del Rey has seen and remarked about the difference it has made since its installment. It's quiet, clean and efficient! So much less trash and waste end up on our beautiful beaches and in our lovely ocean with the Interceptor in place. Keep it please! |
| | | | Kendra Zager | The Ballona Creek Trash Interceptor pilot program has rejuvenated our beaches by keeping them safe from trash, debris, and bacteria/diseases that drain throughout the city and into the ocean. This project has been a God send for the entire South Bay area. Please please please vote to keep the Interceptor to protect our beaches, children, and seaside communities. |
| | | | Lori Snyder | I live right down the beach from the Interceptor and have been so thrilled and amazing at how much cleaner the beach has been since its inception. The amount of litter it picks up and saves from entering our oceans and landing on our beaches is astonishing. As a resident and a former marine biologist both, this has been one of the best ways to address litter I've seen over many years. I am in full favor of Item 3 and hope we house the Interceptor for a long time on Ballona Creek. Thank you. |
| | | | Lucy Han | Interceptor is keeping tons of trash from our Beach. We must keep it. It's been proven. We live in the area. We see it working during storm season. |
| | | | Madison K Weber | Keep the interceptor! |
| | | | Maria Pacheco | The Interceptor is working. Please do not remove. We live at the beach and the impact is profound. We need more of these!! |

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| | | | The following individuals submitted comments on agenda item: | |
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| **Agenda #** | **Relate To** | **Position** | **Name** | **Comments** |
| 3. | | **Favor** | Mark Kubisch | |
| | | | Martha E Browning | |
| | | | Michael Mocellin | We need to keep this in place as it's doing a great job in collecting the trash! |
| | | | Monique Lacey | Leave the Interceptor in Ballona Creek. Why would anyone want to remove 007 when it's invaluable to keeping the area clean? Come on, people, use common sense. |
| | | | Natasha Khamashta | Please keep the Interceptor. It helps our environment, beaches,pollution,and collects trash so we don't physically have to. It's a huge benefit to all of Los Angeles County. Thank you. |
| | | | Nick Contino | Please make this a permanent fixture on our coast. It's been very beneficial to all who enjoy the beaches and ocean. Without the Interceptor, the trash consumes the iconic beaches, rendering them unsafe from bacteria and sharp trash like needles and metal shards. A vote for the Ballona Creek Trash Interceptor Project is a vote for safe LA beaches. |
| | | | Pat Healy | Please do not remove the interceptor. It does so much good for our community and our beaches. Thank you. |
| | | | Ravi Sankaran | Please see attached support letter for the Ballona Creek Interceptor Project. |
| | | | Rebecca Poulter | |
| | | | Robert Johnson | I cannot emphasize enough the impact this interceptor has made after storm events. Prior to the interceptor, I avoided the beach after storms for a few weeks due to the amount of trash spewed from the creek, as well as the nature of that trash (broken glass, shopping carts, dead rats, etc.). The trash was at its most intense for the first mile south of the Ballona Creek. It is an entirely different scene now. Yes there is garbage that washes up, but significantly less garbage than before. The company that provided the Interceptor has provided numerous documents illustrating the fact that marine animals are not prohibited from swimming in the creek, that there is no smell coming from the device, that the low hum *SOMETIMES* emanating from the device is drowned out by airplanes, cars, people's portable music devices, and talking at normal levels. There are no arguments against this device that stand up to even the most casual scrutiny. It is true that this device does not clean ALL parts of the Ballona Creek, nor can it protect beach-lovers from toxic spills. However, by any measure, this is a valuable tool in the fight to stop the garbage flow of Los Angeles from entering the ocean. Those of us who go into the water would love to see more efforts like this rather than fewer. |
| | | | Robert Wilt | We must keep the interceptor it is absolutely essential to keeping our beaches clean. There is such a huge noticeable difference in the cleanliness of the beaches since it was installed. |

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| | | | The following individuals submitted comments on agenda item: | |
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| **Agenda #** | **Relate To** | **Position** | **Name** | **Comments** |
| 3. | | **Favor** | Robert Wilt | I'm writing on behalf of both myself, my homeowner's association as well as my 4 year old son. It is imperative that we keep the Interceptor in place. There is clear empirical evidence that it stops massive amounts of trash and debris from ending up on our beaches in Playa Del Rey. There may be other approaches to preventing debris from entering the water but these should be addressed in addition to the Interceptor. OUR CHILDREN WANT TO PLAY ON CLEAN BEACHES! |
| | | | Stacey Cochrane | Living in Playa del Rey on the beach I have seen a marked difference in the trash on our beaches. On times after storms you can see the huge amounts of trash that are caught and removed by the interceptor. To remove it would make absolute no sense as it would not help any problems and would simply put all of our trash back into the ocean and on the beach. It is working. PLEASE do not take it away. We have also used it as a great lesson for our 8 year old in how we can make a different in liter and trash for future generations. Please do not show him that government bureaucracy can win out and take that away. |
| | | | Stuart Berkowitz | We need to keep The Interceptor. Its impact is clearly visible on our beach. It has cleaned things up remarkably. Removing would be a deliberate acknowledgement that LA will gladly keep our beaches polluted. |
| | | | Tone Sarian | Do not remove! Please! It is working!!! |
| | | | Victor Chen | Please keep it since it's working. |
| | | **Oppose** | David C Smith | |
| | | | Lea Deesing | We oppose the removal of this interceptor. It’s doing its job well. |
| | | **Other** | Elle Peterson | Please don't remove the interceptor. It's helping our beaches so much. Why would anyone think of removing it? They did such a great job making sure it worked with the environment. If anything you should expand the project |
| | | | Justin Breck | While Los Angeles Waterkeeper remains neutral on the Ballona Creek Trash Interceptor Project (“Project”), we do have concerns about the Project.<br><br>While appreciative that the Interceptor is meant to be the final backstop before debris reaches the ocean (where it becomes exceedingly difficult to remove), we are concerned that the Project by its very nature sends a message that we do not need to address trash closer to the source. We would instead like to see a much stronger focus on upstream capture of waste, as well as continuing to reduce the overall use of single-use plastics (and shifting the burden on those companies that create such waste).?The County must invest first and foremost in addressing trash and plastics upstream/close to the source of the waste; the Project’s barge and bins should only be an option of last resort. Efforts should be made to identify sources of trash, and those sources/entities should cover all costs of the |

| | | | | |
|---|---|---|---|---|
| | | | | Project. Waste reduction – not just waste collection – should be heavily prioritized.<br><br>Moreover, there are other aspects of the Project that may have been misleading, and which could potentially be deployed to make the effort more environmentally friendly. The promoted “solar power” of the Project has been misleading; the solar power has not been consistent and has often been shut down during stormy, cloudy weather. It should be explored whether the Interceptor could utilize renewable energy more fully. Additionally, before the pilot was deployed, there were vague references to the possibility of recycling some of the trash collected by the Interceptor, but there has been nothing suggesting recycling is possible or has occurred since the project was deployed. While we are skeptical as to how much of this waste (after it has been in Ballona Creek) could be recycled, it is worth more fully exploring the potential so that we can avoid just adding more debris to our landfills.<br><br>More importantly, the County previously represented in the March 23, 2022 virtual community meeting that environmental review for the project would occur pursuant to the California Environmental Quality Act (CEQA), but now the County is asserting a vague and unsubstantiated CEQA exemption pursuant to Guidelines section 15303(d) and (e) which pertain to “utility extensions” and “accessory (appurtenant) structures,” respectively. Neither of those sections seem to apply to the project, which is a device placed directly in the aquatic environment and may have significant environmental impacts that must be assessed to some degree. We are concerned that the community will be deprived of the necessary information about the permanent deployment of the project, including where it will be located in Ballona Creek, to understand the potential significant environmental impacts of the project. CEQA review is particularly important given the documented issues the County has seen with the Interceptor during the pilot period, including two separate incidents of damage to the device’s trash barriers following heavy winds and strong storms in January 2023 and February 2024. Such environmental review could also assess how the Project could better utilize renewable energy and even potentially recycle waste collected.<br><br>For these reasons, we have concerns about the Project and would like to see its direction overhauled per the suggestions above, along with a robust environmental review pursuant to CEQA before approving the permanent deployment of the Interceptor. |
| | | **Item Total** | **44** | |
| **Grand Total** | | | **44** | |

**As of: 10/9/2024 9:00:09 AM**

CITY OF LOS ANGELES

CALIFORNIA

# DEL REY NEIGHBORHOOD COUNCIL

Mailing Address:
4325 Glencoe Ave #9365
Marina Del Rey, CA 90292

Email: board@delreync.org
Website: www.delreync.org

October 4, 2024

LA County Board of Supervisors
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Subject: October 8 BOS Meeting, Agenda Item 3 Ballona Creek Trash Interceptor Project

To whom it may concern:

In January 2022, the Del Rey Neighborhood Council (DRNC) Board of Directors approved a motion supporting the Ballona Creek Interceptor trash diversion pilot project and urging LA County to proceed with its installation. A copy of the DRNC's January 2022 support letter is attached for reference.

On October 1, 2024, the DRNC Green Committee approved a motion to show support for the Interceptor's continued deployment, operation, and maintenance within the same location in Ballona Creek. The two-year pilot phase demonstrated that operation of the Interceptor effectively captured floating trash and debris in Ballona Creek and prevented trash from entering Santa Monica Bay, the ocean, or our beaches. This project by LA County in partnership with The Ocean Cleanup will protect the environment and improve the quality of life for residents of Del Rey and other nearby Los Angeles County neighborhoods. Therefore we support the Interceptor's continued operation.

Regards,

Ravi Sankaran
President
Del Rey Neighborhood Council
Ravi.Sankaran@delreync.org

Attachment: January 17, 2022 DRNC Interceptor support letter

DEL REY NEIGHBORHOOD COUNCIL



**Del Rey**
**Neighborhood Council**
**4325 Glencoe Ave #9365**
**Marina del Rey, CA 90292**
**board@delreync.org**
**www.delreync.org**
**empowerla.org/drnc**

January 17, 2022

Councilmember Mike Bonin
Los Angeles City Council District 11
200 N. Spring St. #475
Los Angeles, CA 90012

Dear Councilmember Bonin,

On January 13, 2022, the Del Rey Neighborhood Council (DRNC) approved a motion supporting the Interceptor trash diversion project. The project was originally approved by the LA County Board of Supervisors in November 2019 and authorizes the installation of an advanced river cleanup system in the Ballona Creek to collect debris that would otherwise flow into the ocean. The DRNC motion states the following:

***The DRNC requests that the LA City Council support the Interceptor trash diversion pilot project as approved by LA County to proceed as planned in Ballona Creek in 2022, which is expected to divert more than 50% of the approximately 60,000 pounds of trash per year that flow into the ocean through the mouth of the creek.***

As the project location is in LA County Supervisor Holly Mitchell's district, the DRNC requests that Councilmember Bonin communicate the City Council's support to Supervisor Mitchell to allow the project to proceed as originally planned for the benefit of local stakeholders.

Regards,

Matt Wersinger
President, DRNC

Cc: LA County Supervisor Holly Mitchell

Attachment: Executed agreement between the Los Angeles County Flood Control District and The Ocean Cleanup Interception, dated November 15, 2019

manatt

**David C. Smith**
Manatt, Phelps & Phillips, LLP
Direct Dial: (415) 291-7452
DCSmith@manatt.com

October 7, 2024

Client/Matter #71105-030:

71105-030
**VIA ELECTRONIC MAIL (***executiveoffice@bos.lacounty.gov***)**

The Honorable Board of Supervisors
County of Los Angeles
383 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

***Re: Ballona Creek Trash Interceptor Project ("Project"); Board of Supervisors Meeting October 8, 2024 Agenda Item No. 3***

Dear Honorable Members of the Board of Supervisors:

This firm represents David and Tracy Blumenthal with regard to the referenced matter. The Blumenthals live in immediate proximity to the outfall of Ballona Creek into the Pacific Ocean, the proposed location for permanent installation of Ballona Creek Trash Interceptor ("Interceptor"). The Blumenthals are also parties to that certain "SETTLEMENT AGREEMENT BETWEEN TRACY BLUMENTHAL AND DAVID BLUMENTHAL, THE OCEAN CLEANUP NORTH PACIFIC FOUNDATION, AND THE COUNTY OF LOS ANGELES, AND THE LOS ANGELES FLOOD CONTROL DISTRICT" dated on our around October 17, 2022 ("Settlement Agreement"). Despite the County's actual knowledge of the Blumenthals' interest in and opposition to the proposed Project via the Settlement Agreement, to our knowledge the Blumenthals were not provided any notice of the Board's pending consideration of permanent installation of the Interceptor.

The County proposes to adopt the Project – the permanent installation of a floating barge with wings that flare out the full expanse of Ballona Creek and are affixed to the levee sides of the creek with metal facilities – without any consideration of the potentially significant impacts on the environment under the California Environmental Quality Act. Instead, County staff asserts that the project is exempt as a "small structure" under CEQA Guideline 15303, subdivisions (d) and (e) which provides:

> *Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor*

> *modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:*
>
> . . .
>
> *(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.*
> *(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.*

Reliance on Section 15303(d) and (e) is inappropriate for this Project and a full environmental impact report considering all potentially significant impacts of the Project on the environment must be prepared in advance of any consideration of permanent installation of the Interceptor into Ballona Creek.

As a threshold matter, the Project is not the type of "limited, small facilities" anticipated by Section 15303. It is not akin to a water main, sewage, electrical or other extension of utility services related to a construction project. Nor is it an accessory structure – it is a free-floating barge in open water tethered across the expanse of Ballona Creek. Reliance on Section 15303 is misplaced facially.

Additionally, categorical exemptions such as Section 15303 are inappropriate for Projects with "unusual circumstances." CEQA Guideline Section 15300.2(c). This section prohibits reliance on a categorical exemption where the project presents unusual circumstances and "if the project presents unusual circumstances, whether there is a reasonable probability that a significant environmental impact will result from those unusual circumstances. *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4$^{th}$ 1086, 1098.

The fact that the Interceptor had to be subject to a test "pilot program" demonstrates the unusual nature of the contraption and lack of demonstrable precedent as to its operation. Our prior comment letter opposing installation even for the prior pilot program is attached hereto.

As to the reasonable probability that the Project will result in a significant impact on the environment, the proposed motion summarily proclaims: "Based on the information obtained during operation of the Pilot Project, the Pilot Project did not result in any significant environmental impacts." As a threshold matter, under the Settlement Agreement, the County is prohibited from relying on the Pilot Project for any type of environmental baseline consideration. Additionally, other than reports on the amount of trash collected, the record is devoid of any

substantial evidence support the contention of a lack significant impacts on the environment. Quite to the contrary, the mere placement of the Interceptor is an immediate and significant aesthetic impact, the "wings" of the device block uninhibited movement of aquatic species in and through Ballona Creek, and the compilation of trash is an attractive nuisance for avian and terrestrial pests and rodents.

Accordingly, reliance on Section 15303 or any categorical exemption to escape comprehensive environmental review of the Project would violate CEQA. We ask that the matter be withdrawn from Board consideration until such time as full environmental review including imposition of all feasible mitigation measures and consideration of reasonable alternatives is completed.

We appreciate your time and consideration.

Sincerely,

David C. Smith
Manatt, Phelps & Phillips, LLP

cc: David and Tracy Blumenthal

Nicole Gordon, The Sohagi Law Group (via email)

# ATTACHMENT

manatt

**David C. Smith**
Manatt, Phelps & Phillips, LLP
Direct Dial: (415) 291-7452
DCSmith@manatt.com

April 4, 2022

Client-Matter: #59775

**VIA ELECTRONIC MAIL (***executiveoffice@bos.lacounty.gov***)**

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: Ballona Creek Trash Interceptor
April 5, 2022 Agenda Item 54 -- Impropriety of Reliance on November 2019 Notice of Exemption

Dear Honorable Members of the Board of Supervisors:

We represent David and Tracy Blumenthal with regard to the referenced matter. While we commend the County for its efforts to rid our aquatic resources of a significant pollutant of concern, i.e., trash, we fear that employing abridged means of accomplishing a laudatory goal may ultimately have the opposite outcome of the original intent.

We believe there are many aspects of the Ballona Creek Trash Interceptor ("Project") that remain experimental and unproven, especially in the highly sensitive proposed location at the confluence of Ballona Creek and the Pacific Ocean, immediately adjacent to the Ballona Wetlands Restoration Project. Accordingly, we respectfully contend the adoption of a Notice of Exemption ("NOE") for this significant and impactful Project is not only imprudent but would be in violation of the California Environmental Quality Act ("CEQA"), should you proceed only in reliance on the November 5, 2019 NOE as recommended in the Staff Report.

The entire 615 page Staff Report analyzing the environmental impacts of the Project are all dated *after* the Board adopted the subject NOE on November 5, 2019. The majority of the environmental technical studies by Stantec and others are all dated October 2020. And, critically, the "Environmental Evaluation" – a mandatory component of analysis prior to adopting one of the CEQA exemptions claimed by the County on November 5, 2019 – is dated March 22, 2022, less than two weeks ago. (Staff Report, pp. 7 – 27.)

Additionally, the location of the proposed Project was moved *after* adoption of the NOE. (Staff Report, pg. 2.) Accordingly, it was impossible for the Board to have had any accurate and applicable substantial evidence regarding "consideration of environmental factors" as required by CEQA. (*See,* Pub. Res. Code § 21102; CEQA Guidelines 15306, as discussed below.)

In the November 5, 2019 NOE, the Board identified the following as justifying the Project being exempt from full environmental review under CEQA:

- Categorical Exemption. State Type and section number: §15306
- Statutory Exemption, State code number: § 15262

The narrative justification offered in support of adoption of the NOE was:

> Having considered environmental factors, the Pilot Project is exempt from CEQA per Section 15262 because it involves only a feasibility study of the Interceptor™ as a trash removal option within Ballona Creek for possible future action which the Los Angeles County Board of Supervisors has not approved, adopted or funded.
>
> The Pilot Project is exempt from CEQA per Section 15306 of the State CEQA Guidelines and Class 6 of the County's Environmental Document Reporting Procedures and Guidelines, Appendix G because it consists of basic data collection and research Interceptor's™ effectiveness to abate trash in Los Angeles County watersheds and prevent it from reaching the ocean.
>
> The Pilot Project is not located in a sensitive environment and there are no cumulative impacts, unusual circumstances, substantial adverse change in the significance of any historic resource or other limiting factors that would make exemption inapplicable based on the project records. (November 5, 2019 NOE, pp. 1-2.)

The actual text of CEQA Guidelines Section 15306 provides:

> Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities ***which do not result in a serious or major disturbance to an environmental resource***. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded. (***Emphasis*** added.)

Nowhere in the November 5, 2019 NOE does the County identify a finding, much less evidence in support of a finding, that the purported "activities" "do not result in a serious or major disturbance to an environmental resource." Perhaps the implication is that it took all 615 pages of the Staff Report to establish such a finding. But there are two problems: first, the Staff

Report never expressly makes such a finding; second, even if it did, not one of the 615 pages presented to this Board today was in front of it in support of making such a mandatory finding on November 5, 2019.

As to CEQA Guidelines Section 15262, it provides:

> A project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR or negative declaration ***but does require consideration of environmental factors***. This section does not apply to the adoption of a plan that will have a legally binding effect on later activities. (***Emphasis*** added.)

As noted above, pages 7 to 27 of the Staff Report present an "Environmental Evaluation" for the Board's consideration, presumably seeking to satisfy the mandate of Section 15262. However, this analysis is dated March 22, 2022. Additionally, nothing in the November 5, 2019 NOE purports to find nor attest to the presence of evidence demonstrating "consideration of environmental factors" in support of adoption of the NOE at that time.

Finally, even were anyone to suggest the timely presence of evidence in support of the mandatory components of Sections 15306 and 15262, there was subsequently a material and consequential change in the Project – its relocation in more immediate proximity to the opening of Ballona Creek to the Pacific Ocean. Among other things, the location changed from the jurisdictional drainage control of the Los Angeles County Flood Control District to that of the U.S. Army Corps of Engineers. (See, Staff Report, pg. 6.)

Accordingly, taking action on the Project today solely in reliance on the November 5, 2019 NOE would violate CEQA. And while our procedural objection to reliance on the past and unsupported NOE is addressed above, we have substantive objection to reliance on an NOE for this significant project being placed in this sensitive resource in any instance. Included in our concerns, not addressed in the Staff Report, are:

- Obstruction of a navigable waterway in violation of Section 10 of the Federal Rivers and Harbors Act;

- Saturated pollution trapped by the booms sinking and falling to the floor of Ballona Creek constituting an unpermitted discharge of dredge or fill material into waters of the United States in violation of the federal Clean Water Act, exposing the County to potential citizen enforcement suits;

- No consideration or analysis regarding compliance with the State of California's new Wetland Riparian Area Protection Policy (https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.html); and

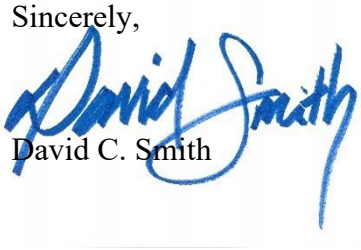
- Analysis and implications of the potential presence of California "fully protected" birds, the California least tern and, potentially, the brown pelican.

While we understand that some at the County are of the mind that establishment of this facility can defer CEQA analysis as a "research" or "evaluation" facility, there are no similar exemptions in other permitting regimes – federal and state – that regulate the placement of a major obstruction in the midst of an open and tidal watercourse that, by design, necessitates an ongoing regime of engagement, maintenance, and impacts to the open waters and the biologic resources and species dependent thereon.

With respect, in no instance does there record before you support proceeding in mere reliance on the November 5, 2019 NOE. Further, the unstudied implications of this new technology in this dynamic location require full evaluation under CEQA.

We appreciate your attention to our concerns.

Sincerely,



David C. Smith

DCS:dcs

cc: Mark Pestrella (mpestrella@pw.lacounty.gov)
Mark Yanai (myanai@counsel.lacounty.gov)
Laura Jacobson (LJacobson@counsel.lacounty.gov)
Lauren Dods (Ldods@counsel.lacounty.gov)
Cung Nguyen (CUNGUYEN@dpw.lacounty.gov)

August 1, 2024

TO: Matthew Frary, PE
Stormwater Planning Division

FROM: for Mark A. Lombos, PE
Stormwater Quality Division

**ENVIRONMENTAL EVALUATION**
**BALLONA CREEK TRASH INTERCEPTOR PROJECT**
**PROJECT ID SWQD.EE.2024.00026**

Provided herein is an environmental evaluation of the proposed Ballona Creek Trash Interceptor™ (Proposed Project). As demonstrated below, the Proposed Project is categorically exempt from the California Environmental Quality Act (CEQA).

## I. Lead Agency

Los Angeles County Flood Control District

## II. Location

The Proposed Project would be located approximately 500 feet downstream of the Pacific Avenue Bridge in Ballona Creek. Figure 1 shows the project location.

## III. Background

During storm events, Ballona Creek receives an influx of trash from the urban watershed through a network of streets and storm drains. To address trash and debris that make their way into Ballona Creek, the District's maintenance personnel routinely capture and remove trash and debris within and along Ballona Creek after each storm. The District operates a trash boom in Ballona Creek; however, on numerous occasions it has not been fully effective at capturing trash and when it is successful at capturing trash, removal of the trash is labor intensive. In March 2019, the Los Angeles County Board of Supervisors directed Los Angeles County Public Works to evaluate additional trash removal options in Ballona Creek.

The Ocean Cleanup (TOC) is a non-profit organization that specializes in the development of advanced technologies for the large-scale cleanup of floating trash and suspended waste from the ocean. Following the Board's direction in 2019, TOC approached the District with a trash interception system (the "Interceptor™") that aims

to reduce pollution from rivers and channels that outlet to the ocean. Ballona Creek was identified as a prospective site to collect information on the effectiveness of the Interceptor™. The District identified the Interceptor™ as a potential option to reduce trash and debris carried through the streets and storm drain systems in the Ballona Creek Watershed and ultimately into Santa Monica Bay.

On November 5, 2019, the Board authorized the District to enter into an agreement with TOC to implement a pilot project to evaluate the performance of the Interceptor™ and feasibility of its use by the District to abate trash effectively within Ballona Creek ("Pilot Project") covering two storm seasons. Prior to approving the Pilot Project, the District found the Pilot Project exempt from analysis under CEQA per Sections 15262 (Feasibility and Planning Studies) and 15306 (Information Collection) of the State CEQA Guidelines and Class 6 of the County's Environmental Document Reporting Procedures and Guidelines, Appendix G. The District filed a Notice of Exemption on November 5, 2019, documenting these findings.

On November 15, 2019, the District executed the agreement, and a set of Minimum Performance Criteria were established to measure the performance of the Interceptor™ during the pilot period and to assess: (1) the efficacy of the Interceptor; and (2) the District's ability to effectively operate and maintain the device.

On April 5, 2022, the Board approved changes to the Pilot Project and authorized the Director of Public Works or his designee to construct a mooring system for the Interceptor™ using a Board-approved Job Order Contract. The changes included revising the location of the Interceptor™ from upstream to downstream of the Pacific Avenue Bridge and delivery of the Interceptor™ by TOC fully assembled rather than in parts to be assembled by the District. Other refinements included the size of the Interceptor™, mooring details, the monitoring system, and methods to evaluate Interceptor™ performance. The Board found these revisions and refinements within the scope of the activities approved in 2019, and that the Pilot Project remained statutorily exempt from CEQA pursuant to Section 15262 (Feasibility and Planning Studies) of the State CEQA Guidelines and categorically exempt pursuant to Section 15306 (Information Collection) of the State CEQA Guidelines, as well as Section 15311 (Accessory Structures) of the State CEQA Guidelines and Class 6 and 11 of the County's Environmental Document Reporting Procedures and Guidelines, Appendix G. The District filed a second Notice of Exemption on April 11, 2022, documenting these findings.

Construction of the mooring system for the Interceptor™ began in June 2022 and was completed in October 2022. The Interceptor™ was deployed on October 6, 2022.

Over the Pilot Project data collection period, which ended on April 15, 2024, and included two storm seasons, the Interceptor™ prevented over 248,000 pounds (124 tons) of trash and debris from reaching the Pacific Ocean and local beaches.

As the Pilot Project period draws to a close, Public Works is seeking Board approval to maintain the Interceptor™ in Ballona Creek on an ongoing basis and, specifically, to find that the Proposed Project, associated Cooperation Agreement, and related actions are exempt from CEQA; find that the Minimum Performance Criteria for the Interceptor™, as defined under the 2019 Pilot Project Agreement, were met; approve the Proposed Project for implementation by Public Works; and authorize the Chief Engineer of the District or his designee to negotiate, enter into, and amend a Cooperation Agreement with TOC.

## IV. Project Description

The purpose of the Proposed Project is to reduce trash and debris carried through the streets and storm drain systems in the Ballona Creek Watershed to Ballona Creek and ultimately into the Santa Monica Bay. The floating Interceptor™ is a single vessel moored in Ballona Creek through six moorings—four of which anchor the vessel itself and two of which anchor two in-water floating trash booms—that are installed above the ordinary highwater mark of Ballona Creek in the Ballona Creek North Jetty and the Ballona Creek South Jetty.

The placement of floating trash booms (also called "barriers") and the downstream current allows trash drifting down Ballona Creek to be funneled into the Interceptor™ during and following storm events. The floating debris converges on the mechanical conveyor belt of the Interceptor™, which automatically feeds the trash into a floating receptacle, thus preventing the refuse from reaching the Santa Monica Bay and Pacific Ocean. Outside of storm events, the northern trash boom is continuously deployed and extends between the Northern Jetty and the opening of the Interceptor, while the southern boom is detached to allow access through Ballona Creek. Figures 2 and 3 are photos of the Interceptor™ during the Pilot Project period in Ballona Creek.

### Baseline Conditions

For purposes of evaluating whether the Proposed Project qualifies for exemption from CEQA, the existing Interceptor™ is not considered as part of the "baseline" conditions. In other words, the evaluation below considers how the Proposed Project would affect physical environmental conditions as they existed *before* deployment of the Interceptor™ in October 2022.

## Proposed Project Components

The Interceptor™ includes the following components and features.

- **Catamaran Hull:** The Interceptor™ consists of a steel catamaran hull that allows the water to flow through the extraction conveyor with minimal obstructions and is 74-feet long, 29-feet wide, and 18-feet high. The catamaran's outer hull has connecting points for the four anchor lines that moor the Interceptor™ to the Ballona Creek Jetties and the two booms on the Interceptor™. The catamaran's inner hull also provides connecting points for the dumpster barge that floats within the catamaran hull.

- **Booms:** Floating trash and debris flowing down Ballona Creek are guided by a barrier or boom system (using one or two trash booms depending on conditions) toward the opening of the Interceptor™. There are two types of booms that float atop the water that extend either 18 or 32 inches beneath the water surface. The booms are designed to have a low draft that allows water to pass underneath without significant interference. In the event of high flow speeds within Ballona Creek, the booms are designed to detach from the moorings on top of the jetties.

- **Conveyor Belt:** The current within Ballona Creek moves the debris onto a low-speed conveyor belt, which can be controlled remotely or manually, if needed, to extract the floating debris from the water and deliver the waste to the shuttle. This reduces the potential for trash piling up along the booms. The automated conveyor belt allows a fully operational Interceptor™ to extract up to 50,000 kilograms of floating debris per day (i.e., approximately 110,000 pounds or 55 tons per day), assuming that amount of trash reaches the Interceptor™. The conveyor belt system has a maximum depth of approximately 3.6 feet underwater.

- **Shuttle:** A shuttle automatically distributes the debris across six dumpsters. Using sensor data, the dumpsters are filled evenly to ensure stability, until they reach full capacity. The Interceptor™ also includes a telemetry system to send notifications once the dumpsters are full.

- **Dumpsters and Dumpster Barge:** The Interceptor™ includes six dumpsters, each with a capacity of 8.3 cubic meters (approximately 293 cubic feet or 10.9 cubic yards). In total, the six dumpsters can store up to approximately 50 cubic meters (approximately 1,766 cubic feet or 65.4 cubic yards) of trash before needing to be emptied. A reusable trash net lines each dumpster for easy

removal and disposal of the captured trash. The dumpsters are located on top of a barge, which is towed or pushed into the Interceptor™ to be loaded. The dumpster barge is 42-feet long by 17-feet wide by 6-feet high. The dumpster barge floats within the catamaran hull of the Interceptor™. Figure 4 provides an aerial view of the Interceptor™ showing the dumpsters within the barge. Figure 5 shows the dumpsters and dumpster barge after removal from the Interceptor™ for offloading of the trash and debris for transportation to a solid waste facility for processing and disposal, as appropriate.

- **Crane and 40-Yard Roll-Off Dumpster:** A crane and 40-yard roll-off dumpster is located near the Marina del Rey Public Boat Launch. The crane and dumpsters are temporarily brought onsite for debris removal and taken away after offloading operations have completed.

- **Tow Boat:** A gas-powered boat is used to tow or push the dumpster barge for offloading trash or transporting the dumpster barge back to the Interceptor™. Similar gas-powered boats may be used to transport visitors for visits to the Interceptor™.

- **Power Supply:** The Interceptor™ requires a power system for its operations and to store data. The power system consists of a solar panel system and a battery system.

    - **Solar Panel System:** The Interceptor™ is powered through a solar panel system that is installed on top of the Interceptor™ and has a solar capacity of up to 7.8-kilowatt peak (kWp).

- **Battery System:** The battery system has a minimum capacity of 20-kilowatt hour lithium ion (kWh Li-ion) contained in cabinets on board the Interceptor™.

- **Cameras:** Cameras installed on the Pacific Avenue Bridge may continue to be used during the Proposed Project to track the amount of floatable debris passing underneath the bridge toward the Interceptor™. A camera system is mounted with brackets along the west side of the bridge, and does not impede pedestrian or vehicular access along the bridge. Figure 6 shows an overview of the cameras.

## Proposed Project Operations and Maintenance

### Primary Activities

The Proposed Project would involve the following primary activities:

- Operating the Interceptor™ to collect floating trash from Ballona Creek in dumpsters inside the Interceptor™;
- After receiving notification, towing the dumpster barge to the Marina del Rey Public Boat Launch for trash removal and off-site processing and disposal at an appropriate solid waste facility;
- Towing the dumpster barge with empty dumpsters from the Marina del Rey Public Boat Launch to the Interceptor™ in support of continued trash collection;
- Attaching and detaching the second trash boom, as needed;
- Regular maintenance of the Interceptor™ and trash booms;
- Visits to the Interceptor™ and aboard the Interceptor™ for fundraising or other purposes.

The following activities may be involved infrequently, if repair or movement of Interceptor™ is required:

- Removing the Interceptor™ from the moorings for movement or repair;
- Floating the Interceptor™ into position using a support vessel;
- Connecting the Interceptor™ and trash booms to the moorings;

### Trash Boom Operations

The Interceptor™ would use two booms during high-trash flow events (Figure 2). Typical configuration during the remainder of the time would consist of keeping the northern boom in place while the southern boom is detached from the jetty to provide boating access to the creek (Figure 3).

### Trash Removal and Disposal Process

When the Interceptor™ is almost at capacity, the telemetry system would automatically send a message to the local operators to collect the waste. Operators would retrieve the dumpster barge out from the Interceptor™ and tow the barge to the Public Boat Launch in Marina del Rey. A crane and 40-yard roll-off dumpster would be located in the parking lot near the boat launch during the offloading operations. The crane would be used to lift and empty the reusable trash nets from each dumpster

into the roll-off dumpster for disposal at an appropriate solid waste facility, and the dumpster barge would be towed back to the Interceptor™. Figure 5 shows one of the reusable trash nets being lifted out of one of the dumpsters.

Maintenance

Maintenance of the Proposed Project would include routine Interceptor™, trash booms, and mooring inspections; regular removal of algae and other debris from the Interceptor™ hull and trash booms; routine washing of the solar panels with water; and servicing of mechanical equipment as needed. Maintenance would be conducted in channel, and in compliance with any applicable regulations. Inspection and maintenance are expected to occur on a weekly basis during the storm season (October to April) and monthly during the dry season (May to September). Maintenance may also include replacement and installation of the trash booms or other components of the Interceptor™ system, as needed.

## V. Environmental Studies

A number of environmental studies and reports were conducted in connection with the District and Board's previous consideration of the Pilot Project (Attachments A through F). TOC also prepared an Environmental Monitoring Report (Attachment G), which studied the interaction of wildlife with the Interceptor™ and characterization of debris from the Interceptor™. The results of these studies are presented below. Additionally, during the Pilot Project period, TOC, in partnership with Loyola Marymount University (LMU), conducted observations at the Interceptor™; and in April 2024, lighting, noise, odor, and vector assessments were conducted while the Interceptor™ was deployed for the Pilot Project (Attachments H through O).

### Biological Resources Studies

In October 2020, Stantec Consulting Services Inc. (Stantec), prepared a Biological Assessment (Attachment A), Biological Resources Technical Report (BRTR), which included a Marine Biological Study (Attachment B), an Essential Fish Habitat Assessment (Attachment C), and a Jurisdictional Delineation (Attachment E) to understand the biological resources in the proposed Pilot Project location. Results from the Biological Assessment, BRTR, and Essential Fish Habitat Assessment concluded that the Interceptor™ would not have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species, and would not have substantial adverse effect on any riparian habitat or other sensitive natural community, in local or regional plans, policies, or regulations, or by the California

Department of Fish and Wildlife or United States Fish and Wildlife Service. Further, the Jurisdictional Delineation confirmed that no portion of the Pilot Project area would be considered Federal wetlands or meet jurisdictional wetland parameters. Therefore, neither the Pilot Project nor the Proposed Project would have a substantial adverse effect on State or Federally protected wetlands.

**Cultural Resources Investigation**

In October 2022, Stantec conducted a Class III intensive cultural resources inventory (Attachment D) on behalf of Public Works on the embankments of Ballona Creek near the Pacific Ocean coastline, west of the Ballona Creek-Pacific Avenue Bridge (Pacific Avenue Bridge) in the City of Los Angeles, adjacent to Marina del Rey in Los Angeles County. The cultural resources investigation identifies that the Pacific Avenue Bridge is considered a historic property for the purposes of Section 106 of the National Historic Preservation Act, adding to the existing character or quality of the area. The cultural resources investigation noted that the Interceptor™ would be visible from several vantage points at and near the Pacific Avenue Bridge; however, the placement of the vessel would be several hundred feet away and the distance would reduce any visual effects to a level that would not diminish the integrity of the bridge. The cultural resources investigation also determined that the monitoring system, which would be visible from below the bridge, would not require any major structural alterations to the bridge, but rather small points of attachments at select locations that, if removed, could be repaired in-kind to match existing conditions. The cultural resources investigation concluded that installation of the Interceptor™ would not result in visual impacts to the Pacific Avenue Bridge (Stantec, 2020). Because the Proposed Project, including the monitoring system, would be located in the same location and operate in the same manner as the Pilot Project, the cultural resources investigation demonstrates that the Proposed Project would not result in any adverse impacts to the Pacific Avenue Bridge.

**LMU - Environmental Monitoring**

As mentioned above, TOC, in partnership with LMU, conducted observations at the Interceptor™ during the Pilot Project period (Attachments F and G).

During the 2022-23 storm season, LMU students conducted observations to verify the findings of the biological resource studies Stantec conducted in October 2020 and monitoring interactions between the Interceptor™ and wildlife. Results from the first storm season found that wildlife species in the area were consistent with the biological resources studies conducted by Stantec in October 2022. No negative wildlife

interaction was observed with the Interceptor™. Material collected in the Interceptor™ was mainly dead plant debris from storm drain discharges. Some decomposed animals were found that were likely from storm drain discharges. Attachment F includes the Pilot Monitoring Report for the first storm season.

During the 2023-24 storm season, LMU students conducted observations to identify the species of marine mammals and birds found foraging around the Interceptor™, study the impact of the Interceptor™ on these species, if any, and also characterize the debris collected by the Interceptor™. The results of this study concluded that "no impacts to wildlife were observed at or around the Interceptor™." Further, the debris assessment estimated that plant material accounted for approximately 83 percent of the total debris in each sample taken for the study. Attachment G includes the Environmental Monitoring Report for the second storm season.

**Lighting, Noise, Odor, and Vector Control Assessments**

In March 2022, prior to deployment of the Interceptor for the Pilot Project, lighting, odor, noise, and vector assessments were conducted to understand the impacts of the Interceptor™ to these factors at the proposed Pilot Project location. In April 2024, lighting, noise, odor, and vector assessments were conducted while the Interceptor™ was deployed for the Pilot Project. Attachments H through O include the lighting, noise, odor, and vector control assessments conducted in 2022 and 2024.

Lighting (2022 and 2024)

Based on observations of prior to deployment of the Interceptor™ and lighting information from previous Interceptor™ deployments, Stantec conducted a lighting assessment prior to Interceptor™ deployment in March 2022, which identified that the land uses surrounding the Pilot Project area are the main source of daytime glare and nighttime lighting. The assessment determined that potential visual effects from the Interceptor™ would be consistent with existing sources of nighttime lighting from recreational and commercial vessels in and around the Marina del Rey Harbor. The Interceptor™ is located within an urbanized setting, where light-emitting sources are common and present in views up and down the shoreline and within developed areas. The study assumed that omni-directional lighting would be required for the Interceptor™ during the Pilot Project period and would be similar in visibility and intensity to lighting required for any operational vessel in the harbor area. Attachment H includes the Lighting Assessment conducted pre-deployment of the Interceptor™ for the Pilot Project.

In April 2024, Stantec conducted an updated lighting assessment to observe the Interceptor™ in morning, sunset, and nighttime settings to evaluate its glare and lighting impacts. The assessment determined that while the Interceptor™ does introduce new potential sources of light and/or glare within the vicinity of its location, the lights from the Interceptor™ are similar to existing sources of daytime and nighttime lighting from recreational and commercial vessels, jetty lighting, breakwater lighting, parking lots, and street lights in and around the Marina del Rey Harbor, which is immediately adjacent to the location of the Interceptor™. The Interceptor™ does not create any significant observable light or glare, and lighting and glare observations were similar to conditions prior to deployment of the Interceptor™ (Stantec, 2024). Attachment I includes the Lighting Assessment conducted during deployment of the Interceptor for the Pilot Project.

Noise (2022 and 2024)

A noise assessment was conducted prior to deployment of the Interceptor™ to analyze potential noise nuisance to adjacent residential and recreational receptors as a result of the Pilot Project. By measuring ambient noise levels and using data gathered from TOC from previously deployed Interceptors™ to estimate operational noise, the assessment determined that the Interceptor™ would not cause a substantial increase at the nearest residential and recreational receptors (Stantec, 2022). Attachment J includes the Noise Assessment conducted pre-deployment of the Interceptor™ for the Pilot Project.

In April 2024, Stantec conducted updated noise assessment to analyze the potential for noise nuisances associated with the placement, operation, and maintenance of the Interceptor™ where it was deployed in October 2022, i.e., the Proposed Project. Stantec collected measurements at several locations within the Pilot Project site at varying hours throughout the day for comparison with ambient noise levels with and without the Interceptor™. Ambient noise includes noise from commercial aircraft flying into and out of Los Angeles International Airport (LAX), cars driving along Pacific Avenue, Speedway, and the adjacent side streets; music played on speakers carried by recreational users passing through the area and/or from vehicles parked in the parking lots near the site; and general conversation from nearby recreational users, including the adjacent bike path. Based on this assessment, the Interceptor™ does not cause a substantial increase in noise levels at the nearest residential and recreational receptors (Stantec, 2024). Because the Proposed Project would be located in the same location and operate in the same manner as the Pilot Project, this study demonstrates that the Proposed Project is unlikely to result in any potential for

noise nuisances. Attachment K includes the Noise Assessment conducted during deployment of the Interceptor™ for the Pilot Project.

Odor (2022 and 2024)

An odor assessment was conducted prior to deployment of the Interceptor™ to analyze potential odor nuisance to adjacent residential and recreational receptors as a result of the Interceptor™ Pilot Project. Stantec collected background ambient odor measurements prior to the start of construction of the Pilot Project on September 24, 2021, to compare the Pilot Project's potential odor nuisance to pre-deployment conditions. To address concerns that odor could be generated from the trash collected within the Interceptor™, wind data was collected to estimate the average annual wind direction and speed to model odor plumes that might escape the Interceptor™. Based on this assessment, the Interceptor™ was not anticipated to generate nuisance odor that would impact existing residential receptors (Stantec, 2022). Attachment L includes the Odor Assessment conducted pre-deployment of the Interceptor™ for the Pilot Project.

In April 2024, Stantec conducted updated odor assessment to analyze the potential for odor nuisances associated with the placement, operation, and maintenance of the Interceptor™ where it was deployed in October 2022. Stantec collected odor measurements at several locations as well as wind data to update odor plume models. During the Pilot Project, there were no violations related to odors due to the Interceptor™, operator logs did not cite any odor issues, and there were no odor complaints received by Public Works in association with the Interceptor™. Further, monthly wind patterns during the storm season have not changed and would not result in an increase in any potential odor from the Interceptor™ to be carried to receptors as compared to prior to Interceptor™ deployment. Therefore, the odor assessment concluded that Interceptor™ has not generated nuisance odor that has impacted the existing residential and recreational receptors. (Stantec, 2024). Because the Proposed Project would be located in the same location and operate in the same manner as the Pilot Project, this study demonstrates that the Proposed Project is unlikely to result in any potential for odor nuisances. Attachment M includes the Odor Assessment conducted during deployment of the Interceptor™ for the Pilot Project.

Vector Control (2022 and 2024)

Based on the site setting, comparable projects, Interceptor™ design, and operations and maintenance practices, the vector assessment conducted in March 2022 anticipated that the likelihood of vector presence/nuisance increasing due to the

Interceptor™ during the Pilot Project period was minimal. The assessment also anticipated that operation would not alter any of the existing habitats in the Pilot Project area and would therefore not enhance the potential for habitat or breeding grounds for rodents, mosquitoes, flies, or sea aviary. The assessment concluded that the Pilot Project was not anticipated to generate nuisance vector issues impacting existing residential and recreational receptors (Stantec, 2022). Attachment N includes the Vector Assessment conducted pre-deployment of the Interceptor™ for the Pilot Project.

In April 2024, Stantec conducted a vector assessment to analyze the potential for vector nuisances associated with the placement, operation, and maintenance, of the Interceptor™ where it was deployed in October 2022, i.e., the Proposed Project. Based on operator logs, operator photographs, and operator observations with regards to vector analysis, noteworthy operator logs, operator photographs, and operator observations with regards to the vector analysis, no vectors such as rodents, flies, or mosquitoes were observed during the Pilot Project deployment period. The assessment concluded that the Interceptor™ does not alter any of the habitats that existed in the area prior to its deployment and therefore does not increase the potential for those habitats to provide habitat or breeding grounds for vectors (e.g., rodents, sea aviary, flies, or mosquitoes). No comments or complaints regarding vector issues were received from the public by Public Works. Furthermore, the design characteristics of the Interceptor™, as well as implementation operations, maintenance activities, and preventive controls, reduce the likelihood of vector presence/nuisance related to the Interceptor™. Because the Proposed Project would be located in the same location and operate in the same manner as the Pilot Project, this study demonstrates that the Proposed Project is unlikely to result in any potential for vector nuisances. Attachment O includes the Vector Assessment conducted during deployment of the Interceptor™ for the Pilot Project.

## VI. CEQA

The Proposed Project is categorically exempt from CEQA pursuant to State CEQA Guidelines Sections 15303 and Class 3(b) and (l) of the of the County Environmental Document Reporting Procedures and Guidelines (County Environmental Guidelines), Appendix G.

**State CEQA Guidelines Section 15303 – New Construction**

*Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor*

*modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:*

*(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction*

*(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences*

**County Environmental Guidelines, Appendix G, Class 3**

*Class 3 consists of construction and location of limited numbers of new, small facilities or structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel.*

*(b) Accessory (appurtenant) structures such as garages, carports, patios, cabanas, swimming pools, screens, windbreaks, fences, parking attendant and golf starter structures, and comfort stations*

*(l) Facilities required by the County to be constructed for public use pursuant to the provisions of an existing lease on County-owned real property*

Class 3 applies to the Proposed Project because the Interceptor™ is a new, small (74-feet long by 29-feet wide by 18-feet high), floating structure to further help capture trash and floating debris at Ballona Creek from reaching the Pacific Ocean and local beaches. The conveyor belt, shuttles, dumpster bins and barge, power supply, solar power system, and battery power are all within the catamaran hull. The booms extend 18 to 32 inches beneath the water surface and have a low draft that allows water to pass underneath without significant interference. The booms do not substantially obstruct or divert the natural flow of water within Ballona Creek. During trash removal, operators would slide the dumpster barge out from the Interceptor™, take it to the Public Boat Launch in Marina del Rey, lift and empty the reusable trash nets, and return the dumpster barge back to the Interceptor™. Maintenance would include routine Interceptor™, trash booms, and mooring inspections; regular removal of algae and other debris from the Interceptor™ hull and trash booms; routine washing of the solar panels with water; and servicing of mechanical equipment, as needed. Monitoring and maintenance are expected to occur on a weekly basis during the storm season (October to April) and monthly the remainder of the time. Maintenance may

also include replacement of the trash booms or other components of the Interceptor™ system, as needed. Routine maintenance is conducted in-channel and in compliance with applicable regulations. No new facilities or small structures are required for maintenance or trash removal process. Additionally, the cameras are mounted with brackets on the side of the Pacific Avenue Bridge (below the bridge deck on the downstream side), which is a small accessory installation that requires only minor modifications to the exterior of the bridge. Figure 6 shows a diagram of the cameras.

Section 15300.2 of the State CEQA Guidelines identifies certain exceptions to the categorical exemptions from CEQA that, if present, negate application of the exemptions. The table below identifies these potential exceptions and explains the reasons the Proposed Project does not trigger any of these exceptions.

| **Exception Description** | **Discussion** |
|---|---|
| (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. | The Proposed Project would be located at the mouth of Ballona Creek. A Biological Assessment, BRTR, and Essential Fish Habitat Assessment *(Stantec, 2020)* found that placement of the Interceptor™ at this location would not have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species, and will not have substantial adverse effect on any riparian habitat or other sensitive natural community, in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.<br><br>The Proposed Project would be approximately 1,000 feet downstream from the Ballona Creek Wetlands, which is a Significant Ecological Area. Because the Proposed Project is downstream of the wetlands, there would be no potential for any impacts on the wetlands as a result of the Interceptor™. Additionally, the Interceptor™ would not be located in a particularly sensitive environment or impact environmental resources of hazard or critical concern.<br><br>The Proposed Project will not have an impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, |

| Exception Description | Discussion |
|---|---|
| | and officially adopted pursuant to law by Federal, State, or local agencies.<br><br>The location of the Proposed Project does not preclude the use of any exemption. |
| (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. | Cumulative impacts refer to other past, present, and reasonably foreseeable future projects. The Proposed Project would be located downstream of other existing trash removal projects in Ballona Creek, and the potential future trash removal project at Alla Road. Deployment of the Interceptor™ would consist of floating the vessel into place and then connecting the vessel and booms to the moorings. Once operational, inspections and maintenance would occur weekly during the storm season and monthly during the dry season, and may include minimal visits to observe the Interceptor™ for fundraising or academic purposes. These operational activities would be consistent with existing use of the Ballona Creek channel from rowers and other watercraft currently in the Proposed Project area. Additionally, as described above, the assessments and studies conducted during the Pilot Project period have shown that the Interceptor™ does not significantly impact the environment. The Interceptor™ captures trash and debris that bypasses existing trash capture devices, thereby reducing the trash before reaching the Pacific Ocean and beaches and providing an environmental benefit. Therefore, the Proposed Project would not result in a significantly adverse cumulative impact when considered in connection with existing and potential future projects of the same type in the same place over time.<br><br>No cumulative impacts would preclude the application of any exemption to the Proposed Project. |

| Exception Description | Discussion |
|---|---|
| (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. | The Proposed Project activities consist of floating the Interceptor™ and associated booms to its respective moorings, passively collecting trash in Ballona Creek, and removal and disposal of trash collected from the Interceptor™ to an appropriate waste management facility. Maintenance would include routine inspections of the Interceptor™, trash booms, and mooring; regular removal of algae and other debris from the Interceptor™ hull and trash booms; routine washing of the solar panels with water; and servicing of mechanical equipment as needed. Monitoring and maintenance is expected to occur on a weekly basis during the storm season (October to April) and monthly the remainder of the time. Maintenance may also include replacement of the trash booms or other components of the Interceptor™ system, as needed. These activities would be done in compliance with all applicable regulations and best management practices. As described above, assessments and studies conducted during the Pilot Project period demonstrate that during the term of the Pilot Project the Interceptor™ did not adversely impact the environment in any manner. Moreover, lighting, noise, odor, and vector assessments were conducted in 2022 before the start of the Pilot Project and concluded that the Interceptor™ was not anticipated to significantly increase concerns with regard to lighting, noise, odor, and vectors. Another set of assessments were conducted during the Pilot Project period while the Interceptor™ was deployed, confirming that the Interceptor™ did not cause concerns with regard to lighting, noise, odor, and vectors. Further, wildlife observations, plant identification, and debris assessments conducted by LMU students in partnership with TOC during the Pilot Project period confirmed that the Interceptor™ did not have negative interactions with wildlife within the project area. Based on this evidence, it is reasonable to assume that ongoing installation of |

| Exception Description | Discussion |
|---|---|
| | the Interceptor™ will not have any negative significant effects on the environment. The Interceptor™ would capture trash and debris that would otherwise bypass the existing trash capture devices within the same project area. Additionally, the Interceptor™ is located approximately 1,000 feet downstream from the Ballona Creek Wetlands and will have no impact on the wetlands. Therefore, the Proposed Project is not anticipated to significantly impact the environment.<br><br>No significant effects or unusual circumstances would preclude the application of this exemption to the Pilot Project. |
| (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. | The only designated State scenic highway in proximity to the Proposed Project area is the Pacific Coast Highway, which is located 1.5 miles northeast of the Proposed Project location. The Proposed Project would not be visible from the Pacific Coast Highway and, therefore, has no potential to result in any damage to scenic resources within a designated scenic highway.<br><br>No scenic resources would preclude the application of any exemption to the Proposed Project. |
| (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. | A 1,000-foot radius from the northern and southern jetty near the Proposed Project location was used to search the Hazardous Waste databases pursuant to Section 65962.5 of the Government Code. The Proposed Project location is not on any of these lists, and there are no hazardous waste facilities located within 1,000 feet of the Proposed Project site *(CalEPA, 2024).* |

| Exception Description | Discussion |
|---|---|
| | No hazardous waste sites would preclude the application of any exemption to the Proposed Project. |
| (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. | The Proposed Project would be located approximately 500 feet downstream of the Pacific Avenue Bridge, which was constructed in 1928. Though not listed or designated as a historical landmark within Los Angeles County *(City of Los Angeles Department of City Planning, Office of Historic Resources, County of Los Angeles Historical Landmarks & Records Commission, National Park Service, 2024)*, the Pacific Avenue Bridge is identified as historic for the purposes of Section 106 of the National Historic Preservation Act. The cultural resources investigation conducted for the Interceptor™ concluded that it would not diminish the identified qualities of significance of the Pacific Avenue Bridge *(Stantec, 2020).* Therefore, the Proposed Project would not cause a substantial adverse change in the significance of a historical resource.<br><br>No impacts to historical resources would preclude the application of any exemption to the Proposed Project. |

## IV. References

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## V. Attachments

A. Biological Assessment, October 2020
B. Biological Resources Technical Report, October 2020
C. Essential Fish Habitat Assessment Report, October 2020
D. Cultural Resources Report, October 2020
E. Jurisdictional Delineation Report, October 2020
F. Environmental Monitoring Report – Storm Season 1, May 2023; Addendum May 2024
G. Environmental Monitoring Report – Storm Season 2, May 2024
H. Lighting Assessment for the Ballona Creek Trash Interceptor™ Pilot Project, March 2022
I. Lighting Assessment for the Ballona Creek Trash Interceptor™ Pilot Project, June 2024
J. Operational Noise Assessment for the Ballona Creek Trash Interceptor™ Pilot Project, March 2022
K. Operational Noise Assessment for the Ballona Creek Trash Interceptor™ Pilot Project, June 2024
L. Odor Assessment for the Ballona Creek Trash Interceptor™ Pilot Project, March 2022
M. Odor Assessment for the Ballona Creek Trash Interceptor™ Pilot Project, June 2024
N. Vector Assessment for the Ballona Creek Trash Interceptor™ Pilot Project, March 2022
O. Vector Assessment for the Ballona Creek Trash Interceptor™ Pilot Project, June 2024

If you have any questions, please contact Melissa Turcotte, Stormwater Quality Division, Environmental Planning Section, at Extension 4670.

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Attach.

**Figure 1 – Project Location**

**Figure 2 – Interceptor™ with both booms deployed**

**Figure 3 – Interceptor™ with one boom fully deployed**

**Figure 4 – Aerial view of Interceptor™ showing conveyor belt and trash bins**

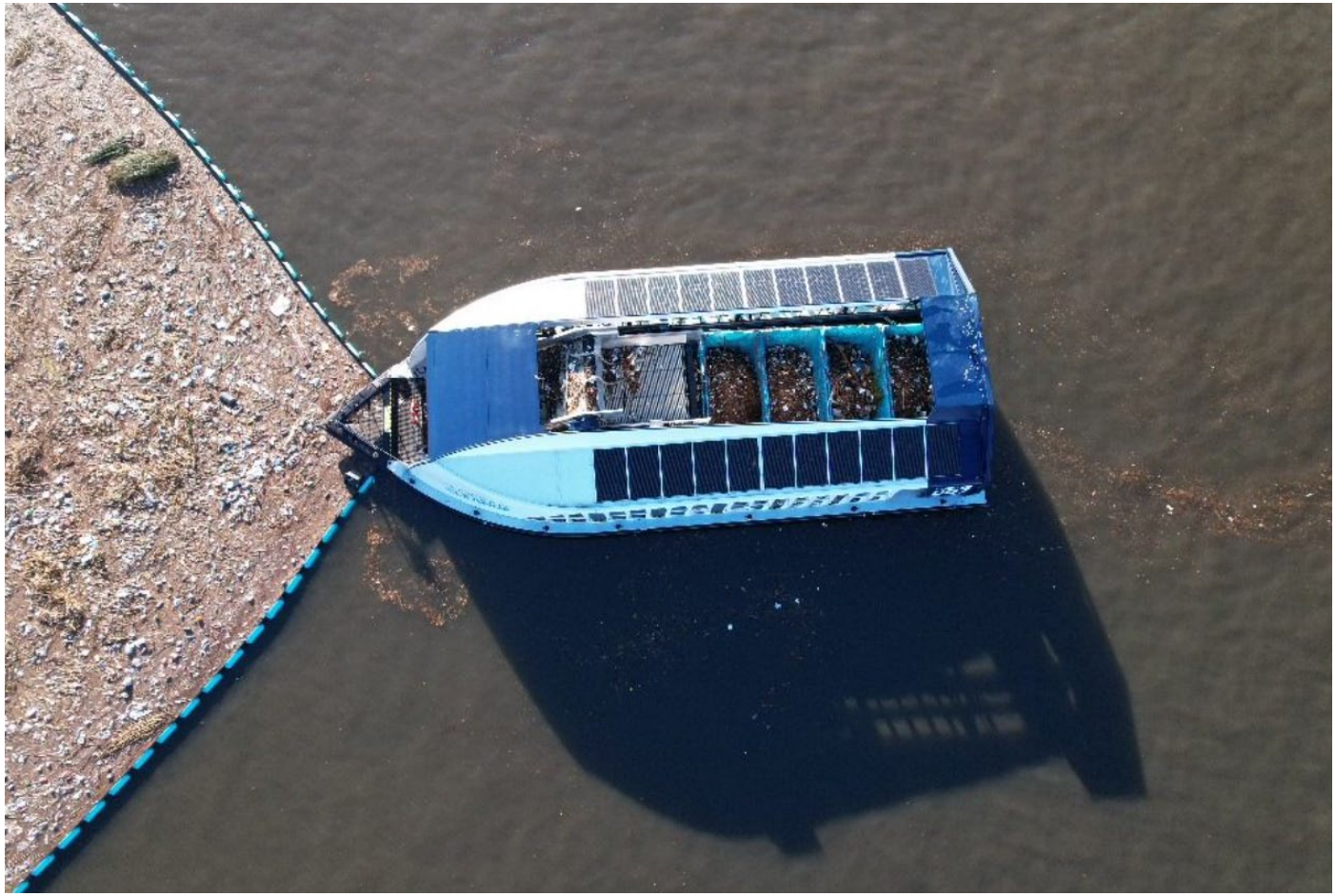
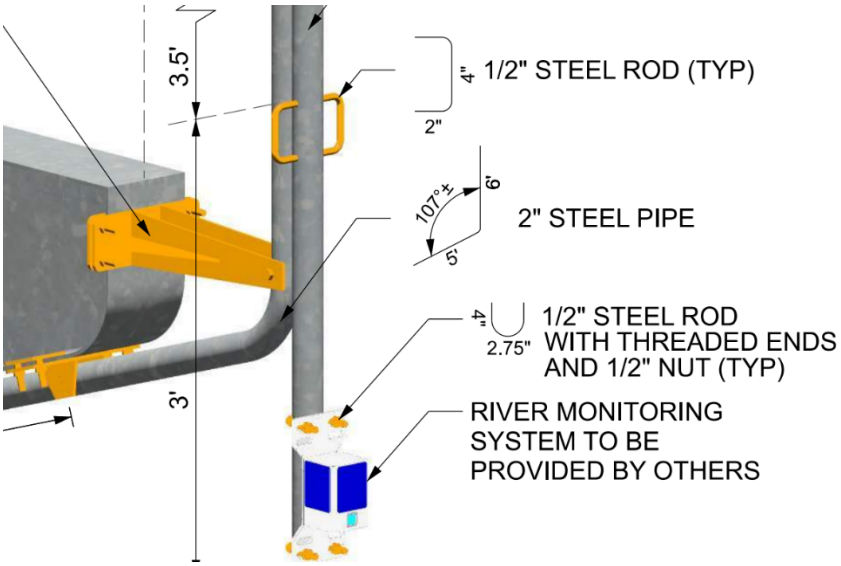
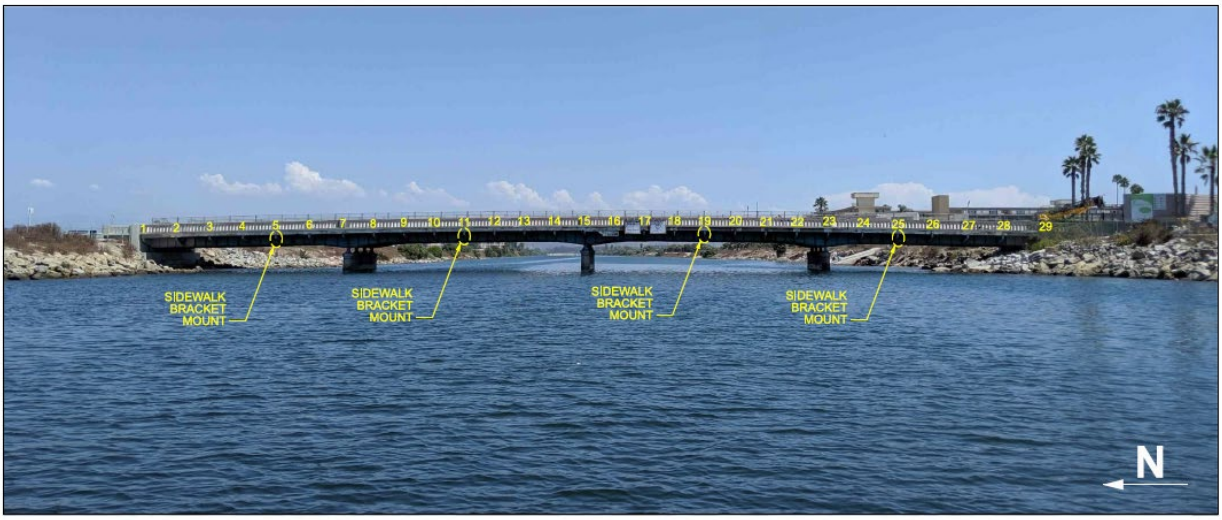


**Figure 5 – Dumpsters and dumpster barge removed for trash disposal**

## Figure 6 – Overview of Cameras




**Conceptual Drawing of Monitoring System**




**Location of Cameras on Pacific Avenue Bridge**