



March 4, 2008

Ron Hoffman, Administrator  
County of Los Angeles  
Regional Planning Department  
320 West Temple Street  
Los Angeles, CA

**Re: Outline for Community Standards District Response**

Dear Mr. Hoffman:

On October 16, 2007, the County of Los Angeles shared an initial outline with a list of questions pertaining to the Baldwin Hills proposed Community Standards District ("the October 16 Outline"). This letter presents our preliminary response based on the information provided to-date by the County through the Notice of Proposal (NOP) and comments gathered from workshops held with the community.

Our goal is to assist the County in developing an EIR and CSD that will represent the broad interests of the community while protecting human and environmental health. We fully expect the preliminary responses described herein will be expanded upon through the EIR, CSD and community outreach processes, as well as through our own research and investigation.

*A. Question: What is the main goal of the CSD? What does it aim to accomplish?*

- *Intent*
- *Purpose*

***Response:***

- **Goal:** The primary goal of the Community Standards District (CSD) is to be protective of human and environmental health and of public welfare and public safety and well-being in the communities surrounding the Baldwin Hills Oil Field. The CSD should aim to minimize, if not eliminate, health risks and environmental impacts associated with oil field operations in an urbanized area. Of equal importance, the CSD should protect the quiet enjoyment of surrounding residents, businesses, students, visitors and persons involved in active and passive forms of recreation. Before its adoption, the CSD should be a document that is supported by the surrounding residents and the surrounding jurisdictions (i.e., City of Los Angeles, City of Culver City, the Los Angeles Community College District, the Baldwin Hills Conservancy and the State Department of Parks and Recreation).

The goal of the CSD is to establish better long-term comprehensive County regulation of oil well drilling and operations in the Baldwin Hills Oil Field to supplement the currently A-2 and M-1½ zoning regulations that were not designed specifically for oil drilling. These new regulations will supersede the provisions of the basic zoning where the new regulations are more restrictive. This is consistent with Section 4 of Ordinance No. 11,873. The CSD regulations should take effect when the interim moratorium ordinance expires.

- Intent: The intent of the CSD is to facilitate the harmonious integration of the use and various activities that occur in the Baldwin Hills Oil Field and immediate surrounding area. Namely, the CSD should support residential living, area schools, other sensitive receptors, open space, recreation, and critical biological habitat in the midst of oil field operations in a manner that is protective of public and environmental health.

The intent, as stated in the Interim Moratorium Ordinances, is to avoid "an irreversible incompatibility of land uses [that] might reasonably occur as a result of the drilling or deepening of new wells in the affected area, all to the detriment of the public health, safety, and welfare."

In short, the "Baldwin Hills Community Standards District" should mean exactly what it says it means: it should impose new standards on oil development and operations within the Baldwin Hills Oil Field overlay zoning district for the safety, health, benefit and well-being of the surrounding community.

- Purpose: The purpose is to establish standards and mitigation requirements to protect human and environmental health by which to regulate and monitor oil field operations in the Baldwin Hills. A parallel purpose is to establish a process for consideration of future specific applications for proposed new wells. As stated in the County Interim Moratorium Ordinances, "the drilling of additional wells or deepening of existing wells without adequate controls may negatively impact the quality of life for nearby residents due to the possibility of ever-increasing odor occurrences and releases of noxious gases as well as other potential adverse impacts including noise, visual, traffic, and vibration impacts." Accordingly, the CSD should also address:
  - on-going operation of existing wells,
  - betterment of existing conditions in the oil field,
  - meaningful mechanisms for enforcement when violations occur,
  - reliable and fully-funded mechanisms for monitoring compliance,
  - public outreach and education,
  - establishment of a community advisory board,
  - community benefits, and
  - periodic revisiting of the CSD regulations to see how they are working and to see what needs to be modified after the County and community learn how well the new regulations are working.

The CSD should also address cleanup, remediation issues, and well abandonment. Ultimately, the CSD should provide for the eventual transition of the oil field to parkland consistent with the adopted Baldwin Hills Park Master Plan. New wells

should not be permitted without needed improvements to existing conditions and corresponding abandonment of more troublesome existing wells.

B. **Question:** *To what area does the CSD apply?*

- *Boundaries*
- *Context*

**Response:**

- **Boundaries:** The core area is the oil field and the boundaries of the oil field should be the primary boundaries for the district. The CSD should regulate oil field development and operations. These regulations should benefit, not burden, the surrounding communities.
- **Context:** The oil field is bordered by three different municipalities, a community college district, state parkland, and unincorporated areas. The CSD will have far reaching implications to the surrounding densely populated residential and commercial urban area and West Los Angeles College. The community is largely a socio-economically diverse African American and Latino population. The area carries a significant historical and cultural context in African American Los Angeles and raises concerns regarding environmental justice. The CSD will also affect public lands currently utilized as parks and open space, as well as private lands that are targeted to be acquired pursuant to the Baldwin Hills Master Plan to create the largest urban park designed in over a century in the United States in an otherwise under resourced region.

C. **Question:** *What community-wide standards apply to the entire area?*

- *General Operations*
- *Drilling Operations*
- *Oil and Gas Production*
- *Workover Operations*
- *Tanks*
- *Steam Recovery*
- *Non-Oil Production Uses*

**Response:** This question requires technical information regarding the existing and proposed operations to which we have not been privileged and therefore goes beyond the scope of our answers to this outline. We would, however, recommend that the CSD also explicitly include the following which may be currently embedded in the areas the county identified above:

- Air quality
- Subsidence
- Hazardous materials
- Safety risks
- Noise
- Vibration
- Odors
- Lighting
- Hours of operation

- Natural habitats and Wildlife preservation
- Mapping
- Inconsistency with current zoning (agricultural) and adopted land use plans (parkland)
- “Redrilling”
- Inactive wells
- “Modifications or procedural changes in the operation or production”
- Transportation and storage
- Workforce Protections
- Posting
- Early warning and notification

Generally, the community-wide standards should be as protective of human and environmental health as possible and should reflect research focused on other oil fields in urban areas to define thresholds for pathways, especially those risks associated with steam recovery. Among the comparable legislation to study and consider for adoption is Chapter 25 of the Santa Barbara County Code (<http://bpc.iserver.net/codes/stbarb/maintoc.htm>) dealing with Oil and Petroleum Wells, including Sections 25-9 (pollution control plan), 25-15 (penalties), 25-21 (spacing and location), 25-22 (grading), 25-25 (emission control), 25-23 (blowout equipment), 25-26 (drilling and well servicing structures), 25-27 (storage), 25-28 (piping), 25-29 (fire prevention and control equipment), 25-30 (secondary and enhanced operations), 25-35 (hazardous conditions or nuisances) and 25-27 (pollution).

Standards should take into account the baseline for environmental and human health factors and how such baseline will change or be impacted as production increases due to new wells being drilled and put into production or altered in some form due to changes in the operation and technology. Sensitive receptors should be considered in the development of any standards. Standards should encourage and include a timeline with targets for the consolidation and adoption of new technology in order to limit the total number of wells, holding and production facilities over time.

Drilling standards should address such questions as:

- How many new wells in total and over what timeframe?
- How often can a new well be drilled?
- Can more than one new well be drilled at the same time?
- Where will new drilling be allowed? Where will it be prohibited?
- How deep can the wells go?
- Will existing wells be capped as new wells are developed?
- What level of technology will be required of new wells?
- Where does drilling pose greater public impacts?
- Will drilling be allowed 24 hours per day?
- How will compliance be monitored?
- How will violations be enforced?
- What matters, if any, are pre-empted by State or Federal law?

The CSD should define and delineate:

- The type(s) of permits that will be required

- Notification requirements for interested parties
- The County's scope of discretion in acting on new permits
- Findings to grant or deny new drilling permits
- Comprehensive standard conditions of approval
- Landscaping and aesthetic controls for new permits
- Mechanism for coordinating with other interested jurisdictions
- Means of enforcement and sanctions
- Future compliance with CEQA
- Exactions and dedications
- Buffer zones around new wells

*D. Question: What standards apply to the specific zones?*

**Response:** This question is beyond the scope of our ability to answer with specificity in the absence of the draft screencheck Draft EIR. Generally, the CSD should encourage consolidation and centralization of drilling and processing operations as well as provide adequate buffer zones. Zones should be established and defined based on the proximity and potential exposure and/or risk to the public and environment.

Furthermore, the standards that apply to the specific zones depend on the land uses for which the zone allows. For example, if the zone is open space, then the standards should allow for only those activities that are compatible with open space, such as passive recreation.

To the maximum extent feasible, any future drilling activities should be confined to areas on the site that will not impact other surrounding land uses. There is no reason why new drilling should occur near any residences except as a last resort.

Community consensus needs to be achieved over these issues. And with drilling technology advancement, the standards for today will quickly become outdated and the standards will need to be re-visited. Moreover, the community will learn more about the effects of the standards once they have begun to be implemented; therefore, the initial zoning standards should be adopted on an interim basis and should be reviewed again after a short trial period of perhaps two or three years.

*E. Question: What standards apply to the specific areas?*

- *Inner (Main)*
- *Middle (Limited)*
- *Outer (Buffer)*

**Response:** Again, this question is beyond the scope of our ability to answer with specificity based on the available information. Generally, the standards that apply to the specific areas depend on the pathway of concern. For example, human exposure to risk of an accident at the oil wells should be limited to whatever threshold is determined to be most protective of human and environmental health and public well-being, not necessarily based on geographic distance. These thresholds should be determined based on public health and welfare research as well as the environmental review and planning processes.

Plans for reducing exposure to human health risks need to be based on the potential magnitude, severity, duration, and likelihood of exposure, anticipated migration of airborne pollutants, and the characteristics of the exposed population. As a first line of defense, hazards should be reduced as much as technically feasible using best industry practices. Some operations may be so inherently dangerous that they should not be permitted if there is any potential for accidental exposure. Secondly, hazard/pathway-specific buffer zones may be used to reduce the likelihood of exposures to hazards that are still possible even after mitigation. Given the necessity to maintain a negligible “margin of error” for hazardous operations in a densely populated urban area and other adjacent land uses, in no case should secondary preventive measures (e.g., buffer zones) be used as a substitute for primary preventive measures (e.g., low noise machinery, no deep drilling, ample mud for gas containment, closure and capping of wells with high H<sub>2</sub>S levels).]

To this point, the County has not done any community outreach to educate the population as to the alternative zoning regulations being explored. This is a major shortcoming to reaching consensus on these issues. If the community is not brought into the process during the vetting of alternatives, then there is little reason to expect community support for the outcome.

F. **Question:** *What types of creative programs and plans will the CSD require?*

- *“Compliance Audit”*
- *Retrofitting Facilities*
- *Screen Perimeter*
- *Drilling Plan (Wells/Year)*
- *Monitor and Testing*
- *Security*
- *Fire Prevention*
- *Emergency Response*
- *Water*
- *Remediation and Restoration of Biological Resources*
- *Community Monitoring*
- *Public Agency Task Force*

**Response:** The following types of creative programs and plans could be required by the CSD to address the above concerns and others:

- a. A compliance audit for the existing oil operations conducted by a third party who would inspect the oil field to ensure compliance with applicable regulations. The oil field operator would be fined for any violations and would not be allowed to apply for any new permits until all violations were cleared.
- b. Annual geological sampling and testing financed through a fee assessed on the oil operation to test for exposure beyond the designated zones.
- c. Retrofitting facilities or new construction should include aggressive consolidation of operations.
- d. Screening the perimeter would incorporate the recommendations developed by the landscape study that the oil field operator, County, landscape architect, and Baldwin Hills Conservancy developed. Furthermore, chain link fences in the outer

area covered by appropriate plant material should be installed to effectively and aesthetically screen operations.

- e. The drilling plan (the number of wells per year) should be authenticated by an expert appraisal of the oil field's capacity and reasonable (not excessive) economic return. Additionally, the plan should be informed by the environmental review and planning process as well as research. In other words, the County should investigate if there is a threshold for the number of wells in active operation in terms of their impact on public and environmental health. A plan for decommissioning and removal of abandoned or depleted well sites should be developed commensurate with the long range drilling plan. The oil fields at Bolsa Chica provide an example of such policies, since they exist in close proximity to residential land uses.
- f. An automated air quality and noise monitoring and public notification system should be implemented. Manual testing of emissions and sound decibel levels generated by the oil field should be conducted around the perimeter of the community, both on-site and off-site. A system similar to the one created near the Los Angeles International Airport to monitor impacts to the surrounding residences should be considered.
- g. The oil field operator should be responsible for purchasing and installing air quality monitors on/around each new well and at key points in adjacent neighborhoods that will provide real-time access for neighbors and the SCQAMD to all data collected. Among other things, these monitors will test for methane, hydrogen sulfide and organic sulfides. Substantive penalties and or cessation of oil production activities should be imposed for any future air quality violations triggered as a result of oil production activities. The severity of the penalty should be significant enough to prompt immediate resolution of the violation and insure the utmost protection of human health. Monetary fines for violations could begin at \$100,000 per occurrence and increase exponentially for each additional occurrence.
- h. Fire prevention and emergency response programs and plans should be included in the CSD, especially those programs and plans required by regulatory agencies and include annual informational workshops for area residents on evacuation and emergency procedures.
- i. Water quality, runoff prevention and conservation programs/plans should be developed to prevent negative local, regional, and global impacts from oil drilling activities. Water-borne contaminants and sediments generated by oil operations are a great concern and best management practices should be in place to protect the health of the Ballona Creek, wetlands and Santa Monica Bay. Additionally, southern California is experiencing a drought that is likely to continue at least intermittently into the future. Consideration should be given to the use of land for water retention, water filtration, and flood control purposes.
- j. An annual report from the oil field operator to disclose their compliance with the regulations.
- k. A plan to remediate and restore biological resources
- l. The appointment of a public agency task force and or a community-based oversight committee, and a point person in the planning department to provide oversight for the Baldwin Hills and all reporting requirements.

- m. A program to increase parkland to offset negative health effects by encouraging active recreation. Such increase could be funded by mitigation fees or land dedication.
- n. A plan to upgrade infrastructure to lessen the growing demand on public utilities, including a study of the use of renewable and alternative energy resources.
- o. A plan to study and mitigate the effects on housing, schools, parks, and businesses from oil drilling activities.
- p. A plan to address the impacts from traffic and noise vibrations with the inclusion of information on what mitigation measures will be used to lessen their effect such as public transportation to the Baldwin Hills parklands.
- q. A plan to deal with hill, geological, and seismic instability due to earthquakes and oil drilling
- r. Expansive and innovative landscaping

G. **Question:** *What procedures will be put into place to assure conditions are being met?*

- *Director's Review*
- *Variances*
- *Conditional Use Permits*

**Response:** A conditional use permit should be required for each new well. This would ensure public notice, public hearings, discretionary decision, regulation against over-concentration, rights of appeal, CEQA compliance, individualized written findings and conditions of approval, rights of revocation, and the like. Los Angeles County Zoning Code Section 22.56.010 defines the purpose of conditional use permits. Section 22.56.010 provides:

A "conditional use," as defined by this Title 22, means a use which because of characteristics peculiar to it, or because of size, technological process or type of equipment, or because of its location with reference to surroundings, street or highway width, traffic generation or other demands on public services, requires special consideration relative to placement at specific locations in the zone or zones where classified to insure proper integration with other existing or permitted uses in the same zone or zones. Pursuant to Part 1 of Chapter 22.56, such use, depending on the characteristics of the individual site and location within the zone where proposed, may be approved without conditions, or approved with conditions to insure proper integration with other existing or permitted uses in the same zone or zones, or such use may be denied.

Thus, a conditional use permit is the proper permit to require for new drilling.

In addition, a "hotline" should be established for the community to report suspected emissions and other environmental hazards. The "hotline" number and other explanatory information should be properly disseminated to the public. Visual notification, such as flags or lights indicating level of emissions or hazards in the area, should be available on monitoring stations so adjacent communities, business and public facilities can be informed of daily environmental conditions. Additionally, signs with contact information for complaints or questions regarding suspected violations should be posted in and around the aforementioned areas.

The oil field operator should be required to establish an ombudsperson who will be available for neighbors to contact on a 24 hour basis whenever problems are experienced.

H. **Question:** *What are the possible **penalties** for violations of regulations?*

**Response:** The possible penalties for violations of regulations should include the potential for a citation and fine from the fire Department, the County Zoning Enforcement Section, and any other federal/state/County public entity with relevant authority over the action which leads to the noncompliance. To be effective, any fines under County control should be set at a rate that would make it more cost-effective for the oil field operator to comply with regulations than not. Fines should also be linked to permitting so that permits are suspended, withheld, or canceled should noncompliance occur or persist.

I. **Question:** *How can the initial **health assessment** be built upon in the future?*

- *Epidemiological study*
- *Cumulative Impacts*

**Response:** The health assessment could establish a baseline for public health analysis in the Baldwin Hills. To obtain such baseline, the County should conduct a health impact analysis of the prevalence and trends using morbidity and mortality data dating back to at least the last known period of significant increase in drilling activity if possible and no less than every 3-5 years by an independent health expert. In addition, the county should consider carrying out a formal community health assessment and/or use the comprehensive survey that is carried out by the Los Angeles County Department of Public Health every two years on the health status and risk factors facing Los Angeles County residents. The county should over-sample in communities adjacent to the oilfield while considering the possibility of supplemental questions. Such actions could provide valuable monitoring information to ensure that mitigation measures are successfully protecting the public's health. Among the health conditions assessed that are most relevant to impacts from expanded oilfield development in the Baldwin Hills are: cancer; infant mortality; pulmonary diseases including asthma and emphysema; cardiovascular disease; physical activity and obesity; and diabetes. Funds should be set aside through a fee assessed on the oil field operation for this purpose.

J. **Question:** *What types of plans and projections will the oil field operator be responsible for reporting?*

- *Consolidated Drill Site Plan*

**Response:** The oil field operator should be responsible for reporting all future oil well drilling plans and projections, including a consolidated drilling site plan. In addition, the oil field operator should report on the type of drilling that will take place (e.g. slant, straight), the estimated depth of drilling sites, and the rationale for distributing drilling sites. The EIR or other report should include an inventory of all equipment to be used in processing, holding, and transferring oil and gas by products including the age of the equipment and the findings of safety records. The EIR and other relevant reports should also include a complete description of the proposed steam development project including the location, size, scope, hours of operation, list of potential emissions and hazardous materials, the potential environmental

impacts, process for removal, and any other relevant info. Furthermore, the oil field operator should report on what hazardous materials, contaminants, and pollutants are expected to be produced, presented, or transported. These plans should be made available to the public both in writing and through an annual hearing process.

K. **Question:** *How will abandoned and idle wells be addressed?*

- *Identification*
- *Reclamation*

**Response:** Abandoned and idle wells should be identified and properly re-abandoned by the oil field operator, according to State regulations and the County NOP. The EIR should examine the soil sample test results of the 643 plugged and abandoned wells currently at the site and ensure the full “clean up” of wells as they are closed. Abandoned wells should lead to parkland expansion. There is no reason why recreation cannot occur on portions of the property over time as wells become abandoned, cleaned up and capped.

L. **Question:** *How and when will there be a review of provisions?*

**Response:** Because this CSD will be a newly formed district, it should initially be adopted on an interim basis. Until it has been implemented and tested in real life, no one will know its functionality. After that occurs, the impacts, the deficiencies and the failures of the regulations will be known by the public and the County. We suggest the interim CSD regulations should be reviewed two years after their adoption to see what changes are needed.

Moreover, a review of provisions should be conducted by an oversight body such as a task force committee during the initial two years to monitor activities. This oversight should include checking compliance with all Federal, State, regional, and local laws and regulations, including those pertaining to civil rights and environmental justice. The oversight committee should also be responsible for conducting an annual public hearing at which time the oil field operator should present all future plans and any changes in the operation.

Thank you for providing the opportunity to provide input. We would appreciate the opportunity to review the screencheck and respond in more details. Should you have any questions or need any additional information, please feel free to contact Lark Galloway at (323) 295-9372 or Robert García at (213) 977-1035. Thank you for your attention to this matter.

Sincerely

Lark Galloway-Gilliam	Robert Garcia	David Mc Neil	Brian Cole
Community Health Councils	The City Project	BH Conservancy	UCLA School of Public Health

Cc: Susana Franco-Rogan, Rose Hamilton, Lisbeth Sinclair, Veronica Siranosian, Maria Masis