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11 LA CANADA FLINTRIDGE FOR  
12 HEALTHY AIR

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

ARROYO SECO FOUNDATION, a  
California Non-Profit Corporation;  
PASADENA AUDUBON SOCIETY, a  
California Non-Profit Corporation;

Petitioners

vs.

COUNTY OF LOS ANGELES, a political  
subdivision of the State of California and  
Charter County; COUNTY OF LOS  
ANGELES BOARD OF SUPERVISORS,  
governing body of the County of Los  
Angeles; COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS, a  
public entity; LOS ANGELES COUNTY  
FLOOD CONTROL DISTRICT, a public  
entity; and DOES 1-10, inclusive.

Respondents

LOS ANGELES COUNTY FLOOD  
CONTROL DISTRICT, a public entity; and  
ROES 1-10, inclusive.

Real Parties in Interest and  
Defendants

CASE NO. BS171826

**DECLARATION OF ESTHER  
KORNFELD IN SUPPORT OF LA  
CANADA FLINTRIDGE FOR  
HEALTHY AIR'S AMICUS BRIEF**

[CRC 8.200]

Trial: June 13, 2019  
Time: 9:30 a.m.  
Dept.: 85

[Hon. James C. Chalfant]

1 **DECLARATION OF ESTHER KORNFELD**

2 I, ESTHER KORNFELD, declare and state as follows:

3 1. I am one of the founding members of La Cañada Flintridge for Healthy Air,  
4 Proposed Amicus (“Proposed Amicus”) in this case. I am personally familiar with the  
5 facts stated in this declaration. If called as a witness I could and would competently testify  
6 thereto. I provide this declaration in support of Proposed Amicus’ Application for Leave  
7 to File Amicus Brief and Amicus Brief.

8 2. I have been working in the legal field for over 20 years. Since 2007, I have  
9 been working as a paralegal in a Pasadena law firm specializing in CEQA and  
10 environmental law. I obtained my American Bar Association-approved Paralegal  
11 Certificate in 1997 from Suffolk University in Boston, Massachusetts. In 1998, I became a  
12 member of the Lambda Epsilon Chi National Honor Society in Paralegal Studies in  
13 recognition of high scholastic achievement.

14 3. I am the mother of two sons who attend La Cañada High School (“LCHS”).  
15 LCHS is located at 4463 Oak Grove Drive in La Cañada.

16 4. LCHS is adjacent to the Devil’s Gate Restoration Project (“Project”) site.  
17 LCHS’ basketball field as well as other outdoor school areas are located right next to  
18 Berkshire Place, a street which is one of the truck hauling routes of the Project.

19 5. The Project’s RFEIR’s air quality section states that 10 schools are located  
20 within ½ mile of the Project site: “The Proposed Project is located adjacent to residential  
21 areas, and 10 schools are located within one-half mile: i.e., Crestview Preparatory,  
22 Franklin Elementary, Hillside School and Learning Center, Jackson Elementary, La  
23 Canada High School (includes La Canada Junior High School), Child Education Center,  
24 Nanny’s Nursery, Odyssey Charter, and Woodbury Preschool Village.” (SAR\_000128, p.  
25 75 of the FEIR).

26 6. Approximately 3,525 students (including newborns and toddlers that attend  
27 the Child Educational Center which is located right next to LCHS at 140 Foothill Blvd. in  
28

1 La Cañada, and 40 toddlers that attend La Cañada United Methodist Children Center which  
 2 is located at the Berkshire Place truck hauling route) from approximately 10 public and  
 3 private schools located within ½ mile of the Project site or along the haul routes will be  
 4 exposed to the increased air pollution caused by the up to 425 diesel daily truck round trips  
 5 for four years. See below “List of Schools.”

6 **LIST OF SCHOOLS:**

<b>Name of School:</b>	<b>Number of Students:</b>
LCHS 4463 Oak Grove Drive, La Cañada	2,065
The Hillside School and Learning Center 4331 Oak Grove Drive, La Cañada	60/(300) <sup>1</sup>
La Cañada United Methodist Children Center 104 Berkshire Place	40
The Child Educational Center 140 Foothill Blvd., La Cañada	225
Crestview Preparatory School 140 Foothill Blvd., La Cañada	180
Franklin Elementary 527 Ventura Street, Altadena	198
Jackson Elementary 593 West Woodbury Road, Altadena	588
Odyssey Charter School 725 W. Altadena Dr., Altadena	43
Woodbury Preschool Village 712 W. Mountain View Street, Altadena	126
<b>APPROXIMATE NUMBER OF SENSITIVE RECEPTORS AFFECTED BY 425 DAILY DIESEL TRUCK ROUND TRIPS DURING SCHOOL YEAR:</b>	<b>3,525</b>

22 7. On or around April 25, 2019, I contacted each of the above-listed  
 23 educational institutions to obtain the student population numbers, with the exception of the  
 24 numbers for Franklin Elementary and Jackson Elementary, which I obtained from the  
 25 California School Dashboard website at <https://www.caschooldashboard.org>.

26  
 27 <sup>1</sup> The Hillside School and Learning Center is located directly at the Oak Grove Drive  
 28 hauling route. The school has 60 enrolled students during the school year, and over 300 students enrolled for summer school.

1 8. The Project’s RFEIR failed to include in its list of nearby schools the La  
2 Cañada United Methodist Children Center, which has 40 toddlers (ages 2-5 years old)  
3 enrolled and which is located right at the Berkshire Place truck hauling route.

4 9. What the County also failed to consider and what is missing from the  
5 Project’s RFEIR is that during LCHS’ summer break, multiple activities, including Spartan  
6 Allstars summer sport camp and LCHS summer school (including summer PE classes),  
7 take place during the summer months, with even more outdoor activities than during the  
8 school year.

9 10. Also neglected from the County’s summer truck schedule was that The  
10 Hillside Learning Center has more students enrolled during the summer school (300  
11 students) than throughout the school year (60 students), and that neither The Child  
12 Educational Center nor the La Cañada United Methodist Children Center are closed during  
13 the summer.

14 11. Therefore, the County’s plan for a more aggressive truck schedule on  
15 Berkshire Place (close to many of these schools and summer outdoor activities) during the  
16 summer when, as the County mistakenly puts it, “the school is on summer break,” is  
17 inaccurate, and exposes approximately 2,680 kids attending these summer programs to an  
18 even higher amount of diesel emissions. See below “List of Summer Activities.”

19 **LIST OF SUMMER ACTIVITIES**

<b>Program</b>	<b>Number of Students:</b>
Spartan Allstars Summer Camp (taking place at LCHS site)	1,900 <sup>2</sup>
La Canada Flintridge Educational Foundation Summer School (taking place at LCHS site)	215 <sup>3</sup>
The Hillside School and Learning Center (summer school) 4331 Oak Grove Drive, La Cañada	300

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27 <sup>2</sup> Approximate amount of students that were enrolled in 2018 at Spartan Allstars Summer  
Camp.

28 <sup>3</sup> Approximate amount of students enrolled for 2019 as of April 25, 2019.

1	The Child Educational Center (not closed in the summer) 140 Foothill Blvd., La Cañada	225
2	La Cañada United Methodist Children Center (not closed in the summer)	40
3	104 Berkshire Place	
4	<b>APPROXIMATE NUMBER OF SENSITIVE RECEPTORS AFFECTED BY 425 DAILY DIESEL TRUCK ROUND TRIPS DURING SUMMER MONTHS:</b>	<b>2,680<sup>4</sup></b>

7           12.    On or around April 25, 2019, I contacted each of the above-listed  
8 educational institutions to obtain the student population numbers.

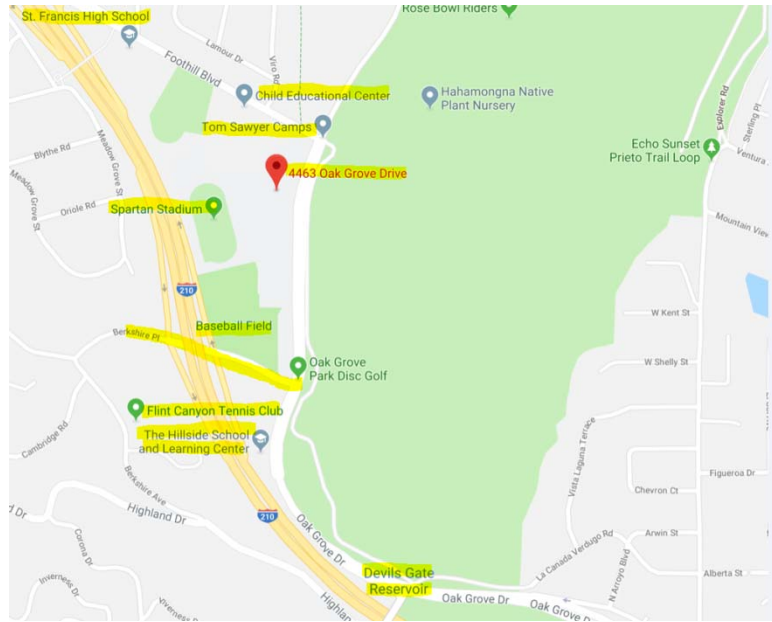
9           13.    The Los Angeles County of Public Works’ map which shows the more  
10 aggressive summer schedule for truck hauling on Berkshire Place and to which the County  
11 mistakenly refers to “when school is on summer break” can be accessed via the following  
12 link (see especially p. 7 of the link):

13                   [https://4.files.edl.io/315e/10/22/18/225038-52187bc2-f0b3-4fd0-a799-  
14 1357c47134c6.pdf](https://4.files.edl.io/315e/10/22/18/225038-52187bc2-f0b3-4fd0-a799-1357c47134c6.pdf)

15           14.    The map below shows the vicinity of LCHS (at 4463 Oak Grove Drive) and  
16 its Baseball Field to the Devil’s Gate Project site as well as to the Berkshire Place truck  
17 hauling route, which is adjacent to the southern edge of LCHS’ Baseball Field.

18           15.    The map below also shows the vicinity of the Project to The Hillside School  
19 and Learning Center (which is located right at the Oak Grove Drive truck hauling route).

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28           <sup>4</sup>           This number does not include members of the First Canyon Tennis Club and students  
attending nearby Tom Sawyer camps.



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12           16.     I learned about the Project’s aggressive truck schedule of up to 425 daily  
13 round trips for the duration of multiple years on or around September 23, 2018.

14           17.     Since then, I have done extensive research about many aspects of the  
15 Project; educated myself about the link between lung development and harmful air  
16 pollution (especially in children); and read medical articles that explain the connection  
17 between an increased cancer risk and exposure to high amounts of carcinogenic particulate  
18 matter and fugitive dust.

19           18.     Because of the extensive research I did, I helped establish La Cañada  
20 Flintridge for Healthy Air (“LCFfHA”) (a non-profit organization consisting of over 150  
21 members who are primarily parents with students at LCHS).

22           19.     I presented, along with other members of LCFfHA, our concerns about the  
23 Project’s trucks’ diesel emissions before the LCHS School Board, the Pasadena City  
24 Council, the La Cañada City Council; and we met with Los Angeles County Supervisor  
25 Barger and her staff.

1           20.    On April 2, 2019, my oldest son spoke at the Meeting of the Los Angeles  
2 County Board of Supervisors in support of Supervisor Barger’s motion to provide air  
3 quality monitoring for the Project.

4           21.    While Supervisor Barger’s motion for air quality monitoring for the Project  
5 was approved on April 2, 2019, serious risks as a result of the Project - as stated in this  
6 declaration and in more detail in the attached Amicus Brief - remain.

7           22.    Attached hereto at **Exhibit A** is a copy of a slide that was prepared by some  
8 members of LCFfHA for the various presentations made at multiple meetings (“Barrels”  
9 slide for different cancer risk values).

10          23.    Attached hereto at **Exhibit B** is a copy of a slide that was prepared by some  
11 members of LCFfHA for the various presentations made at multiple meetings (Map of  
12 where idling and slowing is on route near schools).

13          24.    I know that many other parents and school staff from multiple different  
14 schools in the area as well as many community members are equally concerned about the  
15 impacts of this Project.

16          25.    Last fall, within a short period of time, concerned parents and community  
17 members have collected over 1,000 signatures for a petition to ensure that the truck  
18 schedule will be less aggressive, the risks of the Project be mitigated and the safety of the  
19 Project be ensured.

20          26.    The goal of LCFfHA is **not** to stop the Project.

21          27.    The goal of LCFfHA is to reduce the daily hazards posed to the many  
22 sensitive receptors and the nearby communities by the harmful pollutants released by on-  
23 road and off-road equipment and fugitive dust generated in the construction activities.

24          28.    LCFfHA’s main concern is that the cancer risk from the number of daily  
25 truck trips daily is grossly underestimated.

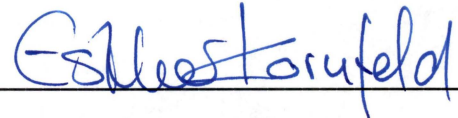
26          29.    Had Petitioners in this matter not challenged the substantively and  
27 procedurally flawed EIR in the first case of Arroyo Seco Foundation v. County of Los  
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1 Angeles, et al. (case no. BS152771), the County of Los Angeles would, to name just one  
2 example, not have been ordered to use Model Year 2010 trucks for the Project and would  
3 have used older trucks.

4 30. As stated in detail in the attached Amicus Brief, due to multiple issues that  
5 cannot be ignored, including, among others, engine failures and recalls, Model Year 2010  
6 trucks still do not ensure that NOx emissions will be reduced to less than significant levels.

7 31. The families of over 3,500 students (and even more during the summer  
8 months as stated above) as well as many community members will be directly affected by  
9 the outcome of this lawsuit.

10 I declare under penalty of perjury that the foregoing is true and correct. Executed  
11 this 26th day of April 2019, at Pasadena, California.

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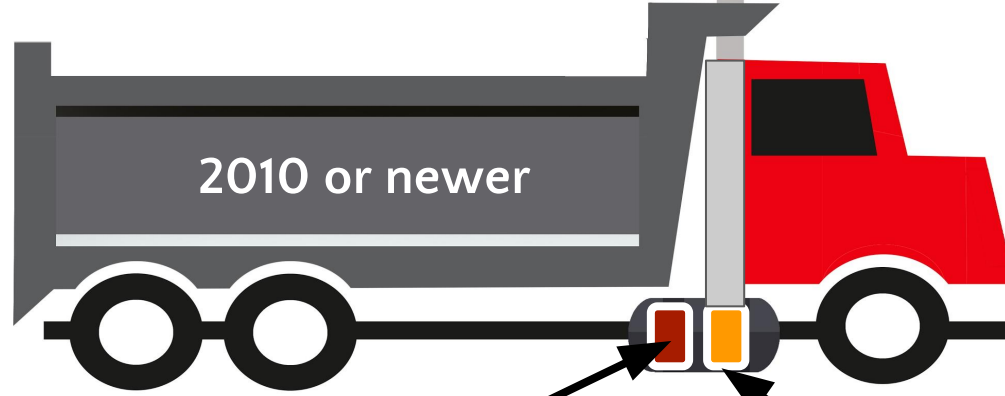


# **EXHIBIT A**

Emitted pollutants:

**Volatile organic compounds** **PM**

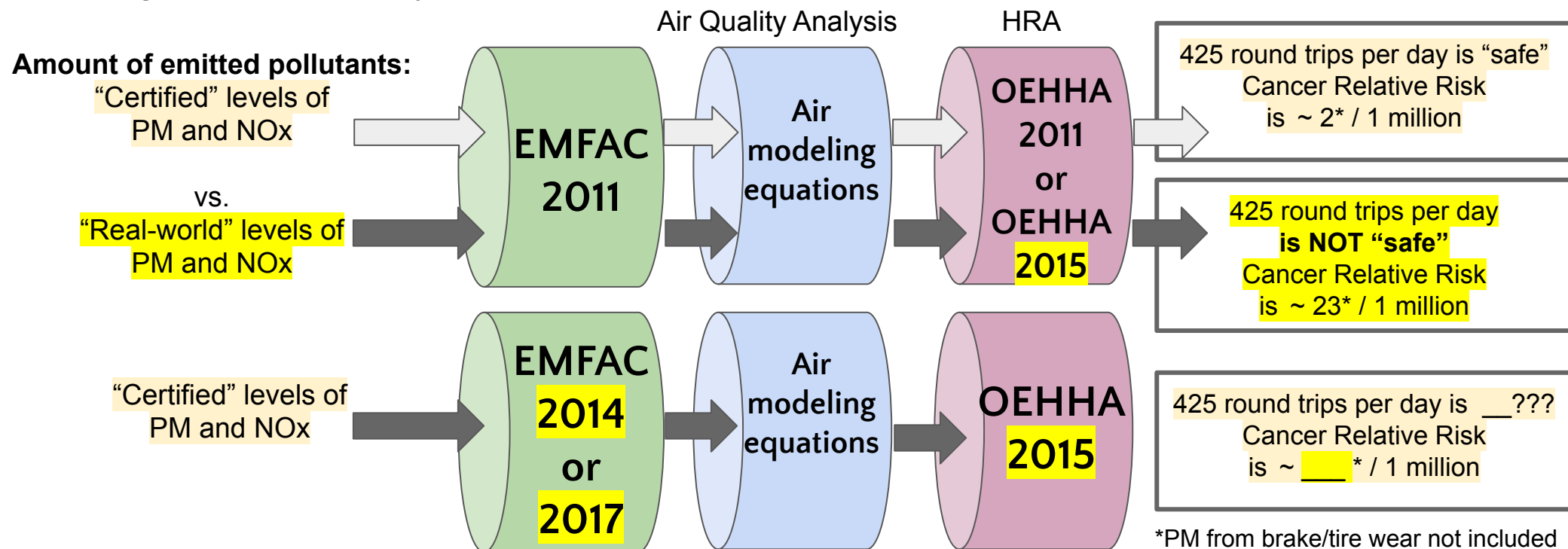
**CO**  
**NOx**



**Diesel Particulate Filter**

**NOx "Digestion" System  
(Selective Catalytic Reduction)**

The Health Risk Assessment (HRA) can produce different outcomes depending on which modeling tools are employed.



# **EXHIBIT B**

**Diesel Emissions Control Systems do not operate where they are needed the most -- around the Schools and residents -- because the engines are not hot enough to catalyze NOx reductions until the trucks are operating at highway speeds (on the freeway).**

<https://www.google.com/maps/place/Devils+Gate+Reservoir/@34.1903981,-118.1832434,2270m/data=!3m1!1e3!4m5!3m4!1s0x80c2c2422ffd3119:0xebd7129e04889e87!8m2!3d34.1852835!4d-118.1759057>

