

MEETING DATE: 09/22/2008

AGENDA ITEM: Discussion and Adoption of the September 10, 2008 Comments Submitted by Staff to the LA County Regional Planning Commission on the Draft Baldwin Hills Community Standards District Versions Dated August 14, 2008 and September 4, 2008.

ATTACHMENTS

|                                                                                                                                                                                            | <u>Pages</u> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 1. September 10, 2008, cover letter and attached comments to the Los Angeles County Draft Baldwin Hills Community Standards District, versions dated August 14, 2008 and September 2, 2008 | 1-27         |



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City Manager

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September 10, 2008

*Via Hand Delivery, Email and U.S. Mail*

Regional Planning Commission  
County of Los Angeles  
320 West Temple Street, Room 1350  
Los Angeles, CA 90012

Re: Draft Baldwin Hills CSD dated August 14, 2008 and September 4, 2008

Honorable Chair and Members of the Regional Planning Commission:

Attached are the City of Culver City's comments to the August 14, 2008 and September 4, 2008 Draft Baldwin Hills Community Standards District (collectively "County CSD"). These comments are preliminary, subject to the Culver City City Council's final review and approval. Culver City reserves the right to submit revised or additional written comments prior to the Board of Supervisor's consideration of this matter, as well as oral comments at future hearings.

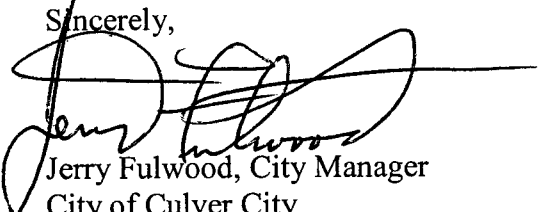
These comments are preliminary in nature due to the extremely short period of time for public review prior to the Commission's consideration of this matter. To Culver City's knowledge, the latest version of the County CSD, dated September 4, 2008, was only available on the County's website as of September 8<sup>th</sup>, only a few short days prior to the Commission's September 10, 2008 hearing. Although a prior version of the County CSD, dated August 14, 2008, was previously available for public review on the County's website, to Culver City's knowledge the County never provided the public with notice of the availability of the County CSD. It is also difficult to review and comment upon a document that is constantly evolving and changing, and which differs so greatly from the applicant proposed CSD evaluated in the Draft Environmental Impact Report ("DEIR"), on which Culver City previously submitted comments.

As discussed in the attached comments, although an improvement from the applicant proposed CSD, the County CSD still needs to be revised. The County CSD fails to incorporate the mitigation measures proposed by Culver City in its August 19, 2008 comments to the DEIR. The County CSD further fails to incorporate many of the other feasible mitigation measures proposed by other public agencies, private and non-profit entities and individuals. The County CSD, by requiring the applicant to submit and

conduct various audits, assessments, reviews and plans, acknowledges the lack of information the County currently has to adequately protect the public's health and safety and the environment from oil operations within its jurisdiction. These determinations should have been made during the environmental review process. Given the County's substantial revisions to the applicant prepared CSD, as set forth in the County CSD, the County must revise and recirculate the DEIR to address these issues. Completion and potential approval of the County CSD should not be made at the cost of an inadequate environmental review as required by CEQA. Nor should the public be deprived of a meaningful opportunity to review and comment on the County CSD.

Much work needs to be done to complete an adequate CSD informed by an adequate EIR. The County cannot approve the County CSD until a final EIR is available which responds to the comments provided by public agencies, non-profit groups and private individuals. *See* CAL. CODE REGS. TIT. 14 §§ 15089(a) and (b), 15090(a). Indeed, any revised EIR that meets the requirements of CEQA will be so significantly different than the DEIR previously circulated that recirculation will be necessary.

We trust that the County will carefully consider and adequately address Culver City's comments through the environmental review process and consideration of the adoption of a final County CSD.

Sincerely,  
  
Jerry Fulwood, City Manager  
City of Culver City

Attachment(s)

C: Culver City City Council  
Charles Herbertson, Public Works Director  
Sol Blumenfeld, Community Development Director  
Thomas Gorham, Planning Manager  
Sherry Jordan, Senior Planner  
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County of Los Angeles, Department of Regional Planning

**COMMENTS TO COUNTY DRAFT BALDWIN HILLS COMMUNITY STANDARDS  
DISTRICT DATED AUGUST 14, 2008 AND SEPTEMBER 4, 2008**

**I. Introduction**

This summary document, including the attached detailed comments on the Los Angeles County Draft Baldwin Hills Community Standards District, Version 1, dated August 14, 2008 and Version 2, dated September 4, 2008 (collectively the "County CSD"), is submitted on behalf of the City of Culver City ("Culver City"). We understand from the County Staff Report (the "Staff Report") that the County is still in the process of revising the County CSD. However, we request the County consider Culver City's comments in its anticipated, and necessary, revision of the County CSD. We trust this is just the beginning toward adopting a comprehensive Community Standards District which will protect the public's health and safety and the environment from the impacts of oil operations. Culver City supports the County's efforts and trusts the County will carefully consider the issues raised herein and in the technical comments attached hereto as Attachment 1 and incorporated fully herein.

Culver City has already provided extensive comments to Plains Exploration and Production Company's ("PXP") proposed Baldwin Hills Community Standards District ("PXP CSD") and the Draft Environmental Impact Report (the "DEIR") on August 19, 2008 (the "Culver City Comment Letter," included by reference herein). The Culver City Comment Letter points out the many deficiencies in the DEIR and proposes a number of additional mitigation measures that can help reduce the environmental impacts from the Project. At a minimum, Culver City expected that the County would at least incorporate into the County CSD the mitigation measures recommended in the DEIR, but it has not even done that. The County CSD should be revised to include the mitigation measures proposed by Culver City as well as the DEIR. The failure to adopt feasible mitigation measures to address significant impacts is contrary to the requirements of CEQA.

We address both versions herein because many of the deficiencies contained in Version 1 of the County CSD remain in Version 2. Culver City was neither consulted nor notified as to when comments to Version 1 needed to be received to ensure the County's consideration. Despite the Staff Report's claim that the County CSD was released "to allow sufficient time for the Commission's review and public comment," to Culver City's knowledge Version 2 of the County CSD was not made available on the County's website until September 8, 2008 — a mere two days before the Regional Planning Commission hearing on this issue. We also understand that the County did not notify the public of the availability of the revised County CSD. To make matters worse, Version 2 actually removes some of the safeguards imposed in Version 1, such as some of the suggested components to include in future plans and provides the oil operator with more time to take required action, including landscaping. The County CSD, though deficient in many respects, does fairly acknowledge that the County does not have adequate information regarding the current baseline operations, future operations, potential impacts or mitigation measures to presently regulate or approve any continuing or new operations. Rather, it requires PXP to compile a number of "audits," "assessments" "reviews" and "plans" (collectively

“Plans”) to understand current conditions and determine what mitigation measures should be imposed. These Plans include the following:

1. Third Party Review and Audit of available fire fighting capabilities (E.1.a.);<sup>1</sup>
2. Hydrogen Sulfide and Total Hydrocarbon Vapor Monitoring Plan (E.2.f.);
3. Fugitive Dust Control Plan (E.2.r.);
4. Third party Audit and Corrective Action Plan for gas plant to ensure compliance with emergency response requirements and seismic assessment of equipment to withstand earthquakes (E.3.d);
5. Plan for determining accumulated ground movement (E.4.f.);
6. Site-specific geotechnical investigations for proposed new facilities (E.4.k.);
7. Seismic assessment of oil tanks (E.4.m);
8. Erosion Control Plan (E.4.p.);
9. Drilling Quite Mode Plan (E.5.d.);
10. Special Status Species and Habitat Protection Plan (E.7.a.);
11. Revised Emergency Response Action Plan (E.7.g.);
12. Lighting Plan (E. 9.b.);
13. Landscaping Plan (E.10.a.);
14. Well Pad Revegetation and Screening Plan (E. 10.b.);
15. Recycling Plan (E.11.c.);
16. Private Road Construction Plan (E.12.);
17. Water Management Plan (E.18.);
18. Plan for Storage of Equipment (E.20.);
19. Unused/Abandoned Equipment Removal Plan (E.21.b.);
20. Parking Plan (E.23.);
21. Toxic Substances Storage Plan (E.25.);

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<sup>1</sup> Unless otherwise noted, citations are to Version 2 of the County CSD.

22. Annual Drilling, Well Abandonment and Well Pad Restoration Plan (E.26.c.);
23. Plot Plan of Pipeline Locations (E.27.g.);
24. Report on methods to be used to control spilled fluids and detect tank-bottom leaks (E.29.g.); and
25. Initial Third Party Compliance Audit (F.3.).

In effect, the County has identified a number of environmental impacts which need to be addressed and has tasked PXP or third parties to determine the baseline conditions, assess potential risks and ways to mitigate that risk. While the County should be lauded for its candidness in conceding it does not have enough information to adequately assess the current baseline conditions, the potential impacts from the project, or to determine the appropriate mitigation measures, the County should recognize this is precisely what the third party consultant should have done in the DEIR; but did not do. The County cannot cure the DEIR's many deficiencies by merely stating that the environmental impacts will be identified, studied and mitigated at a later date. This approach will deprive the public with the opportunity to review and comment on the County CSD which is contrary to the central purpose and requirements of CEQA. Indeed, it is inappropriate under CEQA to defer formulation of a mitigation measure until sometime in the future. CAL. CODE REGS. TIT. 14 § 15126.4(a)(1)(B); *San Joaquin Raptor Rescue Center v. County of Merced*, 149 Cal.App.4th 645, 669 (2007).

In any event, Culver City urges the County to allow public review, comment and input on the Plans and future permitting as required by CEQA. The County's assessment of baseline conditions, environmental impacts and approval of mitigation measures cannot be shielded from public review by deferring consideration to a later date.

Culver City had concerns and objections over the County's failure to require certain measures, only suggesting what "could" be included in certain Plans in Version 1 of the County CSD. However, Version 2 now fails to provide any direction at all by eliminating direction as to what "could" be included. See County CSD Paragraphs E.2.r., E.4.p. and E.5.d. This is information which should be presented to the public for its review and consideration before approving the County CSD.

## **II. The County Should Revise and Recirculate the DEIR to Review the County CSD**

As an initial matter, Culver City reiterates its request from its August 19, 2008 Comment Letter that the County revise and recirculate the DEIR to provide meaningful environmental review of the County CSD.

Culver City commends the County for recognizing the major deficiencies in the PXP CSD. Culver City agrees that the County must completely revise the PXP CSD to ensure that the public's health and safety will not be negatively impacted from oil operations within the County's jurisdiction. However, the County CSD is subject to the same requirements for environmental review under CEQA as the PXP CSD. The County's revision of the PXP CSD constitutes a significant change in the "project," which mandates the DEIR be revised and

recirculated. *See* CAL. PUB. RES. CODE § 21092.1; CAL. CODE REGS. TIT. 14 § 15088.5.<sup>2</sup> Unless environmental review is conducted on the impacts from the County CSD in compliance with CEQA, the public and the County will be unable to ascertain whether the County CSD will be sufficient to protect the public's health and safety and the environment.

Moreover, to Culver City's knowledge, the public has not been afforded any substantive opportunity to comment on the County CSD. Although the County CSD is available on the County's website at <http://planning.co.la.ca.us/spBH.htm>, to Culver City's knowledge the County never circulated any notices to the public regarding the availability of the County CSD. Nor does the website highlight the existence of the County CSD. The County CSD is merely included under the heading "For more information, please view the following documents." The public has been given no opportunity to comment on Version 2 of the County CSD. To Culver City's knowledge, Version 2 was only made available on the website on September 8, 2008. The County's Staff Report admits that the County CSD departs greatly from the CSD proposed by PXP to include "all of the mitigation measures of the Draft Environmental Impact Report and some provisions of the CSD proposed by the applicant and the Greater Baldwin Hills Alliance." Staff Report p.1. Whether that is true or not, the County CSD represents a significant change in the Project requiring recirculation. The County CSD represents a much different approach than the original applicant proposed CSD and must be subjected to review under CEQA. As public participation is an "essential part of the CEQA process" (CAL. CODE REGS. tit. 14 § 15201), the public must be afforded the opportunity to comment on this important document.

### III. **Summary of Deficiencies in the County CSD**

Below is a summary of some of the significant areas of the County CSD that must be revised.

#### A. **The Additional Mitigation Measures Referenced in Culver City's August 19, 2008 Comment Letter Should be Incorporated into the County CSD**

Culver City urges the County to include in a revised County CSD the mitigation measures referenced in the Culver City Comment Letter. The Culver City Comment Letter included, without limitation, the following mitigation measures which need to be incorporated into a revised County CSD:

1. **Consolidation of Existing and Future Oil Wells:** All existing and future oil wells should be consolidated to the extent feasible. Consolidation of the wells will have several beneficial impacts including minimizing visual and aesthetic impacts to the surrounding neighborhoods, mitigating odor and toxic emissions, and minimizing impacts to the future use of the area for recreation purposes. Although the County CSD requires the oil operator to prepare a one-year plan for "maximum well consolidation," the County CSD should require a longer term plan and require the oil operator to prepare a plan for well consolidation based on the areas the projected wells will be located. County CSD Paragraph E.26.c. The County should further define its intent regarding the maximization of wells.

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<sup>2</sup> *See* Culver City's August 19, 2008 Comment Letter, section VI.

2. No Net-Gain of Wells: The County CSD should also include a requirement that there be no net-gain of wells. The oil operator should be required to properly abandon an equal number of existing wells before drilling a new well.

3. Use of Low Profile Pumping Units: In addition to well consolidation and landscaping, low profile pumping units should be used to the extent feasible to minimize impacts to the aesthetic resources.

4. Development of a Comprehensive Landscaping Plan: In preparing the landscaping plan required by paragraph E.10.a. of the County CSD, the oil operator should be required to use mature or semi-mature trees, shrubs and other plants to the extent feasible. The County should also consult with the Baldwin Hills Conservancy before approving the landscaping plan to ensure consistency with the Baldwin Hills Master Plan. The County CSD should require both existing and new facilities to be screened from public view. Public view should be defined to include not only views from nearby areas, but views from within the various viewsheds, including the Culver City Viewshed. The time period for completion of the landscaping should also be shortened. Version 1 of the County CSD required completion of the landscaping within one year of receiving approval of the Landscape Plan. County CSD Paragraph E.10.a. However, Version 2 now gives the oil operator two years to complete the landscaping after approval. Even if the Landscaping Plan was approved the same day it was submitted (which is highly unlikely), it could be more than 2 ½ years before any the landscaping is completed. The oil operator must be required to finish the landscaping sooner than this.

5. Electrification of all Drilling Rigs and Heavy Equipment: As discussed in the Culver City Comment Letter, the County CSD should require the electrification of all drilling rigs and heavy equipment whenever technically feasible. The use of electrically driven rigs will reduce air quality impacts, especially NOx and diesel particulate impacts, from the increased operations.

6. Continuous Air Monitoring: Culver City commends the County for including air monitoring requirements in the County CSD. However, as discussed below, the air monitoring requirements should be revised to mandate monitoring, alarm/shutdown and notification at lower detection limits.

For a complete description of the mitigation measures proposed by Culver City, please see Culver City Comment Letter.

#### **B. The County CSD Must Provide the County with Discretionary Review**

The County CSD must provide for “discretionary” and not “ministerial” review over the permitting of future oil well drilling and implementation of Plans submitted for approval by the County. Paragraph H.1 requires the Director to review and approve future well permits subject to the Chapter 22.56 (Conditional Use Permits) requirements for new drilling and production operations. Culver City agrees with the Staff Report’s assessment that “Director’s Review is a form of discretionary review where the Director is authorized to add additional conditions on a site plan or project.” Staff Report p. 9. However, although it appears from the language of the County CSD that the County intends to treat such permits as conditional use permits, the County

CSD must be further clarified and the scope delineated. For example, Chapter 22.56 does not have any specific requirements for new drilling and production facilities. It is unclear whether the County intends to add such requirements or whether it intended to refer to the more general provisions of Chapter 22.56, and if so which ones. It must be clarified that the “discretionary review” will include further review under CEQA and the opportunity for public review and comment. Moreover, the reference to Part 12 of Chapter 22.56 is confusing. That part references grounds for “modifications and revocations.” However, the operator does not have a permit for new drilling until it is granted by the Director. As Paragraph H.1 relates to the approval of new drilling and production operations and redrilling, and provides that the Director’s review is subject to only Part 12 of Chapter 22.56, the reference is nonsensical and should be clarified so that it is plain and clear that any future drilling permits are subject to CEQA review by the County as lead agency.

Given the gravity and potential impacts of future drilling, Culver City agrees that future drilling permits must be subject to a public review and comment process (and the public should have the right to appeal) conducted by the County that would necessarily trigger review under CEQA. In the face of the County’s efforts to impose comprehensive regulations over the Baldwin Hills oil operations it would seem contrary to the County’s intent and the public’s health and safety to cede discretionary review over future development plans, leaving California’s Division of Oil Gas and Geothermal Resources (“DOGGR”) to be the lead agency for purposes of evaluating the future potential environmental impacts under CEQA.

Version 2 of the County CSD requires the submission of 25 different “Plans” to the County, many of which require approval by the County before any new drilling can be permitted. In addition to those specified in the County CSD Paragraph H.1.a., all future drilling, new production and redrilling should be conditioned on the submission and approval of the following Plans:

1. Third Party Review and Audit of available fire fighting capabilities (E.1.a.);
2. Fugitive Dust Control Plan (E.2.r.);
3. Third party Audit and Corrective Action Plan for gas plant to ensure compliance with emergency response requirements and seismic assessment of equipment to withstand earthquakes (E.3.d);
4. Plan for determining accumulated ground movement (E.4.f.);
5. Erosion Control Plan (E.4.p.);
6. Special Status Species and Habitat Protection Plan (E.7.a.);
7. Revised Emergency Response Action Plan (E.7.g.);
8. Lighting Plan (E. 9.b.);
9. Well Pad Revegetation and Screening Plan (E. 10.b.) (this should be approved before any permits are approved contrary to what the CSD provides);

10. Private Road Construction Plan (E.12.);
11. Water Management Plan (E.18.);
12. Toxic Substances Storage Plan (E.25.);

Upon the submission of the Plans, the environmental baseline, impacts and mitigation can be better understood and the County's evaluation of permits and drilling plans under CEQA will be far better informed and meaningful.

#### **C. District Boundaries**

The CSD's district boundaries shown in the map entitled "Baldwin Hills Community Standards District Boundaries" needs to be definitely delineated and defined. Although the map is color-coded, there is no key to describe what each of the colors reference. The CSD district boundaries must be clearly defined to make clear that it only applies to drilling conducted within Los Angeles County's jurisdiction. Any slant drilling from the CSD into other jurisdictions, such as Culver City, will be subject to the ordinances, regulations and permitting requirements of those jurisdictions.

#### **D. Area-Specific Standards**

The County CSD prohibits oil and gas operations within the portions of the District that includes Edison Facilities and the Holy Cross Cemetery or on the parcel east of La Brea. County CSD Paragraph D. The County should prohibit oil and gas operations in other areas within the County CSD, including the Culver City viewshed. According to the DEIR, PXP intends to drill over 230 wells within the viewshed. The County's July 2006 Interim Ordinance (the "Interim Ordinance") prohibited drilling of new wells within the Culver City viewshed (at least as a temporary measure). However, the County CSD imposes no limitation on drilling within Culver City viewshed.

#### **E. District-Wide Standards**

##### **1. Fire Protection and Emergency Response**

The County CSD should include a requirement that the oil operator be assessed sufficient funds to allow local fire departments, including Culver City, to improve their response capabilities to address the increased demand on resources as a result of the oil operations. The County CSD should also include a requirement that the oil operator reimburse local fire departments for the costs incurred responding to incidences as a result of the oil operations.

##### **2. Air Quality and Public Health**

The requirements to address air quality and public health impacts must be more stringent to ensure the protection of the public's health and safety from the oil operations. The present and future oil operations have resulted and will result in the release of a significant number of air contaminants that are toxic to the public including diesel particulates, benzene and hydrogen

sulfide. Although the County CSD provides greater protection than set forth in the PXP CSD, more needs to be required.

As a threshold issue, the requirements are insufficient to the extent they were based on findings contained in the DEIR. As discussed in Culver City's August 19, 2008 Comment Letter, the DEIR was wholly inadequate in its assessment of the air quality and public health impacts from the existing and future oil operations. For example, Marine Research Specialists ("MRS"), the company that did the DEIR, failed to conduct an independent review or audit of PXP's emissions inventory to determine the accuracy of the data. If the underlying data was inaccurate or contained other mistakes, the results would be erroneous.<sup>3</sup> Without having a clear understanding of the baseline levels of air emissions, the County cannot possibly formulate an effective plan to address the public health risks from oil operations.

The requirements set forth in the County CSD also need to be more stringent. For example, the air monitoring requirements need to be revised to provide for air monitoring at lower thresholds. The County CSD provides that the operator shall "provide for the monitoring of total hydrocarbon vapors and hydrogen sulfide at each well drill site." County CSD Paragraph E.2.c. However, detection limits are not specified. In contrast, the Interim Ordinance required detection limits of 1 ppm. Interim Ordinance Paragraph 6. However, even this is too high. As discussed in the technical comments attached hereto, the odor threshold for the average person is over a hundred times lower than the action thresholds set forth in the County CSD and more than 1,000 times lower for those most sensitive to hydrogen sulfide odors. Given the very low odor threshold and potential low threshold for chronic toxicity, detection limits should be no higher than 0.1 ppm for hydrogen sulfide. OEHHA has set a risk level exposure for chronic exposure to hydrogen sulfide at 8 parts per *billion*. Thus, with surrounding residences the detection levels must be very conservative.

As recommended in the attached technical comments, an alarm notification should be triggered when hydrogen sulfide emissions reach 0.1 ppm. Technical Comment Letter p. 15. Operations should be shutdown at 1 ppm of hydrogen sulfide until the source can be located and mitigated.

The monitors should be located at the well-head, not around the perimeter of the well pad. Locating the monitors around the perimeter will only further dilute the concentrations and significant releases will not be detected, particularly if the monitors are located upwind from the well and not downwind.

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<sup>3</sup> Other deficiencies with the DEIR are discussed in Culver City's August 19, 2008 Comment Letter.

Even, the Interim Ordinance contained more stringent limits for when action must be taken in response to elevated levels of hydrogen sulfide. For example, the Interim Ordinance required the monitors to provide an automatic alarm which would be triggered by detection of hydrogen sulfide at five parts per million, or above and notify the appropriate agencies. Interim Ordinance Paragraph 6. The County CSD does not require an “alarm event” and notification unless hydrogen sulfide is detected at 10 parts per million. County CSD Paragraph E.2.c.i.

The oil operator should also be required to notify the appropriate government agencies of an alarm event sooner than four hours after the event. County CSD Paragraph E.2.c.ii. The County CSD provides the oil operator with up to four hours to give notice of an alarm event. The oil operator must have personnel on hand that can provide notice to the appropriate agencies within 30 minutes of a shutdown alarm event. The longer the oil operator waits to provide notice, the greater likelihood that the appropriate agencies’ response capabilities will be reduced. Additionally, the agencies will have a more difficult time ascertaining the cause of the alarm event the more time that passes.

The setback requirements contained in the County CSD are also insufficient. The County CSD provides that there shall be a setback for new or existing wells of 400 feet from “Developed Areas,” defined to include residences. County CSD Paragraph E.2.p.i. In contrast, the Interim Ordinance required a setback of at least 1,000 feet of any residential dwelling. Interim Ordinance Paragraph 7. As discussed in the technical comments attached hereto, given the potential impacts to nearby residents caused by air emissions, vibration, noise and lighting, and availability of slant drilling, a setback of at least 200 meters (656 feet) is reasonable. The setback from public roads should also be increased from 20 feet to 100 meters.

The County’s requirement to use an “odor suppressant” at County CSD paragraphs E.2.k. and l. is too vague. In addition to requiring the use of an odor suppressant, it should at least include a performance standard that prohibits the emissions of odors detectable to anyone living, playing or working outside the boundaries of the CSD.

### 3. Biological Resources

As discussed in Culver City’s August 19, 2008 Comment Letter, the Baldwin Hills is the last, large undeveloped area in urban Los Angeles County. The Baldwin Hills Master Plan 2002 identifies biological resources in the Baldwin Hills that must be protected from oil operations. See Baldwin Hills Master Plan available at <http://www.bhc.ca.gov/documents.html>. The County CSD does include some requirements for the protection of biological resources (County CSD Paragraph E.7.), however, it should also require coordination with the Baldwin Hills Conservancy and the California Department of Parks and Recreation to ensure compatibility with the future use of the Baldwin Hills.

### 4. Landscaping, Visual Screening and Irrigation

The County CSD should contain additional landscaping requirements to mitigate the visual, aesthetic and noise impacts from the oil operations. The landscaping plan also needs to be consistent with the Baldwin Hills Master Plan. As part of the landscaping plan, wells should be relocated and consolidated out of the public view to the extent technically feasible through the

use of slant drilling. The landscaping plan should include the use of mature plants, trees and shrubs capable of shielding the equipment from the public view immediately.

The landscaping should be required to be completed sooner than two years after approval of the landscaping plan. Version 1 of the County CSD required the landscaping to be completed within one year of approval of the landscaping plan. However, Version 2 extends this period to allow landscaping to be completed within two years of approval of the landscaping plan. Having landscaping completed within a reasonable time is imperative to mitigate visual and aesthetic impacts from oil operations. The public should not have to wait more than 2 ½ years for the completion of the landscaping.

## 5. Noise

The County CSD authorizes a noise increase of 5 dBA above baseline levels. County CSD Paragraph E.5.a. However, as discussed in Culver City's August 19, 2008 Comment Letter, such an increase will cause a significant impact. Moreover, the County CSD does not provide any mechanism for ensuring that the oil operations do not exceed this minimal standard. Nor does the County CSD identify a mechanism for determining the baseline. As discussed in the technical comments attached hereto, the baseline conditions need to be determined for each hour of a normal 24-hour period at adjacent sensitive receptors. The County CSD should include a requirement that noise levels be periodically monitored to ensure compliance.

The County CSD should also include other requirements to minimize noise impacts. For example, the oil operator should be required to use radio headsets to mitigate noise from yelling directions. Soundproofing should be used on all equipment whenever technically feasible. The suggested requirements in the Drilling Quiet Mode Plan, which were taken out in Version 2, should be reinserted as required mitigation measures. As these were feasible mitigation measures identified by the County to mitigate a significant impact, there are no grounds for not requiring this in the County CSD.

Moreover, the baseline to be established cannot exceed exterior noise levels set by the County ordinance. LA County Ordinance 12.08.390.(B). The oil operator cannot increase its future baseline through violation of law.

## 6. Drilling, Redrilling and Reworking Operations

The operator should be required to submit a future plan for consolidation and reduction of wells that covers more than a one-year span as currently required by the County CSD. County CSD Paragraph E.26.c. As discussed above, consolidation and reduction of wells will be a key step toward minimizing the impacts from oil operations. However, if the oil operator is only required to plan one-year in advance, potential consolidation and reduction options on a long-term scale may be lost.

Planning should also be required based on well location, in addition to temporal parameters. For example, PXP estimates conducting future drilling operations in Culver City, the Culver City Viewshed, Central, South LAI, and Stocker. DEIR Table 3.1. The oil operator should be required to prepare a consolidation and well reduction plan based on each of the areas that are within Los Angeles County's jurisdiction irrespective of when the wells will be drilled.

Preparing such a plan would help ensure that future consolidation and well reduction is achieved to a maximum extent in each area the oil operator intends to drill.

The amount of drill rigs present within the oil field at any one time should also be reduced based on the location of the drill rigs. The County CSD allows three drill rigs at the oil field at one time. County CSD Paragraph E.26.b. However, this number should be reduced depending upon the location of the drill rigs. Three drill rigs within the same area will have more impacts, including impacts from noise and vibration, than three drill rigs spread across different locations. Moreover, the Interim Ordinance limited drilling operations to an average of no more than one and one-half oil rigs at a time. The County CSD should have the same limitation.

Paragraph E. 26.c. has been reworded in Version 2 to relax the standards of the Annual Drilling, Abandonment and Restoration Plan. Such Plan should include the precise location of wells and well pads. The Plan should state how new technological improvements will be used to mitigate environmental impacts as opposed to merely discussing technological advances. Moreover, it should expressly *require* that wells be consolidated to the maximum extent possible through the use of directional drilling. It should further require that such consolidated wells be located in a place that is likely to have the least impact on noise, aesthetics, and air quality and compatible with future land uses as contemplated by the Baldwin Hills Master Plan.

#### **F. Permitting**

As discussed above, the permitting requirements must provide for discretionary review over all components of the oil operations. The County CSD states that the applicant must obtain a conditional use permit for “a steam plant, water treatment and water softening facilities, oil heating facility, storage tank with a capacity of 5,000 or more bbls., [and] any facility comparable in scale and intensity.” With respect to drilling operations, the County CSD references that new drilling and production operations shall be subject to the conditional use permit requirements specified in County Code Chapter 22.56, Part 12. The Staff Report states that the Director will have “discretionary review where the Director is authorized to add additional conditions on a site plan or a project.” Staff Report p. 9. The County CSD itself needs to clarify that the Director has discretionary review over whether to grant a permit for new drilling and production operations and that the public will be afforded an opportunity to review the Plans and comment. If the Director is not given discretionary review over these operations, DOGGR will be the lead agency for CEQA review.

Version 2 of the County CSD provides that no application for new drilling or redrilling shall be accepted by the Director until eight requirements of the CSD have been met and approved by the County. County CSD Paragraph H.a. Although we agree that final acceptance of new drilling or redrilling should be conditioned on approval of these eight requirements, a number of required Plans should be approved before acceptance of an application for new drilling or redrilling as set forth above.

#### **G. Public Outreach**

Culver City requests that representatives from the Culver City neighborhoods of Blair Hills and the Raintree complex be included in the list of neighborhoods that will have representatives in the Community Advisory Panel. County CSD Paragraph J.1.a.i.

#### **H. Enforcement Procedures, Bond Requirement and Indemnification**

The enforcement procedures contained in the County CSD must be strengthened. Currently, the enforcement procedures do not specify any penalties for failing to comply with the County CSD itself. *See* County CSD Paragraph I.1. Penalties for failing to comply with any provisions of the CSD, in addition to penalties for failing to comply with “any order of the Director or the Board of Supervisors issued hereunder or any injunction of the Superior Court” must be specified. “Unless otherwise provided in such ordinance,” Los Angeles County Code section 1.24.020 only sets forth a \$1,000 penalty for violation of an ordinance. The economic incentives for extracting oil as expeditiously as possible are so great that an oil operator may prefer to pay the \$1,000 penalty than comply with the ordinance. Thus, the County CSD should include at a minimum a \$25,000 per day, per violation penalty.

The County CSD must include a bond requirement to pay for the costs of rehabilitating any drill site after abandonment and pay for the costs incurred by local public entities, including Culver City, responding to any incidents as a result of the operations. Culver City commends the County’s decision to increase the deposit amount required in Version 1 of the County CSD from \$100,000 to \$500,000. County CSD Paragraph G.1. However, the money should also be used to reimburse all reasonable expenses incurred by any public entity, including Culver City, in connection with the oil operations within the CSD boundary, and not just the expenses incurred by the Department of Regional Planning “reviewing and verifying the information contained in any required reports and any other activities of the Department.” County CSD Paragraph G.1.

All public entities, including Culver City, should be indemnified by the operator for any injury, damage or release of hazardous substances caused by oilfield operations. Given its proximity, Culver City Fire Department is often the first or one of the first responding agencies. Culver City should be entitled to the same indemnification as the County.

#### **I. The County CSD Must Be Periodically Updated and Undergo Additional Environmental Review**

The County CSD should clarify that the “periodic review” of the County CSD (County CSD Paragraph G.4.) will include supplemental environmental review under CEQA. The DEIR conducted on the CSD should be considered at a minimum a program EIR from which future EIRs could tier. *See* CAL. CODE REGS. TIT. 14 § 15168(a). This will enable the County to focus subsequent environmental review on the new environmental effects that were not considered in the current EIR as part of the County’s periodic review of the County CSD. CAL. CODE REGS. TIT. 14 § 15168(d)(3). The periodic review should also require that all feasible mitigation measures be imposed to address significant environmental impacts.

**J. The Various Plans Should Contain Specific Requirements and Be Reviewed in an EIR**

As discussed above, throughout the County CSD the County requires the oil operator to submit a series of Plans addressing various issues, including geotechnical, noise attenuation, biological resources, lighting, landscaping, oil field waste removal, stormwater and drainage management, water management, site cleanup and maintenance, vehicle parking, drilling, redrilling and reworking operations, pipelines and monitoring and compliance. However, the County CSD in many circumstances does not clearly set forth all of the plan requirements. Moreover, the viability of these Plans to protect the public's health and safety and the environment needs to be fully evaluated with environmental review. This underscores why the DEIR must be revised to review the new County CSD and suggest concrete mitigation measures to be included in each of the contemplated plans.

**IV. Conclusion**

We appreciate the efforts the County has taken to revise the PXP CSD, which is entirely deficient. However, more needs to be done to protect the public's health and safety and the environment. We trust the County will carefully consider Culver City's comments to the County CSD and revise and recirculate the DEIR as required by CEQA. We reserve the right to submit additional written comments prior to the Board of Supervisor's consideration of this matter, as well as oral comments at future hearings. We urge the County to carefully consider the comments raised by others, including the public and other entities and organizations, including the Greater Baldwin Hills Alliance, who have taken the time to submit comments.

**“ATTACHMENT 1”**  
**to Comments to County Draft Baldwin Hills Community**  
**Standards District Dated August 14, 2008 and September 4, 2008**

## **Preliminary Comments on County of Los Angeles Working Drafts Baldwin Hills CSD Version 1 and Version 2**

### **Introduction**

This document provides comments on the Working Draft Baldwin Hills Community Standards District (CSD) prepared by the County of Los Angeles and publically released on August 14, 2008. This document also provides preliminary comments on Version 2 of the CSD, which is dated September 4, 2008. While the County's CSD improves on the version presented in the Draft EIR for the Baldwin Hills Oil Field, there are still changes needed to better address environmental impacts from the oil field such as odor, noise, public health and safety, and air pollution, and to ensure concerns expressed by communities that surround the oil field are addressed.

### **A. Intent and Purpose**

Please add the following to the intent and purpose of the CSD:

- Cooperation with affected and adjacent government agencies in ensuring that all reasonable measures are taken to reduce impacts to the surrounding communities.
- Ensure that prior to new oil field drilling activities that existing and proposed operations comply with the requirements of the CSD.
- Cooperative and coordinated agency response to oil field emergency situations.

### **B. District Boundaries**

As addressed in comments on the Draft EIR, the CSD must specify why the area south and southwest of the Edison facility is included in the CSD boundary. Without explanation, the extension raises the question as to whether Plains Exploration & Production Company (PXP) plans to request an extension of DOGGR's productive field limit and surface field boundaries. As noted in the last paragraph of Draft EIR Section 2.1, DOGGR's boundaries are not fixed and can be modified (e.g., expanded) via ministerial actions which are not subject to review and approval under the California Environmental Quality Act (CEQA). Please detail the purpose of this extension and the limitations within this area. (Why include the Edison facility and the Holy Cross Cemetery if no oil production will be allowed in this area?) Information regarding uses and limitations of the area in question should be added to the CSD boundary map.

### **C. Definitions**

#### **General**

Provide a list of all acronyms (Acronym List) used in this CSD document.

#### **Page 4, Cone Trust House**

Define and discuss the Cone Trust House.

**Page 4, Department of Transportation**

Because the CSD is specific to the Inglewood Oil Field, in the definition of agencies include what role the agency has in the permit process.

“Department of Transportation” should mean U.S. Department of Transportation (USDOT). Caltrans, the commonly used term for the California Department of Transportation, should be used here.

**Page 5, District**

Suggest the following revision to the first line: “District shall mean the area of land known as the Inglewood Oil Field, which is located in the Baldwin Hills and is regulated by this CSD. The District boundary as is shown in the figure referenced in Section B of Section 22.44.XXX.

**Page 5, DOGGR**

In the definition of DOGGR, please add the type of permit they issue, when it is issued (in relation to the County permit), and what areas DOGGR considers in their permit (i.e., “down-hole” issues).

**Page 6, Exploratory Well**

Please add a definition for an exploratory well.

**Page 6, Shut-in and Abandoned Wells**

Please add a definition for shut-in well and abandoned well.

**Page 6, Fluids**

Definition of Fluids should be any liquid and/or gas.

**Page 6, Flare or Flaring**

Add a definition for flare or flaring.

**Page 6, Safety, Health and the Environment**

Please add the following priority definitions for Health, Safety and the Environment:

1. Significant potential for serious; personal injury; negative environmental impact; property damage or hazardous material release.
2. Moderate potential for serious personal injury; negative environmental impact; property damage or hazardous material release.
3. Low potential for serious personal injury; negative environmental impact; property damage or hazardous material release.
4. Housekeeping and other maintenance items.

Priorities 1 and 2 require immediate resolution.

**Page 9, Production Well**

Please add a definition for a production well.

**Page 8, Processing**

The definition of processing should identify what level of processing is authorized under the CSD. Provide difference between “Processing” and “Refining” since refining is not permitted at the site.

## **D. Area-Specific Standards**

As noted in the comment on District Boundaries (Section B) it is unclear why the Edison facilities and the Holy Cross Cemetery are included within the CSD boundary. Further explanation is needed on why they are included in the CSD boundary. If there is the potential for these areas to be drilled in the future there must be requirements for future drilling and reduction of environmental impacts identified in this section of the CSD.

## E. District-Wide Standards

### 1. Fire Protection and Emergency Response

#### General Comment – CSD Requirements

The inclusion of the timeframe for when requirements need to be completed is a good addition to the CSD, but this should be applied to all measures. The City of Culver City provided comments on the CSD requirements that were not incorporated in this version of the CSD. The comments made on the Draft EIR are repeated here because they are important additions that strengthen the CSD requirements.

#### Page 10, Provision a.

This requirement should identify existing and potential deficiencies and inadequacies of firefighting capabilities and identify recommendations of the audit that would expand and improve firefighting capabilities. In addition, periodic audits and not a one-time audit should be required to ensure adequate firefighting capabilities and resources.

#### Page 11, Provision b.

The requirement should include information on how such a system would be developed or what specific measures should be included such as required timing of the notification, necessary equipment installation, and a protocol for notification.

#### Page 11, Provision c.

Revise requirement to add a definition of what is considered a large spill and “in a timely manner.” Suggested revision is included below:

Within 90 days of the effective date of the ordinance creating this section, ~~The facility Operator shall document that the oil field develop- has sufficient spill containment response training and equipment and personnel resources onsite to respond to and contain so that the a largest spill [define] can be responded to and contained in a timely manner immediately [define]. The spill containment response program shall include periodic training on responding to spills and recording spill events (when spill occurred, resources deployed to respond and contain spill, timeframe).~~

#### Page 11, Provision d.

The requirement should include review and input from the applicable fire departments to improve and update the field’s emergency response plan. Additionally, periodic review and update of the plan should be included in the requirement.

### 2. Air Quality and Public Health

#### General Comment – Production/Activity Limits

Production limitations and other process construction/upgrades defined as the basis of the Draft EIR should be established in the District provisions. Specific limitations of concern are the maximum annual oil and gas production assumptions, and the type, quantity, and capacity of new processing equipment (steam plant, water processing facilities, etc.).

#### Page 12 and 13, Provision c. and d. subpart i. and ii.

The hydrogen sulfide concentrations noted for action and shutdown are not low enough to control offsite health and odor impacts. The OEHHA acute and chronic Reference Exposure Levels (RELs) for hydrogen sulfide are 0.030 ppm and 0.008 ppm, respectively, or 333 and 1,250 times lower than the shutdown level of 10 ppm. The odor threshold for hydrogen sulfide for the average person is over 300 times lower than these action thresholds and more than 1,000 times lower for those most sensitive to hydrogen sulfide odors. Under worst case dispersion conditions these action concentrations would have the potential to remain an order of magnitude or more above the hydrogen sulfide acute REL and odor threshold at the nearest residential areas. Additionally, the well drilling emission controls identified under Provision h., if working

properly, should essentially remove all hydrogen sulfide prior to their release to the ambient air. To protect against odor impacts these thresholds should be lowered from 5 and 10 ppm as practically feasible, perhaps as low as to 0.1 and 1 ppm which is still well above existing hydrogen sulfide monitoring technology lower detection limits and should be low enough to reasonably protect residential areas from health odor impacts during well drilling.

Allowing a four-hour notification for an event that could cause numerous complaints to the local emergency response public agencies and immediate investigation by those agencies is totally inadequate. Notification procedures should be required to be posted on the drill rigs and notification should occur within 30 minutes of the shutdown alarm for the local agencies that could conduct emergency response due to odor complaints.

**Page 14, Provision e.**

The gas plant monitoring should also include monitoring for hydrogen sulfide with action levels of 1 and 0.1 ppm as noted above for provisions c. and d.

**Pages 14 and 15, Provision f.**

The specific information to be included in the hydrogen sulfide and total hydrocarbon vapor monitoring plan needs to be provided in more detail, items such as the procedures for determination of the "set distance" from each well as noted in items c. and d. (i.e., downwind), required replacement of monitors under shifting wind conditions as necessary, the specific monitors that are allowed for use with their minimum detection limits and maintenance procedures, and other quality controls need to be included in this provision. The vapor monitoring plan should also include review and comment by the local emergency response agencies.

**Page 15, Provision g.**

Electrically driven drill rigs should be required to reduce air quality impacts, particularly NOx and diesel particulate impacts, due to the forecasted increase in new well and well rework drilling.

Additionally, Tier 2 engines should be required for all off-road non-drill rig diesel fuel equipment, with a specified phase in of Tier 3 engines for engines 50 and 750 horsepower. Additionally, a specified phase in of equipment meeting Tier 4 engine standards should be included in this provision.

**Page 15, Provision h.**

Some definition of an acceptable portable flare design, such as the height of release, internal or external flare, etc. should be added to this provision.

**Page 15, Provision j.**

The frequency of inspection of the tank hatches should be provided, or the requirement to use vapor measurement devices in place of visual inspections.

**Page 15, Provision k.**

This provision should either define allowable odor suppressant or add a requirement to have all odor suppressants approved before use. Additionally, a control level for the odor suppressant should be included in this provision.

**Page 15, Provision l.**

This provision should either define allowable odor suppressant or add a requirement to have all odor suppressants approved before use. Additionally, a control level for the odor suppressant should be included in this provision.

**Page 16, Provision o.**

See comment on Provision g., all drill rigs should be required to be electrically driven.

**Page 16, Provision p.**

The setback for new wells or deepened existing wells from developed areas should be increased to a minimum of 200 meters (656 feet) to conform to the EIR localized impact analysis assumptions used on Table 4.2.9 and 4.2.10 (of the Draft EIR) for NOx emissions and to minimize the potential for odor impacts from well drilling.

Additionally the specified 20-foot setback from public roads is inadequate and should be increased to at least 100 meters (328 feet) for any public roadway that may include pedestrian or cyclist traffic.

**Page 16, Provision q.**

This provision would have to include well pad construction on a different schedule as well to ensure the finding that construction activities would not exceed the regional significance criteria as determined in the Draft EIR.

**Page 17, Provision r.**

The first sentence should be more explicit and say: "Within 90 days of the effective date of this District, the Operator shall prepare and implement a Fugitive Dust Control Plan that follows the SCAQMD Rule 403 Best Available Control Measures and other recommended SCAQMD CEQA website fugitive dust control measures recommendations for fugitive dust mitigation..."

*Comment on Version 2 CSD (September 4, 2008) Page 17, Provision r.*

If the comment listed above regarding the source of the expected fugitive dust measures is not implemented then the dust control measures as provided in Rule 403 and the additional control provided in SCAQMD's CEQA Website should be listed in place of the list of measures deleted from the Version 1 CSD (August 14, 2008). It is important to list the measures or the specific source of the expected measures to provide the public and the applicant a framework for the issues that must be addressed in preparing the plan.

### **3. Safety and Risk of Upset**

**Page 19, Provision c.**

This requirement should direct the reader to Section H. Permitting (2) that requires a CUP for steam plant construction.

**Page 19, Provision d.**

The third party audit should be comprehensive to include safety codes such as API (in addition to the specified API 2510/2510A), ASME, CCR as well as the Safety Elements of the PSM (Process Safety Management).

Priority 1 and Priority 2 (see suggested definition for Safety, Health and Environment), both should be resolved to the satisfaction of the Los Angeles County Fire Department prior to issuance of any new drilling permits.

**Page 20, Provision e.**

As noted in the comments submitted on the Draft EIR: "The 110% containment as identified in the Draft EIR may not be adequate as required by current regulations. The current NFPA 30 and 40 CFR Part 112 require secondary containment to contain at least 100% of the largest tank volume plus sufficient free board to accommodate precipitation or fire fighting water. For example, Santa Barbara County requires 100% volume of the largest tank plus 24-hour, 25-year rainfall."

### **4. Geotechnical**

**Page 20, Provision a.**

The measure should include a reference to California Certified Engineering Geologist and Geotechnical Engineer required to conduct the investigations and prepare the reports.

**Page 20, Provision b.**

The measure should clarify that no cut slope shall be steeper than one to one, and no fill slope shall be steeper than one and one-half to one.

**Page 22, Provision f.**

The measure should clearly state that the study of Ground Movement using Differential Interferometric Synthetic Aperture Radar (SAR) technology should develop an analysis of baseline conditions (oldest SAR data to recent) of ground movement (uplift and subsidence) in relation to oil field activities (production, steam injection, waterflooding). This analysis should identify activity within individual oil production zones, and injection schedules, rates, volume and pressure. The measure should identify the professional qualifications of the individuals conducting the analysis and that the Baseline Ground Movement Report will be submitted to DOGGR, LA County Public Works Department, City of Culver City Public Works Department, and City of Los Angeles Bureau of Engineering 90 days prior to the start of new secondary recovery efforts. The Baseline Ground Movement report should coincide with the submittal of the periodic update and DOGGR review of "fieldwide repressuring plan" (Page 4.4-20, Paragraph 2 of the Draft EIR). These reports shall be reviewed by an independent expert retained by the County of Los Angeles and other adjacent and affected jurisdictions.

The Baseline Ground Movement report should identify the amount of ground movement (horizontal and vertical, uplift and subsidence) that would trigger a prompt review or be considered as "on-going ground movement" (see Provision h comment).

**Page 22, Provision g.**

The measure should clearly state that the surveying (horizontal and vertical) shall be obtained with high precision GPS techniques (1 to 2 mm) and completed by a California Licensed Surveyor. A second ground movement survey shall utilize Differential Interferometric SAR data that is available on a monthly basis for the Los Angeles metropolitan area. In addition, the results of the high precision GPS and SAR surveys of ground movement will be analyzed by comparing oil field activities during the previous year (annual data collection, analysis, and report). The annual report shall be submitted to DOGGR, Los Angeles County Public Works Department, City of Culver City Public Works Department, and City of Los Angeles Bureau of Engineering. These reports shall be reviewed by an independent expert retained by the County of Los Angeles and other adjacent and affected jurisdiction(s).

**Page 22, Provision h.**

The measure should include Differential Interferometric SAR monitoring in addition to the GPS monitoring. The measure should clearly state that on-going ground movement includes horizontal and vertical (subsidence and uplift). The measure does not identify a trigger level. Additionally, the measure should include a provision to continue the ground movement monitoring (Differential Interferometric SAR, high resolution GPS, and seismic activity for a specified period of time (e.g., 10 to 20 years)) following the cessation of oil field operations.

**Page 22, Provision k.**

The measure should state that a licensed Geotechnical Engineer, in addition to the Certified Engineering Geologist, complete the site-specific geotechnical investigation for all proposed permanent structures.

**Page 22, Provision l.**

The measure should be modified, or an additional measure developed, to include an annual review of the seismic activity along faults that traverse across or near (Newport Inglewood fault zone, Charnock fault) the Inglewood Oil Field as measured from the new Caltech Seismological Laboratory accelerometer (seismometer) to be installed at the oil field. Microseismic activity of M 2.0 and larger should be evaluated and compared to historic regional data as well as correlation to new injection and oil production operations. The annual review shall be prepared by Caltech Seismological Laboratory and submitted to DOGGR, Los Angeles County Public Works Department, City of Culver City Public Works Department, and City of Los Angeles Bureau of Engineering.

*Comment on Version 2 CSD (September 4, 2008) page 26 Provision o.*

Please add the list of measures that would be addressed in the Stormwater Pollution Prevention Plan from the Version 1 CSD (August 14, 2008). It is important to list the measures or the specific regulation to provide the public and the applicant a framework for the issues that must be addressed in preparing the plan.

## **5. Noise Attenuation**

### **Page 25, Provision a.**

This threshold does not identify what or how the baseline conditions will be determined. As this threshold identifies that noise cannot exceed an hourly A-weighted 5 dB increase, baseline conditions need to be determined for each hour of a normal 24-hour period at adjacent sensitive receptors. Without baseline conditions determined and levels specifically identified at all adjacent sensitive receptors, it will not be possible to determine when an hourly 5 dB increase occurs.

A comparison of established baseline conditions to Los Angeles County Code Noise Control Ordinance (Section 12.08.390) operational noise thresholds should occur prior to the issuance of any drilling permits at sensitive receptor locations not in compliance with County exterior noise standards as any noise increase would result in a significant impact. In addition, if a possible hourly A-weighted 5 dB increase over baseline could result in a violation of the County exterior noise standards a significant impact would occur.

### **Page 25 and 26, Provision d.**

The required Drilling Quiet Mode Plan should require City of Culver City review and approval as well as Los Angeles County Directors of Planning and Public Health.

*Comment on Version 2 CSD (September 4, 2008) page 27 Provision d.*

Please add the list of measures that would be addressed in the Drilling Quiet Mode Plan from the Version 1 CSD (August 14, 2008). It is important to list the measures or the specific regulation to provide the public and the applicant a framework for the issues that must be addressed in preparing the plan.

## **6. Vibration**

### **Page 27, Provision a.**

This measure needs to provide more specifics on how the requirement will be implemented, who will implement the measure, and what implications will occur if vibration levels exceed the trigger level. Consider combining with Provision b as the new flare will address current issues with vibration or low-level airborne noise.

## **7. Biological Resources**

Requirements should be added for a worker environmental awareness program,

Please add the following measure to the Biological Resources requirements:

Prior to construction in any riparian or potential wetland drainage feature, the operator shall provide copies of all approved permits (1602, 404, 401, 402) or letters from the CDFG, RWQCB, and USACE indicating the riparian and wetland areas do not fall under State or federal jurisdiction. Prior to ground disturbance in any potential riparian or wetland area, the operator shall have a qualified County approved biologist prepare a wetland delineation of the proposed work area. This report shall be submitted to the County and provided to the regulatory agencies during the application for water quality permits.

*Comment on Version 2 CSD (September 4, 2008) page 34 Provision h.*

The changes to the restoration priority are unclear and need to be fixed. Use the language from the August 14, 2008 version of the CSD.

*Page 35 Provision i.*

Please add back in the language regarding compliance with the County's oak tree ordinance from the August version of the CSD.

## **8. Cultural Resources**

### **Page 33, Provision a.**

In order to ensure that drilling activities do not impact the Cone Trust House, measure should specify the maximum distance from the Cone Trust House at which drilling activities may be safely located.

Draft EIR mentions potential to relocate the Cone Trust house, but the requirements of the CSD do not address this issue. In order to ensure that any disturbances to the Cone Trust House are repaired or restored following its potential relocation, add to provision b specific details of this relocation and specify a timeframe within which PXP must complete these repairs (e.g., within three months following the relocation of the Cone Trust House).

## **10. Landscaping, Visual Screening and Irrigation – (Comment on CSD Version 2)**

### **Page 37, Introductory Text**

Version 2 of the CSD eliminates the need to plant landscaping along the perimeter of the oil field. If this requirement is removed then there should be additional measures taken to improve the appearance of the facility from neighboring residences and other uses. Fencing (as required in Section 19 of the CSD) with no landscaping will not improve the appearance of the area. Please include other measures (i.e. specific fencing or wall plus landscaping) that will ensure that this section meets its intent - "to beautify and screen the operations from adjoining residential, recreational, institutional areas or adjacent public streets or highways."

## **11. Oil Field Waste Removal**

### **Page 38, Provision v.**

Request that Operator identify how and when the employee education sessions would be conducted, for example, once a year for existing employees and at new employee orientation sessions.

## **17. Stormwater and Drainage Management**

### **Page 41, Provision a.**

Reference to "inspected" in the second line should be changed to "approved." If the requirement intends to mean that the regulatory agency will visit the oil field and confirm that measures are in place, then the text should be changed to clearly state the requirement for a site visit and confirmation prior to approval of the plan.

## **19. Fencing**

Fencing should also be addressed in Section 10 (Landscaping, Visual Screening, and Irrigation) or referenced in that section so that fencing is shielded or partially shielded from adjoining residential, recreational, institutional areas, or adjacent public streets or highways, and to incorporate fencing in the landscaping design. Also see comments on landscaping Section 10.

## **25. Storage of Toxic Substances– (Comment on CSD Version 2)**

### **Page 47.**

Please also add a requirement that the fire department inspect the storage sites/facilities annually, and submit a report to the County for review to ensure that the facility complies with storage requirements for toxic materials.

## **26. Drilling**

### **Page 46, Provision d.**

Electrically driven drill rigs should be required to reduce air quality impacts, particularly NOx and diesel particulate impacts, due to the forecasted increase in new well and well rework drilling.

## **27. Processing Operations**

### **Page 48, Provision e.**

Add reference to coordinating with emergency service providers to alert them regarding the emergency and to provide an oversight mechanism to ensure prompt resolution.

## **28. Well Workover Operations**

### **Page 49, General Comment**

Electrically driven well workover drill rigs should be required to reduce air quality impacts, particularly NOx and diesel particulate impacts, due to the forecasted increase in new well and well rework drilling.

## **29. Tanks All Provisions**

All provisions should also comply with requirements of the 2007 (or current) California Fire code (CFC).

## **32. Abandoned Well Testing**

### **Page 51**

Abandoned wells should be tested more frequently, at least every quarter and relaxation of the testing frequency to annual testing should be allowed only if no leaking hydrocarbons were found for eight straight quarters. Additionally, the procedures and equipment for the abandoned well testing should be specified or required to be approved in an abandoned well testing plan.

## **35. Abandonment Procedures**

This provision should be titled Facility Closure or Shutdown (or something similar) and should provide more detail on what is required. The discussion identifies the need for a plan but provides minimal specifics on what issues should be addressed. Prior to facility closure, the Operator should coordinate with the County six months before the anticipated closure to identify specific issues that need to be addressed in the Facility Closure/Shutdown Plan, timelines for shutdown activities, agency permits and review, and to work out the specifics of the performance bond. The County should also allow for partial closure of the facility, if feasible, as an interim step to full closure and require advance coordination to investigate the potential for acquiring open space for the surrounding communities.

## F. Monitoring and Compliance

### 2. Safety, Inspection, Maintenance, Quality Assurance Program

#### General Comment

Specify that all measures required to reduce noise, odor, and other environmental impacts shall be employed during maintenance. Also, in case of emergencies please add: "All reasonable measures shall be taken to protect public safety, health and the environment during an emergency."

#### Page 56, Provision c (iii)

The safety audits should be conducted annually.

### 3. Compliance Audits

The compliance audits should be conducted annually with priorities 1 thru 4 (as defined in the Definition Section for the Safety, Health and Environment). The Priorities 1 and 2 findings should be addressed and completed immediately. This provision should include or reference these priorities.

The definition of "facility" with regard to the audit should be expanded so that there is no confusion on what the compliance audit will address. For instance, it should state that the compliance audit should be performed "of the facility including existing (as of effective date of CSD) and new (after effective date of CSD) wells, pipelines, and processing facilities."

### 5. Noise Monitoring

#### Page 57

This monitoring does not identify what or how the baseline conditions will be determined. As the threshold identifies that noise cannot exceed an hourly A-weighted 5 dB increase, baseline conditions need to be determined for each hour of a normal 24-hour period at adjacent sensitive receptors. Without baseline conditions determined and levels specifically identified at all adjacent sensitive receptors, it will not be possible to determine when an hourly 5 dB increase occurs.

A comparison of established baseline conditions to Los Angeles County Code Noise Control Ordinance (Section 12.08.390) operational noise thresholds should occur prior to the issuance of any drilling permits at sensitive receptor locations not in compliance with County exterior noise standards as any noise increase would result in a significant impact. In addition, if a possible hourly A-weighted 5 dB increase over baseline could result in a violation of the County exterior noise standards a significant impact would occur.

It should be specified that all noise monitoring activities would occur for a 24-hour period. Furthermore, noise monitoring should occur immediately upon any noise complaints to ensure that the identified threshold is not exceeded. Furthermore, the monitoring time frame should be done in coordination with City of Culver City.

It is stated that in the event noise levels exceed the specified threshold, no new drilling activities will be approved prior to the Operator meeting with the Department of Public Health to identify the source of noise and steps taken to assure future compliance with the noise threshold. In addition to this measure, it should be specified that all existing drilling and oilfield operation activities determined to violate the noise threshold shall immediately cease until the Operator meets with the Department of Public Health to identify the source of noise and steps taken to assure future compliance with the noise threshold.

### 6. Vibration Monitoring

#### Page 57

It should be specified that all vibration monitoring activities would occur for a 24-hour period. Furthermore, vibration monitoring should occur immediately upon any vibration complaints to ensure that the

identified threshold is not exceeded. The monitoring time frame should be done in coordination with the City of Culver City.

It is stated that in the event vibration levels exceed the specified threshold, no new drilling activities will be approved prior to the Operator meeting with the Department of Public Health to identify the source of vibration and steps taken to assure future compliance with the noise threshold. In addition to this measure, it should be specified that all existing drilling and oilfield operation activities determined to violate the vibration threshold shall immediately cease until the Operator meets with the Department of Public Health to identify the source of vibration and steps taken to assure future compliance with the noise threshold.

## **7. Complaints**

### **Page 57**

Complaint reporting should also include reporting to emergency response agencies that may also be receiving the complaint (significant odors, oil spills, fire, etc.) and otherwise responding to the complaint. Notification of these more significant complaints should be completed to the affected emergency response agencies no later than 30 minutes after receiving the complaint.

A specific odor complaint procedure should be included for the logging, investigation, identified action, and resolution of odor complaints. The "complaint" log shall be available to the County and affected and adjacent agencies for review if requested by these agencies. This provision should reference Section J (Public Outreach), which has a similar requirement for establishing a complaint log.

## **G. Administrative Items**

### **3. Insurance Requirements– Comment on Version 2 (September 4, 2008)**

#### **Page 64**

The measure needs to be carefully reviewed to remove information that does not apply (Franchise's – in second sentence) and missing information (3.b Evidence of Insurance).

### **4. Performance Security – Comment on Version 2 (September 4, 2008)**

#### **Page 66, Provision b.**

Provision b states that the bond will be in effect one year after termination of the Operator's activities on the site. This measure should also describe or reference how transfer of the facility to another Operator will be handled.

### **5. Periodic Review – Comment on Version 2 (September 4, 2008)**

#### **Page 67**

The CSD should be updated (or re-validated) every two years or sooner if warranted to incorporate changes due to the facility modifications, or changes in the regulations, new technology or operating and maintenance procedures.

## **H. Permitting**

The County should clarify in this section that all drilling permits will be discretionary and subject to CEQA analysis. The Draft EIR did not provide sufficient detail as explained in the City of Culver City comment letter dated August 19, 2008 or sufficient justification for the less than significant impact determinations. Therefore, the County should conduct additional CEQA analysis for specific project applications.

## **2. Conditional Use Permit**

### **Page 6, Provision 2b (ii) – Comment on Version 2.**

Reference should be made to the need to comply with CEQA for the review and approval of a discretionary permit. Also, the text in this provision should state that the Operator should document what measures it will take to reduce environmental impacts and include that information as part of its application for the CUP. A brief list of submittal requirements should be added in the discussion.

## **J. Public Outreach**

### **General Comment**

A specific odor complaint procedure should be included for the logging, investigation, identified action, and resolution of received odor complaints.

## **2. Ombudsperson**

### **Page 76 – Comment on Version 2.**

The description of the role of the Ombudsperson states that the Ombudsperson is responsible for ensuring that the Operator is complying with the CSD. Section F (Monitoring and Compliance) states that an onsite Environmental Coordinator will be responsible for ensuring compliance with the CSD. Please clarify the role of each of these new positions with regard to compliance with CSD requirements. Add the definition of Ombudsperson to the definitions and include the difference in the positions in the definitions.