

DOCKETED	
Docket Number:	25-SPPE-01
Project Title:	Vernon Backup Generating Facility
TN #:	272337
Document Title:	Communities for a Better Environment Comments - Vernon Backup Generating Facility NOP Comment Letter - Communities for a Better Environment & Center for Biological Diversity
Description:	N/A
Filer:	System
Organization:	Communities for a Better Environment
Submitter Role:	Public
Submission Date:	9/4/2026 12:25:21 PM
Docketed Date:	9/4/2026

*Comment Received From: Communities for a Better Environment
Submitted On: 9/4/2026
Docket Number: 25-SPPE-01*

**Vernon Backup Generating Facility NOP Comment Letter -
Communities for a Better Environment & Center for Biological
Diversity**

Additional submitted attachment is included below.



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Subject: Comments of Communities for a Better Environment and Center for Biological Diversity on the Vernon Backup Generating Facility's Small Power Plant Exemption Application – Docket Number 25-SPPE-01

I. Introduction.

This comment letter is submitted on behalf of Communities for a Better Environment (“CBE”), Center for Biological Diversity (“CBD”), and the undersigned organizations and individuals regarding the Notice of Preparation (“NOP”) for the Vernon Backup Generating

Facility Project (“Project”).¹ We are concerned that the Project will have significant impacts on the region’s energy demand, greenhouse gas emissions, air quality, noise, water supply, and biological resources, among other issues.

CBE is a grassroots environmental justice organization based out of Southeast Los Angeles (“SELA”), Wilmington-Los Angeles, East Oakland, and Richmond. Of the multiple cities comprising SELA, CBE works with community members in Vernon, South Gate, Huntington Park, Bell, Maywood, Bell Gardens, Cudahy, Lynwood, and unincorporated Walnut Park and Florence-Firestone. CBE builds people’s power in communities of color and low-income communities to achieve environmental health and justice by preventing and reducing pollution and building green, healthy, and sustainable communities and environments. Our neighborhoods are heavily impacted by poor air quality, lack of green space, face extreme urban heat island effect, and are made up primarily of low-income tenants and people of color.

CBE has been instrumental in developing the Southeast Los Angeles Community Emissions Reduction Plan (“CERP”)² as part of the region’s obligations under AB 617.³ CBE has also continued to push for industrial accountability and a just community cleanup with regard to the extensive lead contamination caused by Exide Technologies (“Exide”).⁴ Both areas of work seek to address the community’s concerns around regional air pollution and contamination in environmental justice communities.

CBD is a non-profit, public interest environmental organization dedicated to environmental protection. CBD has over 1.8 million members and online activists throughout California and the United States who care about the country’s urgent need to expedite the renewable energy transition and protect human health, the natural environment, and species from the ravages of the climate emergency, extinction crisis, and environmental degradation. As part of that mission, the Center strives to reduce the environmental impacts of energy policy and development, including greenhouse gas emissions and harm to imperiled plants and wildlife. CBD and its members have worked for many years to improve air quality in the greater Los Angeles area.

The California Energy Commission (“CEC”) must reject the proposed Project’s Small Power Plant Exemption (“SPPE”) application because (1) Goodman Energy Park Data Center

¹ See California Energy Comm’n, *Docket Log: 25-SPPE-01*, <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=25-SPPE-01> (last visited Sep. 1, 2026).

² See S. Coast Air Quality Mgmt. Dist., *Southeast Los Angeles: Community Emissions Reduction Plan*, ES-1, ES-6, ES-8 – ES-12, ES-14 – 17, ES-19, ES-24 – ES-26, ES-30 – ES-31, ES-33 – ES-35, Appendix 2-3, Appendix 7-18 – Appendix 7-23 (Dec. 2020) [hereinafter SELA CERP], https://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/southeast-los-angeles/final-cerp/final-cerp.pdf?sfvrsn=f126d361_9;

³ California Health and Safety Code § 44391.2; see S. Coast Air Quality Mgmt. Dist., *AB 617 Community Air Initiatives*, (“to reduce air pollution in these most impacted communities.”), <https://www.aqmd.gov/nav/about/initiatives/environmental-justice/ab617-134> (last visited Sep. 1, 2026).

⁴ Dep’t of Toxic Substances Control, *Exide Residential Cleanup*, (“residential properties, schools, parks, daycare, and childcare centers within the approximately 1.7-mile radius”), <https://dtsc.ca.gov/residential-cleanup/> (last visited Sep. 1, 2026).

(“GEP”) and Goodman LAX01 Vernon (“Goodman LAX01”)⁵ should be treated as a single source with a total of 60 diesel backup generators⁶ exceeding 100 megawatts (“MW”), and (2) the Project will have substantial adverse impacts on the environment and energy resources.

II. Goodman Group’s Developments Along East Vernon Avenue Should Be Treated as a Single Source.

The proposed Project location and description⁷ do not accurately reflect the full extent of Goodman Group’s (“Goodman”) data center and corresponding diesel backup generator activities at the intersection of South Soto Street and East Vernon Avenue. The CEC should treat Goodman’s developments in the immediate vicinity as a single source.

A. Background: Adjacent Goodman Group Sites.

In 2023, Goodman purchased properties at the following addresses: 3049 East Vernon Avenue, 3163 East Vernon Avenue, 3095 East Vernon Avenue,⁸ and 3094 East Vernon Avenue.⁹

⁵ Goodman, *Goodman Group Tops Out LAX01 Vernon Data Center in Southern California*, (Nov. 2025) [hereinafter *Goodman Group Tops Out LAX01*] (identifying Goodman data center at 3094 E Vernon Avenue in Vernon, California), <https://www.goodman.com/investor-centre/announcements-media/2025/goodman-group-tops-out-lax01-vernon-data-center-in-southern-california>; Goodman, *Goodman LAX01 Vernon*, <https://us.goodman.com/property-lease-site/goodman-lax01-vernon> (last visited Aug. 2026); Goodman, *Goodman LAX01 Vernon*, <https://us.goodman.com/property-lease-site/goodman-lax01-vernon> (last visited Aug. 19, 2026).

⁶ See S. Coast Air Quality Mgmt. Dist., *Facility Information Detail (F.I.N.D.): 209974*, [hereinafter *F.I.N.D.*: 209974] (approving permits for 20 diesel backup generators for Soto DC LLC on August 4, 2026) <https://xappprod.aqmd.gov/find/facility/AQMDsearch?facilityID=209974> (last visited Aug. 19, 2026).

⁷ See California Energy Comm’n, *Notice of Preparation of a Draft Environmental Impact Report for the Vernon Backup Generating Facility (25-SPPE-01)*, State of California, 1, 3-4, 7 (August 2026) [hereinafter *NOP*], <https://efiling.energy.ca.gov/GetDocument.aspx?tn=271834&DocumentContentId=109486>; see also DayZen LLC & GIC Vernon LLC, *GIC Vernon SPPE Application VBGF – Main Application*, 1, 2-6, 2-15 (Feb. 2025) [hereinafter *VBGF Main Application*], <https://efiling.energy.ca.gov/GetDocument.aspx?tn=262029&DocumentContentId=98538>.

⁸ Goodman, *Goodman Acquires Former ±29 Acre Farmer John Site in LA County*, (June 2023) [hereinafter *Goodman Acquires 29 Acre Site*] (“Goodman has purchased a large-scale ±29 acre industrial infill site [...] at 3049, 3095, and 3163 East Vernon Avenue”), <https://us.goodman.com/about-goodman/media-center/latest-news/2023/goodman-acquires-former-29-acre-farmer-john-site-in-la-county>.

⁹ Goodman, *Goodman Group Breaks Ground on 49.5 MW Data Centre LAX01 in Vernon California*, (March 2025) [hereinafter *Goodman Group Breaks Ground*] (“Goodman acquired the site in 2023”), <https://www.goodman.com/investor-centre/announcements-media/2025/goodman-group-breaks-ground-on-data-center-lax01-in-vernon-california>.

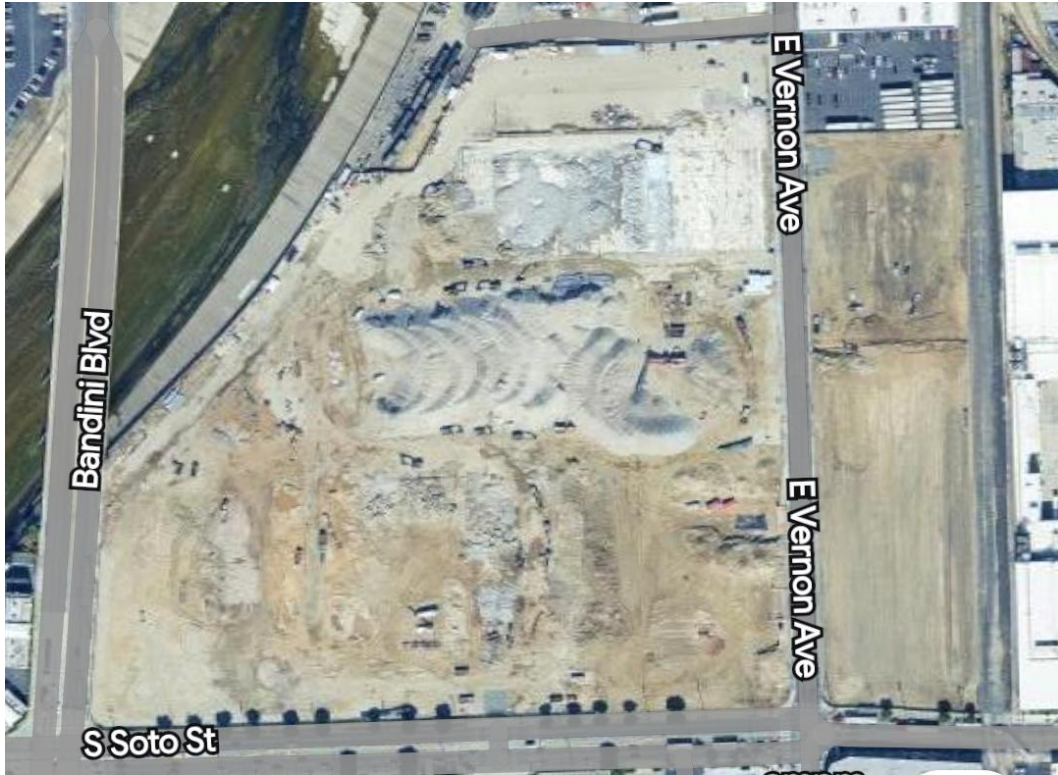


Figure 1. Image mapping the intersection of South Soto Street and East Vernon Avenue, with (1) the Goodman Energy Park Data Center site (left dirt lot) located at 3049, 3163, and 3095 East Vernon Avenue; and (2) the Goodman LAX01 Vernon Data Center site (right dirt lot) located at 3094 East Vernon Avenue.¹⁰

¹⁰ Google Maps, (2026) (mapping intersection of South Soto Street and East Vernon Avenue), https://www.google.com/maps/place/S+Soto+St+%26+E+Vernon+Ave,+Vernon,+CA+90058/@34.0055582,-118.2195427,660m/data=!3m1!1e3!4m6!3m5!1s0x80c2c8c5bab4d531:0xc7e95ff33eebb21e!8m2!3d34.0054856!4d-118.21959!16s%2Fg%2F11hb7wnwp5?entry=tu&g_ep=EgoyMDI2MDgxNy4wIKXMDSOASAFQAw%3D%3D.

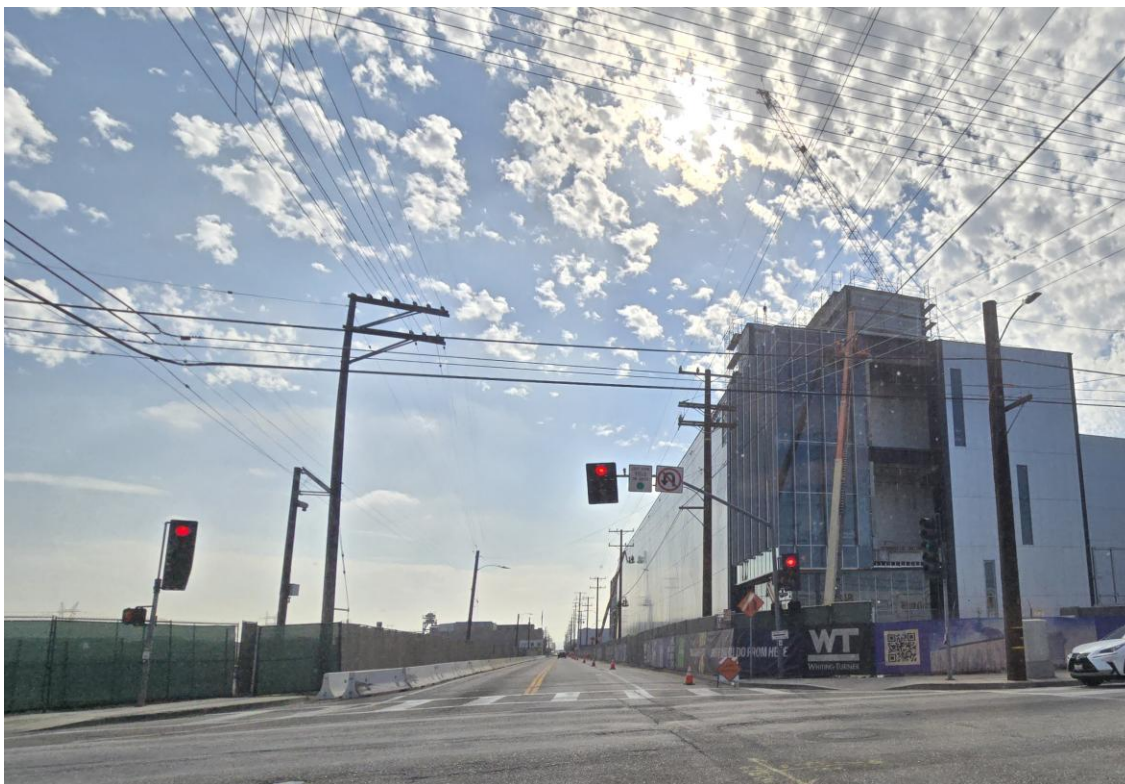


Figure 2. Image from August 2026, depicting the intersection of South Soto Street and East Vernon Avenue, with (1) the fenced-in Goodman Energy Park Data Center site (left) and (2) the Goodman LAX01 Vernon Data Center site (right) under construction.¹¹

Although GIC Vernon LLC (“a wholly-owned subsidiary of Goodman” Group)¹² started submitting the first batch of materials for the GEP Project’s SPPE application between February 2025 and May 2025,¹³ Goodman had already purchased the adjacent parcel across the street back in 2023 and commenced construction of Goodman LAX01 in March 2025¹⁴ under the business name Soto DC LLC.¹⁵ Goodman’s SPPE application for the GEP Project conveniently failed to disclose its 2023 purchase of the adjacent site and failed to mention its imminent plans to develop the adjacent lot into another data center as a “Current Use of Adjoining Properties and Surrounding Area.”¹⁶ Goodman’s data center plans in the City of Vernon were in motion at least

¹¹ Communities for a Better Env’t (Aug. 2026) (on file with the author).

¹² *VBGF Main Application*, *supra* note 7, at 1-1.

¹³ California Energy Comm’n, *supra* note 1.

¹⁴ *Goodman Group Breaks Ground*, *supra* note 9.

¹⁵ See *F.I.N.D.: 209974*, *supra* note 6 (applying for 20 emergency diesel generators in February 2026 and receiving approval in August 2026).

¹⁶ See DayZen LLC & GIC Vernon LLC, *GIC Vernon LLC SPPE Application VBGF – Appendix F – Part I of IV*, 1, 23-24 (March 2025) [hereinafter *VBGF Appendix F Part I*], <https://efiling.energy.ca.gov/GetDocument.aspx?tn=262062&DocumentContentId=98568>.

as early as September 2024,¹⁷ but possibly even earlier than that in 2023.¹⁸ These events give the appearance of the site owners/operators knowingly circumventing a CEC determination by splitting up what would otherwise be one data center project—with 60 diesel backup generators total and in exceedance of the 100 MW threshold for SPPEs—in the hope of qualifying for a SPPE.

B. Single Source Determination.

Goodman Group failed to treat the two data center sites as a single source in its separate applications before the CEC and South Coast Air Quality Management District (“SCAQMD”). This, however, should have also been flagged during SCAQMD’s review of backup diesel generator permits for the Goodman LAX01 site because SCAQMD Rules 1470 and 1472 define a “facility” as:

[A]ny source or group of sources or other air contaminant-emitting activities which are located on one or more contiguous properties within the District, in actual physical contact or separated solely by a public roadway or other public right-of-way, and are owned or operated by the same person (or by persons under common control) [...].¹⁹

This language is relevant because Rule 1470 establishes requirements for stationary diesel-fueled internal combustion and other compression ignition engines, and Rule 1472 establishes requirements for facilities with multiple stationary emergency standby diesel-fueled internal combustion engines.

Here, the only thing separating the two Goodman facilities is a public roadway (i.e., East Vernon Avenue), and they are both under the control of Goodman Group. While GIC Vernon LLC is a wholly-owned subsidiary of Goodman Group,²⁰ Soto DC LLC’s Goodman LAX01 site has explicit fence signage with Goodman’s logo on it, spanning the length of the property.

¹⁷ Joaquin Leon, *Staff Report Finance/Treasury Department: Operating Account Warrant Register for City Council Agenda of September 17, 2024*, 1, 69 (Sept. 2024), <https://cityofvernon.primegov.com/viewer/preview?id=1156&type=2>.

¹⁸ See City of Vernon, *Vernon Public Utilities FY 2023-24 Financial Update*, 1, 8, (May 2023) (stating Vernon was in discussions with multiple data center developers as early as May 2023), <https://www.cityofvernonca.gov/home/showpublisheddocument/3329/638204517181270000>.

¹⁹ S. Coast Air Quality Mgmt. Dist., *Rule 1470*, 1470 – 1, 1470 – 6 (April 2004), <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>; S. Coast Air Quality Mgmt. Dist., *Rule 1472*, 1472 – 1, 1472 – 2 (March 2008), <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1472.pdf>.

²⁰ *VBGF Main Application*, *supra* note 7, at 1-1.



Figure 3. Image from August 2026, depicting the Goodman logo at the Goodman LAX01 Vernon Data Center site under construction.²¹

Additionally, the sites have overlapping contact information. The State of California’s Business Search tool lists both LLCs as having the same principal/mailling address at 3333 Michelson Drive, Suite 1050 Irvine, CA 92612, as well as the same California Registered Corporate Agent Authorized Employees (i.e., Rebecca Vang, Alex Jenkins, Wendy Harris, Skylar Leigh, Melissa Dekoven, Maddie Bright, Josh Swindell, Aaron Caneles, and Frank Briceno).²² Furthermore, the GEP Project’s SPPE application lists the Project applicant as Jim Cottrell with GIC Vernon LLC, located at 3333 Michelson Drive Suite 1050, Irvine, CA 92612.²³ For context, Jim Cottrell (jim.cottrell@goodman.com) is the Vice President of Development at Goodman Group.²⁴ This information, along with explicit reference to Goodman and the use of Goodman email addresses,

²¹ Communities for a Better Env’t (Aug. 2026) (on file with the author).

²² California Sec’y of State, *Business Search: GIC Vernon LLC (202357613324)*, State of California, <https://bizfileonline.sos.ca.gov/search/business> (last visited Sep. 1, 2026); California Sec’y of State, *Business Search: Soto DC LLC (202360014544)*, State of California, <https://bizfileonline.sos.ca.gov/search/business> (last visited Sep. 1, 2026).

²³ VBGF Main Application, *supra* note 7, at 3-1.

²⁴ Goodman, *Goodman Unveils 504,810 SF Long Beach Industrial Space Ideal for Driving Supply Chain Efficiency*, (March 2025), <https://us.goodman.com/about-goodman/media-center/latest-news/2025/goodman-unveils-504810-sf-long-beach-industrial-space-ideal-for-driving-supply-chain-efficiency>.

parallels some of the permit contact information for Soto DC LLC's Goodman LAX01 site, including the following:

- **Permit No. E-2025-0512:** referring to 3094 E Vernon Ave. as “GOODMAN SITE”
- **Permit No. E-2024-0225:** listing Jim Cottrell (jim.cottrell@goodman.com) and Matthew Davidson (matthew.davidson@goodman.com; 3333 Michelson Drive Suite 1050, Irvine, CA 92612) under contacts for 3094 E Vernon Ave.
- **Permit No. E-2024-0241:** listing Jim Cottrell (jim.cottrell@goodman.com), Matthew Davidson (matthew.davidson@goodman.com; 3333 Michelson Drive Suite 1050 Suite 1050, Irvine, CA 92612), and Vincent Martino (Vincent.Martino@goodman.com; 3333 Michelson Drive Suite 1050 Suite 1050, Irvine, CA 92612) under contacts for 3094 E Vernon Ave.
- **Permit No. E-2024-0263:** listing Jim Cottrell (jim.cottrell@goodman.com), Matthew Davidson (matthew.davidson@goodman.com; 3333 Michelson Drive Suite 1050 Suite 1050, Irvine, CA 92612), and Vincent Martino (Vincent.Martino@goodman.com; 3333 Michelson Drive Suite 1050 Suite 1050, Irvine, CA 92612) under contacts for 3094 E Vernon Ave.
- **Permit No. ELE-2024-0166:** listing Matthew Davidson (matthew.davidson@goodman.com; 3333 Michelson Dr. Suite 1050 Suite 1050, Irvine, CA 92612) and Vincent Martino (Vincent.Martino@goodman.com; 3333 Michelson Drive Suite 1050 Suite 1050, Irvine, CA 92612) under contacts for 3094 E Vernon Ave.
- **Permit No. IND-2024-0077:** listing Matthew Davidson (matthew.davidson@goodman.com; 3333 Michelson Dr. Suite 1050 Suite 1050, Irvine, CA 92612) and Vincent Martino (Vincent.Martino@goodman.com; 3333 Michelson Drive Suite 1050 Suite 1050, Irvine, CA 92612) under contacts for 3094 E Vernon Ave.
- **Permit No. IND-2024-0088:** listing Matthew Davidson (matthew.davidson@goodman.com; 3333 Michelson Dr. Suite 1050 Suite 1050, Irvine, CA 92612) and Vincent Martino (Vincent.Martino@goodman.com; 3333 Michelson Drive Suite 1050 Suite 1050, Irvine, CA 92612) under contacts for 3094 E Vernon Ave.
- **Permit No. PLB-2024-0096:** listing Matthew Davidson (matthew.davidson@goodman.com; 3333 Michelson Dr. Suite 1050 Suite 1050, Irvine, CA 92612) and Vincent Martino (Vincent.Martino@goodman.com; 3333 Michelson Drive Suite 1050 Suite 1050, Irvine, CA 92612) under contacts for 3094 E Vernon Ave.

Both data center sites appear to be working with the same “construction partner Whiting Turner,”²⁵ as evidenced by the fact that both locations had Whiting Turner logos visible from the East Vernon Avenue sidewalk.

²⁵ See *Goodman Group Tops Out LAX01*, *supra* note 5.



Figure 4. Images from February 2026, depicting Whiting Turner logos at (1) the fenced-in Goodman Energy Park Data Center site [left]; and (2) the Goodman LAX01 Vernon Data Center site [right] under construction.²⁶

These points and additional information contained on Goodman’s website,²⁷ demonstrate that the adjacent parcels are under common control and together would have a total of 60 backup diesel generators that would exceed 100 MW. Therefore, SCAQMD should have treated them as one facility with the total amount of backup generators exceeding 100 MW and it should have appropriately deferred to the CEC’s exclusive authority to certify all thermal power plants 50 MW and larger.²⁸

Moreover, even if the CEC and SCAQMD were to apply U.S. Environmental Protection Agency (“EPA”) guidance²⁹ on single source determination,³⁰ the same conclusion would be reached because they are (1) in the same industrial group, (2) are on contiguous or adjacent properties, and (3) under the control of the same person or persons under common control.

²⁶ Communities for a Better Env’t (Feb. 2026) (on file with the author).

²⁷ See *Goodman Group Breaks Ground*, *supra* note 9 (stating “Goodman Group [ASX:GMG] is commencing construction of Goodman LAX01 Vernon [LAX01],” and Mayor Merlo looked forward to the City’s “ongoing partnership with Goodman and supporting the growth of the digital economy.”); See *Goodman Group Tops Out LAX01*, *supra* note 5 (“Goodman Group has completed the structural topping out of its Goodman LAX01 Vernon data center in Los Angeles, California (LAX01) [...] Working with construction partner Whiting Turner”); Goodman, *Goodman LAX01 Vernon*, <https://us.goodman.com/property-lease-site/goodman-lax01-vernon> (last visited Aug. 2026); See *Goodman Acquires 29 Acre Site*, *supra* note 8.

²⁸ California Energy Comm’n, *Vernon Backup Generating Facility (VBGF)*, (clarifying that in the event the CEC grants a SPPE, the air district can then assume jurisdiction over a project’s respective permitting processes and conduct any other necessary environmental review.), <https://www.energy.ca.gov/powerplant/backup-generating-system/vernon-backup-generating-facility-vbvf> (last visited Sep. 1 2026).

²⁹ See U.S. Env’t Prot. Agency, *Single Source Determination*, <https://www.epa.gov/nsr/single-source-determination> (last visited Sep. 1, 2026).

³⁰ See 40 CFR 52.21(b)(6)(i); see 40 CFR 51.165(a)(1)(ii); see 40 CFR 51.166(b)(6)(i).

1. Same Industrial Group.

Sites that engage in “Data Processing & Preparation” are identified using Standard Industrial Classification (“SIC”) Code 7374.³¹ Both GEP and Goodman LAX01 are being developed for such purposes. Therefore, they fall under the same industrial group.

2. Contiguous or Adjacent Properties.

The EPA has used common dictionary definitions when interpreting “contiguous” and “adjacent.”³² Polluting parcels are contiguous when they are in physical contact with one another and they are adjacent when they are near one another.³³ The “common sense notion of a plant” is the guiding principle behind how close properties need to be to be considered adjacent, which uses a fact-specific analysis of polluting activities.³⁴ Here, the properties are adjacent to one another because they are solely separated by a public roadway (i.e., East Vernon Avenue). Aside from the public roadway, nothing else separates the two data center sites from one another. Therefore, they are adjacent properties.

3. Under the Control of the Same Person or Persons Under Common Control

In 2018, the EPA refined its interpretation and policy concerning “common control” in which it focused on “the power or authority of one entity to dictate decisions of the other that could affect the applicability of, or compliance with, relevant air pollution regulatory requirements.”³⁵ The EPA considers whether an entity can expressly or effectively force another to take a specific course of action and whether the entity’s control affects the applicability of, or compliance with, permitting requirements.³⁶ Control can be exercised through common ownership or managerial authority, including parent/subsidiary relationships.³⁷

Here, the control exerted by Goodman Group over GIC Vernon LLC is that of a parent/subsidiary relationship. This type of relationship also appears to be the case with Soto DC LLC. As described above, the two sites share the exact same contact information according to the California Secretary of State’s Business Search tool.³⁸ Moreover, Goodman is the entity that purchased the properties in question, has its Vice President of Development involved in approval

³¹ See S. Coast Air Quality Mgmt. Dist., *Facility Information Detail (F.I.N.D.): 205154*, [hereinafter *F.I.N.D.: 205154*] <https://xappprod.aqmd.gov/find//facility/AQMDsearch?facilityID=205154> (last visited Sep. 1, 2026).

³² Memorandum from Anne L. Idsal, Acting Assistant Administrator, Office of Air and Radiation, EPA, to Regional Administrators, Regions 1-10, EPA, on Interpreting “Adjacent” for New Source Review and Title V Source Determination in All Industries Other Than Oil and Gas, 1, 4 (Nov. 2019), available at https://www.epa.gov/sites/default/files/2019-11/documents/adjacent_guidance.pdf.

³³ *Id.* at 5.

³⁴ *Id.* at 5.

³⁵ Letter from William L. Whrum, Assistant Administrator, Office of Air and Radiation, EPA, to the Honorable Patrick McDonnell, Secretary, Pennsylvania Department of Environmental Protection, 1, 6 (April 2018), available at https://www.epa.gov/sites/default/files/2018-05/documents/meadowbrook_2018.pdf.

³⁶ *Id.* at 7-8.

³⁷ *Id.* at 6.

³⁸ California Sec’y of State, *Business Search: GIC Vernon LLC (202357613324)*, *supra* note 22; California Sec’y of State, *Business Search: Soto DC LLC (202360014544)*, *supra* note 22.

processes at both sites, has supplied other employees as direct contacts for permitting purposes with Goodman email addresses, has its logo displayed on signage at the intersection, and is working with the same construction partner on both sites. The control exerted by Goodman Group over development processes at both sites is likely to be even more extensive than the brief outline provided in this letter. Therefore, the CEC should determine that the properties are under common control.

For these reasons, the GEP site and Goodman LAX01 should be treated as a single source with a total of 60 diesel backup generators³⁹ exceeding 100MW, making it ineligible for the CEC's SPPE process.

III. The Project and the Larger Goodman Energy Park Data Center will Have Substantial Adverse Environmental Impacts.

The Project and the GEP will have substantial adverse environmental impacts. These include, but are not limited to, the following: (1) public health impacts on neighboring environmental justice communities, (2) cumulative impacts, (3) energy impacts, (4) air quality impacts, (5) greenhouse gas emission and climate impacts, and (6) impacts from hazardous materials.

A. Public Health Impacts on Environmental Justice Communities.

The health costs associated with California's data centers tripled from 2019 to 2023, and they could rise by another 496 percent above 2019 levels by 2028.⁴⁰ Specifically, experts predict that air pollution from data centers may lead to 600,000 asthma cases and 1,300 premature deaths annually by 2030.⁴¹ The Project is likely to significantly worsen the health outcomes for environmentally overburdened residents in (1) the City of Vernon and (2) SELA communities.

³⁹ See *F.I.N.D.: 209974*, *supra* note 6.

⁴⁰ NEXT 10 & the Univ. of California, Riverside, *Summary: An Assessment of California Data Centers' Environmental and Public Health Impacts*, NEXT 10 (Nov. 2025), <https://www.next10.org/publications/ai-environmental-public-health-impacts>; see also Jamesine Rogers Gibson, Senior Advanced Projects Advisor, Bay Area Air Dist., Presentation at the Bay Area Air District in DATA CENTER OVERVIEW AND CONSIDERATIONS, Bay Area Air Dist., 1:15:15 - 1:16:07 (Feb. 2026) (citing health impacts costing over \$120 million in 2023), <https://baha.granicus.com/player/clip/22822?redirect=true>.

⁴¹ Sophie Loeb, Policy Analyst, Ctr. for Progressive Reform, *AI Data Centers in Your Backyard: Who is at Risk?*, YouTube, at 29:12-29:25 (July 2025), <https://youtu.be/Q0tWprGOdVQ?si=nfCXP-iq8gb8xEse>.

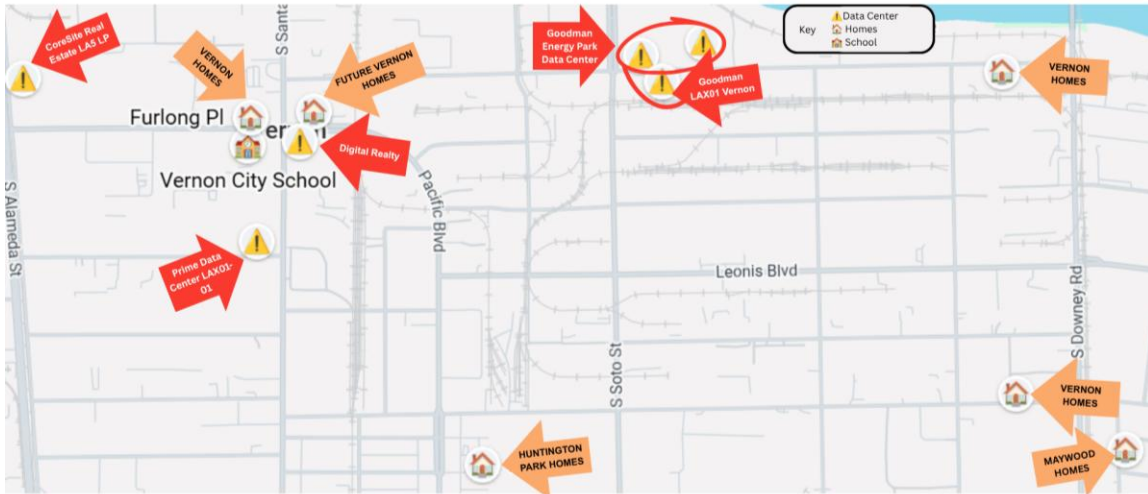


Figure 5. Image depicts the proximity of the Goodman Energy Park Data Center site to the following: (1) the adjacent Goodman LAX01 Vernon site, (2) other existing/anticipated data center facilities, (3) Vernon residences, (4) Vernon City Elementary School, and (5) nearby residences in Southeast Los Angeles.⁴²

1. City of Vernon.

Vernon was first incorporated in 1905 as “the first exclusively industrial city in the Southwestern United States.”⁴³ Although Vernon has an employment population of around 55,000 people,⁴⁴ it has historically had very few residents. This, however, is starting to change. Vernon’s residential population experienced a 129.7 percent increase between 2000 and 2018, in which it jumped from 91 to 209 people.⁴⁵ The 2020 Census saw this population increase further to 222 residents.⁴⁶ The City of Vernon anticipates that this trend will continue, predicting that the population will quintuple in a two-to-three-year period.⁴⁷ The 2024 American Community Survey estimated that Vernon (i.e., Census Tract 6037980016) had 331 people.⁴⁸

⁴² Communities for a Better Env’t, (Aug. 2026) (showing Google Maps image

[https://www.google.com/maps/@34.0016219,-118.225311,14.84z?entry=tту&g_ep=EgoyMDI2MDgxMS4wIKXMDSoASAFAQw%3D%3D]

edited by Communities for a Better Environment using Canva to emphasize the proximity of data centers in Vernon to homes and schools) (on file with the author).

⁴³ City of Vernon, *About Vernon*, <https://www.cityofvernonca.gov/about/about-vernon> (last visited Sep. 1, 2026).

⁴⁴ City of Vernon, *Health & Wellness*, <https://www.cityofvernonca.gov/government/city-administration/health-wellness> (last visited Aug. 13, 2026).

⁴⁵ S. California Ass’n of Gov’t, *Profile of the City of Vernon*, 1, 4 (May 2019) [hereinafter *Profile Vernon*], https://scag.ca.gov/sites/default/files/2024-05/vernon_localprofile.pdf.

⁴⁶ Ted Rohrlich, *Known for Corruption and Environmental Woes, the City of Vernon is Bent on Growth*, LAist (Oct. 2023), <https://laist.com/news/politics/city-of-vernon-history-corruption-reform-city-hall-government>; but see City of Vernon, *Appendix A: Housing Needs*, in CITY OF VERNON: DRAFT HOUSING ELEMENT 2021-2029, 1, 17 (Jan. 2022) [hereinafter *Draft Housing Element*] (stating the State of California’s Department of Finance found that Vernon’s total population reached 297 in 2020), <https://www.cityofvernonca.gov/home/showpublisheddocument/2064/637788133673870000>.

⁴⁷ City of Vernon, *A Diversified Future*, <https://www.cityofvernonca.gov/doing-business/starting-a-business-in-vernon/a-diversified-future> (last visited Sep. 1, 2026).

⁴⁸ Off. of Env’t Health Hazard Assessment, *CalEnviroScreen 5.0: Tract 6037980016*, State of California (July 2026) [hereinafter *CalEnviroScreen 5.0: 6037980016*] (citing the United States Census Bureau’s 2024 American

In Vernon's most recent Housing Element, it counted 31 units that were all located west of Downey Road.⁴⁹ Vernon's total housing stock increased in 2015 when a 45-unit affordable housing project was completed⁵⁰ and it will increase further with the development of a 63-unit residential apartment building on Pacific Boulevard east of Santa Fe Avenue (~0.6 miles from the site).⁵¹ Residences are largely clustered⁵² at the following locations:

- (1) Vernon Avenue at Furlong Place (~0.7 miles from the site),
- (2) Vernon Avenue between Downey Road and Alcoa Avenue (~0.5 miles from the site),
- (3) Fruitland Avenue west of Downey Road (~0.9 miles from the site), and
- (4) 52nd Place east of Atlantic Boulevard (~2.3 miles from the site).

Vernon's population is largely made up of communities of color⁵³ and approximately 17 percent of the population is between the ages of 0 and 17.⁵⁴ The only school in Vernon (i.e., Vernon City Elementary School) is located approximately 0.7 miles from the proposed Project.⁵⁵

Community Survey), https://experience.arcgis.com/experience/be03d78c74454429ab1d3fd9266d4400/page/Overall-Results#data_s=id%3Awidget_1399_output_config_default_geocode_utility_3_0%3A0%2Cid%3AdataSource_93-19e94845fd8-layer-19%3A3852.

⁴⁹ CITY OF VERNON, *2014-2021 Housing Element*, in CITY OF VERNON GENERAL PLAN, 1, 8 (Dec. 2007), <https://www.cityofvernonca.gov/home/showpublisheddocument/1306/637635880850570000>.

⁵⁰ *Draft Housing Element*, *supra* note 46, at 34.

⁵¹ City of Vernon, Facebook (Jan. 2026) ("A beautiful, new four-story, 63-unit apartment building at 4419 Pacific Blvd. will soon be a reality! This development will be the first multi-family residential complex built since the City rezoned to allow mixed uses along Santa Fe Ave. and Pacific Blvd. With multiple development opportunities in Vernon - just south of the LA Arts District - the City looks forward to continued residential investment and growth."), <https://www.facebook.com/CityofVernonCA/posts/a-beautiful-new-four-story-63-unit-apartment-building-at-4419-pacific-blvd-will-/1317173623788135/>.

⁵² CITY OF VERNON, *Noise Element*, in CITY OF VERNON GENERAL PLAN, 1, 7 (Dec. 2007) [hereinafter *Noise Element*], <https://www.cityofvernonca.gov/home/showpublisheddocument/1306/637635880850570000>.

⁵³ See *CalEnviroScreen 5.0: 6037980016*, *supra* note 48 (stating the population is 89.43% Latino); S. California Ass'n of Gov't, *City of Vernon: 2022 Spatial & Statistical Summary*, 1, 9 (May 2022) [hereinafter *Spatial and Statistical Summary*] (stating Hispanic individuals made up 60% of the total population and Non-Hispanic African Americans made up 17% of the total population), <https://scag.ca.gov/sites/default/files/2024-05/vernon-atlas.pdf>; *Profile Vernon*, *supra* note 45, at 3 (stating Hispanic individuals made up 72.4% of the total population and Non-Hispanic Black individuals made up 11.8% of the total population).

⁵⁴ See *Spatial & Statistical Summary*, *supra* note 53, at 9; see also *CalEnviroScreen 5.0: 6037980016*, *supra* note 48 (stating 14.20% of the population is age 10 and younger).

⁵⁵ See *Draft Housing Element*, *supra* note 46, at 32; contrast Google Maps, (enabling the use of a map measurement tool, showing that the Project site is approximately 3,859 feet away from the school),

https://www.google.com/maps/dir/3049+E+Vernon+Ave,+Vernon,+CA+90058/Vernon+City+School,+2360+E+Vernon+Ave,+Vernon,+CA+90058/@34.0033072,-118.2369262,14.35z/data=!4m1!4m1!1m5!1s0x80c2c8c59691187d:0x818f7dcab17a1549!2m2!1d-118.2187769!2d34.0058999!1m5!1m1!1s0x80c2c8e98e05aacf:0xfb922e36c347801e!2m2!1d-118.2313955!2d34.0035084!3e0?entry=ttu&g_ep=EgoyMDI2MDgzMC4wKXMDSoASAFQAw%3D%3D with *NOP*, *supra* note 7, at 7-8 ("The project site is not within two miles of an airport or school. [...] the closest school is approximately 2.6 miles northeast of the project site.").

2. Southeast Los Angeles.

SELA is among the most disadvantaged communities in California due to cumulative impacts from environmental, health, and socioeconomic factors.⁵⁶ SELA is primarily made up of low-income tenants and residents that are Black, Indigenous, and People of Color (“BIPOC”).⁵⁷ The community is environmentally overburdened due to lack of green space, urban heat island effect, and polluting sources.⁵⁸

Much of the pollution in SELA occurs because of the goods movement industry and its close proximity to other industrial land uses, including those in the neighboring City of Vernon.⁵⁹ For example, the SELA community suffers from lead contamination⁶⁰ with instances of inadequate cleanup;⁶¹ water contaminated with per- and polyfluoroalkyl substances (“PFAS”);⁶² and high exposure to diesel particulate matter (“DPM”).⁶³ These conditions impact health outcomes. SELA residents are more vulnerable to: cancer;⁶⁴ reproductive problems;⁶⁵ developmental problems;⁶⁶ cardiovascular disease;⁶⁷ and asthma and respiratory illnesses.⁶⁸ Such risks are compounded for those that lack access to routine or preventative healthcare.⁶⁹

⁵⁶ Julie Von Behren, et. al., *Per- and Polyfluoroalkyl Substances (PFAS) in Drinking Water in Southeast Los Angeles: Industrial Legacy and Environmental Justice*, 953 Sci. Total Environ. 176067 (Nov. 2024), <https://doi.org/10.1016/j.scitotenv.2024.176067>.

⁵⁷ Communities for a Better Env’t, *Southeast LA: Fighting for Environmental Justice in Southeast Los Angeles*, [hereinafter *Southeast LA*] <https://www.cbecal.org/community-organizing/southeast-la/> (last visited Sep. 1, 2026); see also S. Coast Air Quality Mgmt. Dist., *MATES V: Multiple Air Toxics Exposure Study in the South Coast AQMD*, ES-1, 4-31 (Aug. 2021) [hereinafter *MATES V*] (“About 95% of the residents in this community are Hispanic or Latinx.”), https://www.aqmd.gov/docs/default-source/planning/mates-v/mates-v-final-report-9-24-21.pdf?sfvrsn=d2e4ac61_6.

⁵⁸ *Southeast LA*, *supra* note 57.

⁵⁹ *Id.*; *MATES V*, *supra* note 57, at 4-31 (“Air pollution sources in this community include the I-710 freeway, locomotives, and industrial facilities along the Alameda Corridor, and facilities in the adjacent industrial city of Vernon.”); see also SELA CERP, *supra* note 2, at 3b-2 (“The main sources of air pollutant emissions in the SELA community are on-road vehicles, trains, off-road equipment, and industrial activities.”).

⁶⁰ Dep’t of Toxic Substances Control, *supra* note 4.

⁶¹ Jessica Garrison, *State Officials ‘Vow to do Better’ on Exide Lead Cleanup. Some Residents Aren’t Satisfied*, Los Angeles Times, (Feb. 2023) (“failed to meet state cleanup targets at more than 500 of 3,370 cleaned properties near the closed Vernon facility”), <https://www.latimes.com/california/story/2023-02-24/state-toxics-officials-vow-to-do-better-on-exide-cleanup-residents-arent-satisfied>.

⁶² Julie Von Behren, et. al., *supra* note 56 (“Concentrations of perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid [PFOS] ranged from 6.8 to 13.6 ng/L and 9.4–17.8 ng/L, respectively in SELA and were higher than State [PFOA: 0.007 ng/L; PFOS: 1.0 ng/L] and national health-based goals [zero].”).

⁶³ SELA CERP, *supra* note 2, at 3b-1, 3b-3; see *MATES V*, *supra* note 57, at 4-31.

⁶⁴ SELA CERP, *supra* note 2, at 3b-1, 3b-4.

⁶⁵ See Nat’l Inst. for Occupational Safety and Health, *About Lead and Other Heavy Metals and Reproductive Health*, Center for Disease Control and Prevention, (Feb. 2024), <https://www.cdc.gov/niosh/reproductive-health/prevention/lead-metals.html>.

⁶⁶ See U.S. Env’t Prot. Agency, *Learn About Lead*, [hereinafter *Learn About Lead*] <https://www.epa.gov/lead/learn-about-lead> (last visited Sep. 1, 2026).

⁶⁷ Neighborhood Data for Social Change, *The Most Pressing Environmental Health Conditions for Latinx Communities in Southeast L.A.*, PBS SoCal, (Sep. 2021), <https://www.pbssocal.org/neighborhood-data-for-social-change/the-most-pressing-environmental-health-conditions-for-latinx-communities-in-southeast-l-a>.

⁶⁸ *Id.*

⁶⁹ See CITY OF MAYWOOD, *2024 Environmental Justice Element*, in COMMUNITY GENERAL PLAN UPDATE, 1.1, 4.32 (Jan. 2024), <https://www.cityofmaywood.com/DocumentCenter/View/2771/EJ---Final-2024?bidId=>.

The Project would be approximately 0.8 miles from the nearest residences in Huntington Park and approximately 1 mile from the nearest residences in Maywood. These cities have large Latine populations (96.7 percent in Huntington Park and 97.2 percent in Maywood), high levels of poverty (18.3 percent in Huntington Park and 19.4 percent in Maywood), and many residents under the age of 65 that lack health insurance (19.4 percent in Huntington Park and 19.8 percent in Maywood).⁷⁰

The approval of the GEP with the Project's diesel backup generating facilities would prolong the unjust legacy of industrial pollution impacting SELA. The Project will exacerbate poor air quality in the region and worsen health outcomes for SELA residents.

B. Cumulative Impacts.

When considering environmental impacts, the CEC should give particular weight to (1) existing sources of pollution and (2) the potential for coinciding use of diesel backup generators at other data center sites nearby.

1. Existing Sources of Pollution.

The City of Vernon, located in Census Tract 6037980016, falls in the 98th percentile for pollution burden on CalEnviroScreen 5.0.⁷¹ Residents experience elevated cancer-risk rates (i.e., 40 percent higher than those in Southern California generally)⁷² due to poor air quality⁷³ and impacts from industrial land uses. The area experiences high levels of emissions from transportation activities⁷⁴ and it falls in the 98th percentile for DPM exposure.⁷⁵ Many existing businesses handle and store hazardous chemicals at high volumes that pose risks if accidentally released and some releases have taken place,⁷⁶ as further evidenced by the tract's placement in the 99th percentile for toxic releases from facilities.⁷⁷ According to the Climate Vulnerability Report generated by the Governor's Office of Land Use and Climate Innovation, Vernon's residents rank 16.4th for asthma and 10.6th for Chronic Obstructive Pulmonary Disease.⁷⁸ Moreover, noise levels in the residential areas of Vernon can already exceed generally acceptable standards for noise-sensitive areas.⁷⁹ The proposed development is likely to exacerbate these conditions.

⁷⁰ U.S. Census Bureau, *QuickFacts: Huntington Park city, California; Maywood city, California*, <https://www.census.gov/quickfacts/fact/table/huntingtonparkcitycalifornia,maywoodcitycalifornia/PST045225> (last visited Aug. 2026).

⁷¹ *CalEnviroScreen 5.0: 6037980016*, *supra* note 48.

⁷² Ted Rohrlich, *supra* note 46.

⁷³ *See Profile Vernon*, *supra* note 45, at 32.

⁷⁴ *See* Ted Rohrlich, *supra* note 46.

⁷⁵ *CalEnviroScreen 5.0: 6037980016*, *supra* note 48.

⁷⁶ Ted Rohrlich, *supra* note 46.

⁷⁷ *CalEnviroScreen 5.0: 6037980016*, *supra* note 48.

⁷⁸ Governor's Off. of Land Use and Climate Innovation, *Climate Vulnerability Report*, State of California, 1, 3 (Aug. 2026).

⁷⁹ *Noise Element*, *supra* note 52, at 11.

The closest residences in Huntington Park are located in Census Tract 6037532500, which is in the 99th percentile for pollution burden, the 94th percentile for DPM exposure, the 92nd percentile for toxic releases from facilities, and the 72nd percentile for asthma.⁸⁰ Similarly, the closest residences in Maywood are located in Census Tract 6037533300, which is in the 95th percentile for pollution burden, the 98th percentile for DPM exposure, the 96th percentile for toxic releases from facilities, and the 47th percentile for asthma.⁸¹

2. Coinciding Use of Diesel Backup Generators at Other Data Centers Nearby.

The GEP is not the only data center requesting approval for diesel backup generators in the City of Vernon. A cluster is forming. Thus far, SCAQMD *approved* Prime Data Center LAX01-01's request for 20 diesel backup generator permits,⁸² CoreSite Real Estate LA5-LP's request for 12 diesel backup generators,⁸³ and Goodman LAX01's request for 20 diesel backup generators.⁸⁴ This means that SCAQMD has already approved a City-wide total of 52 diesel backup generators for data centers in Vernon. The GEP Project's requested 40 diesel backup generators would put this City-wide total at 92 diesel backup generators for data centers in Vernon. It is important to keep in mind that this number has the potential to increase even further with the anticipated Digital Realty site and the potential for even more data centers in the City of Vernon.

With this in mind, there is a very real scenario in which these sites use their generators at the same time. This potential for the coinciding use of more than 92 diesel backup generators puts the health of community members in greater jeopardy, due to the increased presence of diesel exhaust⁸⁵ and noise.⁸⁶ When inhaled, diesel exhaust can cause asthma attacks, heart attacks, stroke, hospitalization, and premature death.⁸⁷

⁸⁰ Off. of Env't Health Hazard Assessment, *CalEnviroScreen 5.0: 6037532500*, State of California (July 2026) [hereinafter *CalEnviroScreen 5.0: 6037532500*], https://experience.arcgis.com/experience/be03d78c74454429ab1d3fd9266d4400/page/Overall-Results#data_s=id%3AdataSource_93-19e94845fd8-layer-19%3A3063.

⁸¹ Off. of Env't Health Hazard Assessment, *CalEnviroScreen 5.0: 6037533300*, State of California (July 2026) [hereinafter *CalEnviroScreen 5.0: 6037533300*], https://experience.arcgis.com/experience/be03d78c74454429ab1d3fd9266d4400/page/Overall-Results#data_s=id%3AdataSource_93-19e94845fd8-layer-19%3A3078.

⁸² S. Coast Air Quality Mgmt. Dist., *Facility Information Detail (F.I.N.D.): 199797 – Prime Data Center LAX01-01*, [hereinafter *F.I.N.D.: 199797*], <https://xappprod.aqmd.gov/find/facility/AQMDsearch?facilityID=199797> (last visited Sep. 1, 2026).

⁸³ *F.I.N.D.: 205154*, *supra* note 31.

⁸⁴ *F.I.N.D.: 209974*, *supra* note 6.

⁸⁵ Jamesine Rogers Gibson, *supra* note 40, at 1:16:09-1:17:22.

⁸⁶ Sierra Club, *The Hidden Dangers of Data Centers: Delaware City Mega Data Center Factsheet*, 1, ("Data centers produce noise that can be heard up to two miles from the facility, with the worst noise being up to 3000 feet from the facility. The noise can have significant health implications for nearby residents and wildlife, and the low-frequency noise from the cooling fans cannot be blocked using traditional sound barriers.") <https://www.sierraclub.org/sites/default/files/2025-07/data-center-factsheet-4.pdf>; See Ariel Wittenberg, *A Data Center Opened Next Door*, Politico (March 2026, <https://www.politico.com/news/2026/03/11/data-centers-ai-electricity-virginia-00815219>).

⁸⁷ Jamesine Rogers Gibson, *supra* note 40, at 1:16:09 - 1:17:22.

C. Energy Impacts.

The Project would demand a massive amount of energy and would join an ever-expanding fleet of data centers in California in general and in the Vernon area in particular. Adding that much power demand to the grid, especially when considered cumulatively with other existing and proposed projects, is likely to incentivize electricity generators to invest in new fossil fuel powered infrastructure to meet demand.⁸⁸ By 2030, data centers in California could consume the equivalent amount of energy as would be expected from adding another city the size of Los Angeles to the state's power grid.⁸⁹ To meet that demand, given the increased lag time to bring renewable power generation online and interconnect it with the grid, it is likely that providers will insist on investing in additional fossil fuel infrastructure.⁹⁰ In filings to the California Public Utilities Commission, for example, PG&E recently argued that "[t]he volume of data center load was previously not considered" when setting climate goals, and that PG&E should therefore be permitted to emit more greenhouse gas emissions than it otherwise would have been allowed.⁹¹ The CEC cannot ignore this impact when preparing the Draft Environmental Impact Report for the Project and GEP, and should consider requiring Goodman to fund the development of new, additional renewable power generation to help ensure that the added demand attendant to its facility will not incentivize the development of additional fossil-powered generation.⁹² Other data center developers are committing to do so, so it would be feasible in this instance.⁹³

D. Air Quality Impacts.

The CEC must thoroughly evaluate the air quality impacts associated with Project-related diesel backup generators. The Project would be located in an area that is already in nonattainment with the National Ambient Air Quality Standards ("NAAQS") for ozone and particulate matter sized micrometers and smaller ("PM_{2.5}") and in nonattainment of the California equivalent of such standards for ozone, PM_{2.5}, and particulate matter sized 10 micrometers or smaller ("PM₁₀"), meaning that the air in the region is already considered unsafe

⁸⁸ Aaron Cantú, *The Insatiable Energy Demands of Data Centers Could Increase Fossil Fuel Emissions in California*, Capital and Main (Oct. 2025), <https://capitalandmain.com/the-insatiable-energy-demands-of-data-centers-could-increase-fossil-fuel-emissions-in-california>; see NEXT 10 & the Univ. of California, Riverside, *An Assessment of California Data Centers' Environmental and Public Health Impacts*, NEXT 10, 1, 6, 11, 32 (Nov. 2025) [hereinafter *NEXT 10 & UCR Assessment*], <https://www.next10.org/sites/default/files/2025-11/ai-environmental-public-health-costs.pdf>; see Mark Specht & Vivian Yang, *Data Centers in California: Protecting Electricity Ratepayers, Clean Energy Progress, and Grid Reliability from the Data Center Build-Out*, Union of Concerned Scientists (May 2026), <https://www.ucs.org/resources/data-centers-california?read-online-content=1>; Molly Taft, *Two Fossil Fuel Companies Are Driving the Data Center Boom*, *Wired* (Aug. 6, 2026), <https://www.wired.com/story/chevron-williams-driving-data-center-boom/>.

⁸⁹ Aaron Cantú, *supra* note 88.

⁹⁰ *Id.*; *NEXT 10 & UCR Assessment*, *supra* note 88, at 6, 11, 32; Mark Specht & Vivian Yang, *supra* note 88; Molly Taft, *supra* note 88.

⁹¹ Aaron Cantú, *supra* note 88.

⁹² CEQA Guidelines § 15130.

⁹³ See, e.g., *Google and Intersect Deepen Texan Roots with New Data Center and Energy Investments in Gray and Roberts Counties* (June 2026), https://storage.googleapis.com/gweb-uniblog-publish-prod/documents/Google_Intersect_Texas_Announcement_-_June_2026.pdf.

to breathe by both federal and state regulators.⁹⁴ The diesel backup generators associated with the Project would result in significant amounts of ozone precursors (nitrogen oxides and reactive organic gases) and DPM, a toxic air contaminant (“TAC”).⁹⁵

Currently, TAC emissions in SELA largely stem from DPM emissions from diesel exhaust that contribute to the community’s high air toxics cancer risk,⁹⁶ which remains higher than the overall average in the South Coast Air Basin.⁹⁷ Although there was a decrease in risk level between the MATES IV and MATES V reports,⁹⁸ the Project and GEP will cause the SELA region to backslide on these gains and will exacerbate negative health outcomes in communities that are already overburdened.

Residents in SELA are also disproportionately exposed to PM_{2.5}, with the largest contributors being stationary and area sources because of fuel combustion and other processes.⁹⁹ In 2020, the Southeast Los Angeles CERP projected that PM_{2.5} emissions for 2030 are likely to “remain virtually unchanged” from their current numbers due to growth and economic activity,¹⁰⁰ however the region’s influx in data center facilities with accompanying backup generators is occurring at a pace that may negatively impact anticipated figures.

E. Greenhouse Gas Emissions and Climate Impacts.

Greenhouse gas emissions (“GHG”) associated with data centers are estimated to have increased by 48 percent since 2019.¹⁰¹ The CEC, at least based on the NOP, does not appear poised to adequately analyze the GHG emissions associated with the Project. According to the NOP, the Project “would emit greenhouse gas [] emissions from three categories of activities: direct emissions from construction, direct emissions from the testing and maintenance of the diesel backup generators, and emissions from the data center’s miscellaneous operations, both direct and indirect[,]” which the NOP claims will include an analysis of the GHG emissions associated with producing the energy necessary to power the Project.¹⁰² This reasoning ignores several likely sources of GHG emissions and underestimates the likely significance of the GHG emissions associated with the Project’s backup generator array. The Project, for example, proposes to utilize several refrigerants to support its cooling system.¹⁰³ Such chemicals are potent GHGs. According to the SPPE application, the warming impact of several of the refrigerants the

⁹⁴ NOP, *supra* note 7, at 5.

⁹⁵ *Id.*

⁹⁶ SELA CERP, *supra* note 2, at 3b-1, 3b-4.

⁹⁷ MATES V, *supra* note 57, at 4-31.

⁹⁸ *Id.*; see also SELA CERP, *supra* note 2, at 3b-4, 3b-5 (stating trends show that, “Diesel PM continues to dominate the TAC emission inventory in future years, despite a significant reduction in DPM from heavy-duty trucks,” and 2030 projections show DPM at 25,447 lbs/year).

⁹⁹ SELA CERP, *supra* note 2, at Appendix 3b-4, Appendix 3b-7.

¹⁰⁰ *Id.* at Appendix 3b-18.

¹⁰¹ Barbara Ferrer, Dir. of the Los Angeles Cnty. Dep’t of Public Health, Presentation to the Los Angeles Cnty. Bd. of Supervisors, in

LOS ANGELES COUNTY BOARD OF SUPERVISORS MEETING - 4/14/26: AGENDA ITEM 10, 2:56:35-2:57:09 (April 2026) <https://www.youtube.com/live/fTveNSjcwgc?si=elcOUNEBmJbB5Pmx>; see also NEXT 10 & UCR Assessment, at 5.

¹⁰² NOP, *supra* note 7, at 3, 7.

¹⁰³ See, e.g., VBGF Main Application, *supra* note 7, at 4.3-25.

Project would use is 466 to 675 times that of carbon dioxide.¹⁰⁴ Given that GIC Vernon LLC anticipates using significant quantities of such refrigerants, the CEC should meaningfully analyze such emissions when evaluating Project-related GHG impacts and impose mitigation measures to minimize such emissions to the maximum extent practicable.

Likewise, the operation of the proposed diesel generator array is likely to result in a substantial amount of GHG emissions. Even though GIC Vernon LLC claims that it will only operate such generators during “emergency” situations when grid interconnection is not available, that may change once operations commence.¹⁰⁵ Unless the CEC imposes a requirement, either via a condition of approval or mitigation, prohibiting GIC Vernon LLC from utilizing the backup generators except during “emergencies” when grid interconnection is not available, the CEC cannot rely on its unenforceable promise that it will not operate the generators during other times as an excuse to limit its analysis of the likely impacts of the Project’s backup diesel generators.¹⁰⁶ In actuality, it is common for data center operators to run their backup generators during times when grid interconnection is available, including to participate in demand-response programs.¹⁰⁷ In fact, PJM, the largest regional interconnection organization in the country, recently sought and obtained federal approval to push data centers within its jurisdiction onto their backup generators for an extended period of time to help compensate for the expected increased electricity demand attendant to an anticipated heat wave.¹⁰⁸ The CEC should therefore either require that GIC Vernon LLC only utilize its generators during such circumstances or expand the scope of its analysis to presume that GIC Vernon LLC will utilize its generators more often and during situations when utility interconnection is not interrupted.

F. Hazardous Material Impacts.

In addition to other hazardous material concerns, the Goodman Energy Park Data Center site has lead soil contamination detected between 2,400 milligrams per kilogram (“mg/kg”) and

¹⁰⁴ *Id.* at 4.8-8; DayZen LLC & GIC Vernon LLC, *GIC Vernon LLC VBGF SPPE Application – Appendices B Through D*, 1, 8 (March 2025) (outlining refrigerant global warming potentials in “Table AQ1-5 GEP Vernon Cooling Systems”) [hereinafter *VBGF Appendices B Through D*], <https://efiling.energy.ca.gov/GetDocument.aspx?tn=262032&DocumentContentId=98541>; see also California Air Res. Bd., *High-GWP Refrigerants*, (stating many refrigerants leak at a rate of 20% or more per year) <https://ww2.arb.ca.gov/resources/documents/high-gwp-refrigerants> (last visited Sep. 1, 2026).

¹⁰⁵ See *NOP*, *supra*, note 7, at 3; see *VBGF Main Application*, *supra* note 7, at 1-5.

¹⁰⁶ *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 186-199; CEQA Guidelines § 15126.4.

¹⁰⁷ Niangjun Chen, Xiaoqi Ren, Shaolei Ren, & Adam Wierman, *Greening Multi-Tenant Data Center Demand Response*, 91 Performance Evaluation 225, 225-54 (2015), <https://doi.org/https://doi.org/10.1016/j.peva.2015.06.014>; Zheming Tong & Max Zhang, *The Near-Source Impacts of Diesel Backup Generators in Urban Environments*, 109 Atmospheric Env’t 262, 262-71 (2015), <https://doi.org/https://doi.org/10.1016/j.atmosenv.2015.03.020>; Xiyue Zhang & K. Max Zhang, *Demand Response, Behind-the-Meter Generation and Air Quality*, 49(3) Env’t Sci. & Tech. 1260, 1260-67 (2015), <https://doi.org/https://doi.org/10.1021/es505007m>; Notice of Determination for San Jose Data Center (SCH No. 2021020002) at 1 (allowing for a data center’s backup generators to be operated for up to 459 hours per year to participate in local demand-response programs).

¹⁰⁸ Christine Condon, *PJM Gets Green Light to Push Data Centers onto Back-Up Power During Heat Wave*, Maryland Matters (June 2026), <https://marylandmatters.org/2026/06/30/pjm-gets-green-light-to-push-data-centers-onto-back-up-power-during-heat-wave/>.

54,000 mg/kg.¹⁰⁹ This is likely due to its proximity to the former Exide facility.¹¹⁰ Earth movement at the site could cause the resuspension of lead dust and further jeopardize the health of nearby populations,¹¹¹ including workers and residents. The Project's potential to increase lead exposure in surrounding overburdened communities is a substantial adverse environmental impact of the Project and should be treated with the gravity that it deserves, given the community's history with extensive lead contamination.¹¹²

IV. Conclusion.

Thank you for the opportunity to submit comments on the NOP for the Project. Please include CBE and CBD on your notice list for all future updates regarding the Project.

Sincerely,

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¹⁰⁹ VBGF Main Application, *supra* note 7, at 4.9-5; VBGF Appendix F Part 1, *supra* note 16, at 30-31.

¹¹⁰ See VBGF Appendix F Part 1, *supra* note 16, at 1, 30.

¹¹¹ U.S. Env't Prot. Agency, *What are some of the Health Effects of Lead?*, (identifying the following health effects: lowered IQ; damage to the brain and nervous system; learning and behavioral difficulties; slowed growth; hearing problems; headaches; reproductive problems; high blood pressure and hypertension; nerve disorders; memory and concentration problems; and muscle and joint pain) <https://www.epa.gov/lead/what-are-some-health-effects-lead> (last visited Sep. 1, 2026); *Learn About Lead*, *supra* note 66 (identifying the following health effects: anemia; damage to the brain and nervous system; decreased ability to pay attention; hearing and speech problems; hyperactivity; learning and behavioral problems; lower IQ; slowed growth and developmental effects; underperformance in school; decreased kidney function; heart-related problems and increased blood pressure; infertility in both men and women; learning, memory, and concentration problems; weakness in fingers, wrists, and ankles; harming a developing fetus; causing a baby to be born too early or too small; and increasing the risk of miscarriage, stillbirth, and infertility).

¹¹² See URS, *Removal Action Plan (Cleanup Plan): Offsite Properties within the Exide Preliminary Investigation Area*, Dep't of Toxic Substances Control, 1-1, 1-2 (July 2017) (including approximately 10,000 sensitive land use properties in the Exide PIA), https://www.envirostor.dtsc.ca.gov/getfile?filename=/public%2Fcommunity_involvement%2F1385548233%2FFIN_AL_Removal_Action_Plan-Cleanup_Plan_17Jul2017.pdf.

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