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14 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
15 FOR THE COUNTY OF LOS ANGELES  
16 CENTRAL JUDICIAL DISTRICT

17 COMMUNITY HEALTH COUNCILS, INC.,  
18 a California nonprofit public benefit  
19 corporation, NATURAL RESOURCES  
20 DEFENSE COUNCIL, a non-profit  
21 corporation, and MARK SALKIN, an  
22 individual,

23 Petitioners,

24 vs.

25 COUNTY OF LOS ANGELES, and DOES  
26 1 through 30,

27 Respondents.

28 PLAINS EXPLORATION & PRODUCTION  
COMPANY, a Delaware corporation, and  
DOES 31 through 100,

Real Parties in Interest.

Case No.

VERIFIED PETITION FOR WRIT OF  
MANDATE

(Pub. Res. Code §§ 21168 & 21168.9;  
CCP § 1085)



1 Petitioners COMMUNITY HEALTH COUNCILS, INC., a California nonprofit  
2 public benefit corporation, NATURAL RESOURCES DEFENSE COUNCIL, a non-profit  
3 corporation, and MARK SALKIN, an individual, (collectively "Petitioners") file this  
4 Petition for Writ of Mandate pursuant to California Public Resources Code Sections  
5 21168 & 21168.9 and California Code of Civil Procedure Section 1085, based on the  
6 following allegations:

7 **PRELIMINARY STATEMENT**

8 1. Petitioners are filing this lawsuit against the County of Los Angeles  
9 ("County") because the County's preparation of an Environmental Impact Report ("EIR")  
10 failed to comply with the California Environmental Quality Act ("CEQA") (Pub. Res.  
11 Code §§ 21000, *et seq.*). The County's Statement of Overriding Considerations was  
12 also incomplete. Moreover, the County failed to comply with the procedural  
13 requirements of its County Code prior to adopting the oil drilling ordinance that was the  
14 subject of the EIR.

15 2. Petitioners are challenging the EIR for the Baldwin Hills Community  
16 Standards District (State Clearinghouse Number 2007061133). Petitioners are also  
17 challenging Los Angeles County Ordinance No. 2008-0057 establishing the Baldwin  
18 Hills Community Standards District.

19 3. The Baldwin Hills Community Standards District ("CSD") is a special zoning  
20 overlay district adopted to regulate oil and gas operations in the unincorporated Baldwin  
21 Hills area of Los Angeles County.

22 4. This lawsuit does not attempt to prohibit all oil drilling in the Baldwin Hills.  
23 Rather, this lawsuit seeks to ensure that future drilling and production of oil and gas in  
24 the Baldwin Hills is done safely and responsibly to mitigate potential significant adverse  
25 impacts on the surrounding communities and natural environment.

26 5. The California Supreme Court has held that a major purpose of an EIR is "to  
27 demonstrate to an apprehensive citizenry that the agency has in fact analyzed and  
28 considered the ecological implications of its action." *No Oil, Inc. v. City of Los Angeles*,



1 13 Cal. 3d 68, 86, 118 Cal. Rptr 34 (1974); State CEQA Guidelines Section 15003(d).

2 The challenged EIR failed to achieve this purpose.

3 6. While going through the charade of an extensive public outreach campaign  
4 -- but refusing to revise and recirculate the EIR notwithstanding voluminous public  
5 comments received -- the County gave short-shrift to CEQA. As a result, the County  
6 failed to adequately mitigate the effects of drilling 600 new oil and gas wells pursuant to  
7 ministerial permits within the existing oil field in Baldwin Hills over the next twenty years  
8 in close proximity to thousands of residents, as well as schools, parks, and businesses.

9 7. The whole EIR process was rushed, because the County's ability to limit oil  
10 drilling on an interim basis expired one week after the Draft EIR was issued. As a  
11 result, although the Draft EIR contained obvious flaws as to significant information, the  
12 County refused to revise and recirculate the corrections.

13 8. Moreover, the oil drilling regulations studied in the EIR were drafted by the  
14 oil company that operates the Baldwin Hills oil wells and were not similar to the  
15 regulations ultimately adopted by the County. Thus, the EIR studied the impacts of 453  
16 net new wells over the next 20 years, but the oil drilling ordinance as adopted by the  
17 County allows 600 new wells to be drilled by ministerial permits over the next 20 years  
18 without any further CEQA compliance and without regard to how many wells may be  
19 abandoned over that timeframe.

20 9. Additionally, the County refused to evaluate the proposed oil drilling  
21 regulations for consistency with the Baldwin Hills Park Master Plan adopted in 2002 by  
22 the Baldwin Hills Conservancy and California Department of Parks and Recreation.

23 10. And by not simultaneously developing the implementation plans called for in  
24 the EIR, the County has unlawfully deferred the development of mitigation measures  
25 critical to the avoidance of potentially significant adverse environmental effects. But  
26 such mitigation measures are crucial to ensuring that oil drilling in the Baldwin Hills  
27 proceeds in a safe and environmentally sensitive manner.

28



1 11. The EIR also studied an inadequate range of project alternatives. The  
2 studied alternatives should have included: a reduced drilling alternative, a no-project  
3 alternative that prohibits all new drilling activity in the existing oil field, the One Big Park  
4 alternative outlined in the Baldwin Hills Master Plan, and an alternative oil drilling  
5 regulation that would include a conditional use permit process for all new drilling  
6 permits. Despite public comments suggesting these alternatives for study when the  
7 EIR was commenced, none of these alternatives was considered in the EIR.

8 12. Furthermore, the County's Statement of Overriding Considerations is  
9 inadequate based upon the County's failure to identify and acknowledge the  
10 unmitigable impacts of increasing and prolonging the extraction of nonrenewable oil  
11 and gas resources from the Baldwin Hills, despite the mandate under CEQA to make  
12 such a determination as a *per se* significant impact.

13 13. Additionally, before adopting the oil drilling ordinance that was the subject of  
14 the EIR, the County failed to refer the proposed zoning legislation with certain last  
15 minute revisions proposed by County Supervisor Yvonne Burke back to the Regional  
16 Planning Commission as required by the County Municipal Code.

17 14. Thus, Petitioners are seeking a Writ of Mandate to compel the County to  
18 revise and recirculate the EIR, to correct and reconsider the proposed Statement of  
19 Overriding Considerations, and to allow the Planning Commission to consider and  
20 make recommendations concerning the amended CSD ordinance.

21 15. All drilling or related oil and gas permits issued pending the resolution of this  
22 litigation should be required to satisfy the revised oil drilling legislation that will result  
23 from this litigation. If the oil company elects to proceed with any of the 24 new wells  
24 authorized during the first year, it will do so at its own risk.

#### 25 **PARTIES**

26 16. At all times herein mentioned, Petitioner COMMUNITY HEALTH  
27 COUNCILS, INC., ("CHC") was and is a California non-profit corporation duly organized  
28 and existing under the laws of the State of California. CHC's mission is to advocate for



1 and improve the health and human conditions of the communities it serves through  
2 representation, empowerment, and support. CHC's offices are located within the  
3 County of Los Angeles in close proximity to the Oil Field. CHC was the catalyst behind  
4 the formation of the Greater Baldwin Hills Alliance, a coalition of concerned citizens and  
5 organizations that participated in the public review process of the EIR and CSD. CHC  
6 participated directly throughout this process.

7 17. At all times herein mentioned, Petitioner NATURAL RESOURCES  
8 DEFENSE COUNCIL, ("NRDC") was and is a not-for-profit membership corporation  
9 organized under the laws of the State of New York, with offices in Los Angeles, San  
10 Francisco, New York, Chicago, Washington, D.C., and Beijing, China. NRDC has  
11 approximately 429,367 members throughout the United States, including 82,303  
12 members in the State of California. Over 300 of NRDC's members live in the  
13 immediate vicinity of the Baldwin Hills. The health, well-being, and enjoyment of these  
14 members will be adversely affected by a CSD that is not adequately protective of  
15 human health and the environment. NRDC is dedicated to the preservation, protection  
16 and defense of the environment, its wildlife and natural resources. NRDC actively  
17 pursues effective enforcement of land use planning rules, regulations and laws,  
18 including CEQA, and the preservation of open space and natural areas in Southern  
19 California on behalf of its members.

20 18. At all times herein mentioned, Petitioner MARK SALKIN ("Salkin") was and  
21 is an individual residing in Culver City, California, and paying taxes to the County of Los  
22 Angeles. Salkin is an officer and founder of the Culver Crest Neighborhood  
23 Association, an association of 500 households in a Culver City neighborhood adjacent  
24 to the Oil Field.

25 19. At all times herein mentioned, Respondent COUNTY OF LOS ANGELES  
26 ("County") was and is a California charter county duly organized as such under the laws  
27 of the State of California. Acting as the lead agency for purposes of CEQA, the County  
28



1 prepared and certified the EIR, prepared and adopted the Statement of Overriding  
2 Considerations, and prepared and adopted the Ordinance.

3 20. At all times herein mentioned, Real Party in Interest PLAINS  
4 EXPLORATION & PRODUCTION COMPANY ("PXP") was and is a Delaware  
5 corporation, existing under the laws of the State of Delaware and doing business in the  
6 State of California and County of Los Angeles. PXP is the operator of the Baldwin Hills  
7 Oil Field, also known as the Inglewood Oil Field ("Oil Field"). PXP filed an application  
8 with the County to establish the CSD. PXP also drafted the CSD that was studied in  
9 the EIR.

10 21. Petitioners do not know the true names or capacities of the parties sued  
11 herein as DOES 1 through 100, inclusive, and therefore sue these Respondents/Real  
12 Parties in Interest by such fictitious names. Petitioners will amend this Petition to state  
13 their true names and capacities when they have been ascertained. Petitioners are  
14 informed and believe and thereon allege that each of the fictitiously named  
15 Respondents/Real Parties in Interest is responsible in some manner for the  
16 occurrences herein alleged.

17 **HISTORICAL BACKGROUND**

18 22. The Oil Field is a large, irregularly-shaped area consisting of approximately  
19 750 to 1,000 acres of unincorporated land located in the Baldwin Hills. The Oil Field is  
20 located in the heart of one of the nation's largest and most populous metropolitan  
21 areas. The Oil Field is bisected by La Cienega Boulevard, north of Slauson Avenue.  
22 The Oil Field is bounded by the cities of Los Angeles and Culver City, as well as the  
23 West Los Angeles Community College campus and the Kenneth Hahn State  
24 Recreation Area. Surrounding communities include Culver Crest, Ladera Heights, Blair  
25 Hills and Windsor Hills.

26 23. The Oil Field includes portions of the Newport-Inglewood Fault. This fault  
27 zone is seismically active and part of the San Andreas Fault System. Portions of the  
28 Oil Field are included within the Alquist-Priolo Fault Zone. According to the EIR the



1 fault is capable of generating a maximum earthquake of magnitude 6.0 to 7.4. (FEIR at  
2 p. 4.4-6.) The maximum cumulative subsidence of any of the areas along the Newport-  
3 Inglewood Fault Zone is centered over the Inglewood Oil Field. (FEIR at p. 4.4-10.)

4 24. The Oil Field began operation in 1924 when the area was primarily farm  
5 land. Livestock grazing, primarily by sheep, was the predominant economic use of land  
6 in the Baldwin Hills at that time. (FEIR at p. 4.8-1.)

7 25. Over time, cultivated croplands that had been reclaimed from the low-lying  
8 swampy terrain (i.e., cienegas) in the gently sloping portion of Los Angeles basin that  
9 surrounded the Baldwin Hills were gradually converted to residential suburbs. (*Id.*)

10 26. With the incorporation of the City of Inglewood, residential development was  
11 spurred by transportation improvements, including the automobile. Farmlands and  
12 brickyard to the south of the Oil Field were transformed to urban uses. (*Id.*)

13 27. In Culver City, both residential development and the foundation of movie  
14 studios (and their associated supporting industries) grew in the areas to the west and  
15 northwest of the Oil Field. (*id.*)

16 28. The northeastern and eastern sides of the Baldwin Hills experienced the  
17 westerly spread of the suburban growth of the City of Los Angeles. (*Id.*)

18 29. In 1969, West Los Angeles College was established adjacent to a portion of  
19 the Oil Field. This community college serves nearly 10,000 students, includes a child  
20 daycare center, and encompasses almost 70 acres. Other schools in the immediate  
21 vicinity include Windsor Hills Elementary, Baldwin Hills Elementary, Hillcrest  
22 Elementary and the Ohr Eliyahu Academy (at the former Linda Vista Elementary School  
23 site).

24 30. Today there are numerous established residential neighborhoods around the  
25 Oil Field. These communities include Ladera Heights, Culver Crest, Blair Hills, Baldwin  
26 Hills, Baldwin Vista, View Park, Culver City Creekside, and Windsor Hills. A large  
27 number of single family homes are located in the vicinity of the Oil Field. Many of these  
28 single family residences are located along the ridgelines above and below the Oil Field



1 in the western and eastern portions of the Baldwin Hills. Multi-family dwellings are also  
2 located in the vicinity of the Oil Field, including the complexes known as Village Green,  
3 Cameo Woods, Raintree Townhomes, Raintree Condominiums, Tara Hills, Lakeside  
4 Village, Lakeside Villas and The Heather, as well as numerous units located in the  
5 vicinity of Jim Gilliam Park. Marycrest Manor, a residential skilled nursing home for the  
6 aged and infirm, is located immediately along the Oil Field border.

7 31. Within three miles of the Oil Field, the ethnic makeup of the resident  
8 population is: 40% are African American, 23% are Hispanic, 11% are non-Hispanic  
9 White, 8% are Asian-Pacific Islander and 17% are "other." Economically, over 18% live  
10 in poverty.

11 32. There are also various parks and recreation areas immediately surrounding  
12 the Oil Field, including Kenneth Hahn State Recreation Area, the Ladera Ball fields, the  
13 Baldwin Hills Scenic Overlook, Culver City Park, and Norman O. Houston Park.

14 33. Standard Oil of California (also eventually known as Chevron) was the Oil  
15 Field's original operator. Over 1,600 wells have been drilled in the Oil Field since the  
16 first well in 1924, although oil production from the Field quickly hit its production peak at  
17 a rate of over 90,000 barrels of oil per day in 1925. In 1925, 176 new wells were drilled.  
18 Gas production hit its peak in the 1960s. The Field's oil and gas production declined  
19 throughout the 1980s. In the late 1980s and early 1990s, an average of less than four  
20 new wells were drilled per year. (EIR § 2.0, Project Description.)

21 34. Oil and gas are no longer as readily recovered from the Oil Field as they  
22 once were. So-called "enhanced recovery techniques" are now required. PXP's  
23 current activities involve high pressure injection of water into the earth to extract the oil  
24 and gas from reservoirs located generally between 1,000 and 10,000 feet beneath the  
25 surface. (FEIR at p. 2-8.) The wells extract roughly 97% water through this method.  
26 (FEIR at p. 2-11.) The extracted material is processed at a central plant on-site to  
27 remove the crude oil from the water and remove hydrogen sulfide, carbon dioxide,  
28 ethane, propane, butane and other liquid gases from the natural gas. Current





1 production volumes are approximately 300,000 barrels per day ("bpd") of water, 8,700  
2 bpd of oil, and 5,700 thousand standard cubic feet per day of natural gas. The crude oil  
3 and gas is pumped off-site through pipelines. (FEIR at p. 2-8.)

4 35. Altogether some 368 million barrels of oil and 269 billion cubic feet of natural  
5 gas have been produced from the Oil Field to date. (FEIR at p. 1-1.)

6 36. Scientists previously discovered a linear relationship between oil and gas  
7 extraction and ground subsidence in the Baldwin Hills. (FEIR at p. 4.4-10.) Surveying  
8 indicated that greater than two feet of subsidence-related, horizontal earth movement  
9 occurred in the Baldwin Hills from 1934 to 1961. (FEIR at pp. 4.4-10 through 4.4-11.)  
10 In fact, by 1957, up to 10 feet of subsidence occurred in certain areas of the Baldwin  
11 Hills. (FEIR at p. 4.4-11.) This subsidence resulted in the catastrophic failure of the  
12 Baldwin Hills dam on December 14, 1963, killing five people and damaging or  
13 destroying 277 homes. (FEIR at 4.4-10.)  
14 (<http://www.youtube.com/watch?v=kIeNM8cm6J8>.)

15 37. Subsidence in the Baldwin Hills decreased with the advent of injecting water  
16 into the reservoirs to replace the withdrawn oil and gas reserves. However,  
17 researchers from the United States Geological Survey determined that from October  
18 1993 to October 1998, portions of the Baldwin Hills were instead experiencing uplift as  
19 a result of water injection. (FEIR at p. 4.4-11.) Scientists have also determined that the  
20 possibility exists for earthquakes to occur along pre-existing fault lines when there is  
21 increased pressure from injection wells used in enhanced recovery operations. (*Id.*)

22 38. Over the years, the Oil Field's operators have transitioned from Standard Oil  
23 to Texaco and Chevron to Stocker Resources and now to PXP.

24 39. PXP owns the mineral rights to the Oil Field. But for the most part, PXP  
25 does not own the land within the Field.

26 40. The portion of the Oil Field covered by the CSD consists of 26 separate  
27 parcels. The land is owned by at least 20 diverse interests, including various family  
28 trusts, various companies and LLCs, Chevron USA, the City of Los Angeles, the Los



1 Angeles Community College District, the Baldwin Hills Conservancy, various utility  
2 companies, and others, as well as PXP. (FEIR Table 2.1.) Pursuant to a master lease,  
3 PXP pays royalties to the land owners based on the volume of oil and gas production.

4 41. The Oil Field currently has 436 active producing wells, 207 active water  
5 injection wells, 177 idled wells (i.e., not currently producing, but also not closed or  
6 "abandoned" in accordance with State regulatory requirements), and 643 abandoned  
7 (i.e., closed) wells. (FEIR at p. 2-16.)

8 42. The Oil Field also includes an existing gas plant flare. The existing flare is  
9 quite large and unregulated. When in use, the existing flare can cause major vibration  
10 to homes in the region. Petitioners assert that unconstrained use of the existing flare  
11 constitutes a public nuisance.

12 43. In 1991, when Chevron sold the Oil Field mineral rights to Stocker  
13 Resources, a Phase I and Phase II environmental site assessment was done to seek to  
14 identify contamination within the Oil Field. The Phase I investigation identified some  
15 284 sites as having the potential for contamination with hazardous materials in soil or  
16 surface water. (FEIR at p. 2-30.) More than 15 years later, remediation of the identified  
17 contamination is on-going. It will take another 20 years to complete the remediation of  
18 all of the identified contamination at the site. (FEIR at p. 2-31.)

19 44. The Oil Field is designated as Open Space in the Los Angeles County  
20 General Plan. According to the Planning Commission Resolution in this matter, the  
21 intent of the Open Space category is to maintain land in an open character for public  
22 safety, recreation, scenic enjoyment, resource production, and for the protection and  
23 study of natural ecosystems. Agricultural, recreational, and mineral extraction are  
24 defined as compatible land uses in the Open Space land use category.

25 45. Most of the Oil Field is zoned Heavy Agricultural (A-2), and one parcel of the  
26 Oil Field containing the processing plant facilities is zoned Restricted Heavy  
27 Manufacturing (M-1½). Pursuant to Los Angeles County Code Section 22.24.120.D, oil  
28 and gas extraction operations are allowed by right in the A-2 zoning district; most other



1 zones, including the residential, commercial and manufacturing zones, only allow oil  
2 wells and oil well drilling with a conditional use permit from the County.

3 46. Until the adoption of the CSD, oil operations in the Baldwin Hills were  
4 entirely ministerial as to the County and therefore did not trigger any requirements for  
5 compliance with CEQA within the County.

6 47. In 2003, PXP obtained three-dimensional seismic surveys of the Oil Field to  
7 identify additional reserves. After acquiring this data, PXP embarked on an aggressive  
8 plan to intensify drilling in the Oil Field, including so-called deep drilling.

9 48. Each new well is drilled on a 24-hour basis, and the drilling lasts for  
10 approximately 7 to 30 days. (FEIR at p. 3-3.)

11 49. The EIR studied drilling 1,065 new wells in the Oil Field over the next 20  
12 years. 965 of the new wells were to be located within unincorporated portions of the  
13 County and within the area covered by the CSD, and 100 were to be located outside of  
14 the unincorporated area and within the City of Culver City and therefore outside of the  
15 boundaries of the CSD. (FEIR Table 3.1.)

16 50. The EIR also assumed abandonment of 640 existing wells in the Oil Field  
17 over the next 20 years. 512 wells were to be abandoned within unincorporated portions  
18 of the County and within the area covered by the CSD, and 128 were to be abandoned  
19 outside of the unincorporated area and within the City of Culver City and therefore  
20 outside of the boundaries of the CSD. (FEIR Table 3.2.)

21 51. Thus, the EIR studied a net increase of 453 wells within the CSD over the  
22 next 20 years, or an average increase of less than 23 wells per year. This data was  
23 supplied to the County by PXP. This data was reflected in the Project Description for  
24 the Notice of Preparation ("NOP") issued by the County on June 28, 2007 for the EIR.  
25 It was also reflected in the Draft EIR issued by the County on June 19, 2008. It was  
26 also reflected in the Final EIR issued by the County in October 2008.

27  
28



1           52. But the CSD Ordinance, as adopted, allows up to 600 wells to be drilled over  
2 the next 20 years by ministerial review without any further CEQA compliance, even if  
3 none of the existing wells are abandoned.

4                                   **THE BALDWIN HILLS CONSERVANCY ACT AND**  
5                                   **THE BALDWIN HILLS PARK MASTER PLAN**

6           53. The Baldwin Hills represent one of the last largely undeveloped areas of  
7 open space in urban Los Angeles County. Over one million people live within five miles  
8 of the Baldwin Hills, and, with barely one acre of parkland per one thousand people,  
9 this is one of the most park-poor regions in California. The Baldwin Hills present a  
10 unique opportunity to enrich the lives of millions by creating one of the most dramatic  
11 new parks in an urban setting desperately in need of critical park space.

12           54. In 1999, the State Legislature passed Senate Bill No. 1048 (Murray, 1999)  
13 declaring the Legislature's intent to provide for the expansion of the Kenneth Hahn  
14 State Recreation Area in the Baldwin Hills. This legislation contemplated the  
15 development of a master plan to accomplish the following goals: (A) increase active  
16 recreation opportunities for underserved communities, (B) create a comprehensive trail  
17 system, (C) provide for public access and entry ways, (D) protect and restore natural  
18 habitat, (E) protect critical viewsheds, (F) protect and improve urban water quality,  
19 (G) emphasize connections between existing parks, trails, and urban streams,  
20 (H) restore industrial lands to park and open-space use, and (I) protect watersheds  
21 connecting to Santa Monica Bay. This legislation assumes eventual conversion of the  
22 Oil Field into the largest urban park created in the last century anywhere in the nation.

23           55. To advance that goal, the Baldwin Hills Conservancy ("Conservancy") was  
24 created by Senate Bill No. 1625 (2000, Murray) as part of the Baldwin Hills  
25 Conservancy Act. (Pub. Res. Code §§ 32550, *et seq.*) The Conservancy is within the  
26 California Resources Agency. (Pub. Res. Code § 32555.)

27           56. After at least eight public workshops involving more than 800 participants,  
28 the Conservancy adopted the Baldwin Hills Park Master Plan as required by Public



1 Resources Code Section 32565.5(f): "[T]he conservancy shall, by May 1, 2002,  
2 approve the master plan." Prior to its adoption, the Park Master Plan was also  
3 submitted to the California Department of Parks and Recreation in August 2001.

4 57. The County was an active participant in the development and adoption of  
5 the Baldwin Hills Park Master Plan, as were Stocker Resources (i.e., PXP's  
6 predecessor in interest) and multiple landowners of the Oil Field including  
7 representatives of the Cone Family, the Bickers Group, the Airey Family Trust and  
8 others.

9 58. The CSD is located within the area encompassed by the Baldwin Hills Park  
10 Master Plan.

11 **IMPETUS FOR ADOPTION OF THE CSD:**

12 **JANUARY AND FEBRUARY 2006 NOXIOUS GASES FROM THE OIL FIELD**

13 59. Beginning at about midnight on January 10-11, 2006, uncontrolled  
14 emissions of methane gas and hydrogen sulfide occurred in the Oil Field and  
15 permeated the adjacent Culver Crest neighborhood. Many residents evacuated their  
16 homes.

17 60. The City of Culver City received at least 60 complaints late that night  
18 continuing into the following early morning. Representatives from the South Coast Air  
19 Quality Management District ("SCAQMD"), the Culver City Fire Department, the Los  
20 Angeles County Fire Department, and the Los Angeles County Health & Hazardous  
21 Materials Department were dispatched to the neighborhood at about 4:00 a.m.,  
22 resulting in Emergency Response Notification #121860.

23 61. According to the SCAQMD Report:

24 "[O]n January 10th at 21:30hrs, [PXP's] crew had  
25 encountered a large methane gas pocket (trap) during the  
26 drilling activities at a depth of 8850ft. The build up of  
27 methane gas immediately occurred during the drilling  
28 operation in which a large amount of drilling spoils and other



1 contaminated base material sprayed out from the well head  
2 during the shut down process which occurred until nearly  
3 1:30hrs on January 11th.

4 "Approximately 400 barrels of petroleum contaminated mud  
5 was stockpiled inside an adjacent open sump with at least  
6 10 barrels on the ground surrounding the drill rig equipment.

7  
8 "At 06:00hrs, [SCAQMD Inspector Israel] inspected the  
9 sump location and detected a very heavy petroleum odor  
10 throughout the location. The nearest residence is less than  
11 1/2 mile south of the drill rig site."

12  
13 62. Approximately 500 homes are located in this neighborhood and were  
14 impacted by the incident. PXP reported readings of "around 1,500 to 2,000 ppm of  
15 hydrocarbons" as a result of this incident. (SCAQMD Air Quality Complaint Report for  
16 Complaint No. 181387.) Petitioner Salkin lived and continues to live in this  
17 neighborhood. Petitioner Salkin was the president of the Culver Crest Neighborhood  
18 Association at that time.

19 63. On February 7, 2006, a similar incident occurred. In addition to residents of  
20 Culver Crest, West Los Angeles College also called to complain because this incident  
21 occurred at 11:00 in the morning when classes were in session. According to PXP's  
22 Vice-President Mr. Steve Rusch, "[T]here was no gas release and really nothing we  
23 could do to prevent it -- it was routine, daytime operations." This second incident  
24 resulted in Notice of Violation No. P37137 issued by the SCAQMD to PXP on  
25 February 17, 2006 because "[d]ischarge from oil well drilling operation caused nuisance  
26 to a considerable number of people."

27 64. At the time of these two incidents, there were essentially no County zoning  
28 regulations controlling operations or expansion of the Oil Field.



1           65. As a result, on June 27, 2006, the County Board of Supervisors adopted  
2 Urgency Ordinance No. 2006-0050U "to impose additional temporary restrictions on the  
3 drilling of new wells and the deepening of existing wells in the Baldwin Hills Zoned  
4 District and initiate a zoning study to consider potential additional permanent  
5 regulations of these historical oil and gas production operations in that area, including a  
6 determination of the appropriate environmental review to be required."

7           66. This first emergency ordinance was adopted because:

8                   "[T]he Board of Supervisors finds that there is a current and  
9 immediate threat to the public health, safety, or welfare, and  
10 that the drilling or deepening of new wells and the approval  
11 of any required additional subdivisions, variances, building  
12 permits, site plans, or any other applicable entitlements in  
13 connection therewith would result in that threat to the public  
14 health, safety, or welfare." (Ord. No. 2006-0050U, § 6.)

15           67. On August 8, 2006, the Board of Supervisors adopted Ordinance No. 2006-  
16 0064U to extend Interim Ordinance No. 2006-0050U because:

17                   "It is now time for the County to undertake additional  
18 environmental review and to consider new regulations . . .  
19 [W]e must face the fact these activities now operate within  
20 the midst of a densely populated urban area . . . The  
21 extension will enable the County to undertake essential  
22 environmental and zoning studies that will help identify  
23 appropriate permanent regulations. [ ¶ ] These important  
24 studies will necessarily include the active participation and  
25 expertise of the State Department of Conservation and the  
26 City of Culver City."  
27  
28



1           68. Notwithstanding these statements, the County made virtually no effort to  
2 involve the participation of the City of Culver City and only belatedly solicited any input  
3 from the State Department of Conservation prior to the County's adoption of the CSD.

4           69. On May 29, 2007, the Board of Supervisors was required to adopt  
5 Ordinance No. 2007-0064, further extending and modifying Ordinance No. 2006-0064.  
6 At the time Ordinance No. 2007-0064U was adopted, the County Regional Planning  
7 staff wrote in its staff report to the Board of Supervisors:

8                   "County staff is working diligently with a consultant team to  
9                   prepare an environmental impact report to assess the effect  
10                  of existing and future oil production activities on the  
11                  surrounding communities. A community standards district is  
12                  being drafted to establish permanent land use regulations,  
13                  procedures and development standards to assure that future  
14                  oil field operations are compatible with the health and safety  
15                  of surrounding residential neighborhoods. These  
16                  environmental studies and regulations will be prepared with  
17                  extensive community involvement so that all the concerns of  
18                  residents are addressed. This process, which also includes  
19                  formal public hearings by the Regional Planning  
20                  Commission and the Board, will be completed next year."

21                   (Emphasis added.)

22           70. Ordinance No. 2007-0064U included a complete moratorium on any new  
23 drilling in the Oil Field.

24           71. PXP asserts that it has not drilled a new well since June 21, 2007.

25           72. It was not until June 28, 2007, that the County finally issued its Notice of  
26 Preparation ("NOP") for the EIR -- which means that the EIR preparation had only just  
27 begun. (See State CEQA Guidelines § 15082 ("Immediately after deciding that an  
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1 environmental impact report is required for a project, the lead agency shall send to the  
2 Office of Planning and Research and each responsible and trustee agency a notice of  
3 preparation stating that an environmental impact report will be prepared").) This also  
4 means that on the date of the NOP, which is generally treated as the baseline date for  
5 purposes of CEQA, there was a moratorium on all new drilling.

6 73. In November 2006, the County issued its Baldwin Hills Oil Field Operation  
7 Zoning Study. The County's Zoning Study found:

8 "The Baldwin Hills area has included oil and gas production  
9 operations dating back to the 1920s, when the area was  
10 largely undeveloped. Today these activities operate in the  
11 midst of a densely populated urban area and concerns have  
12 recently been raised regarding the potential conflicts  
13 between oil and gas extraction operations and the  
14 surrounding residential, recreational and institutional uses.  
15 [Citation omitted.]

16 "The surrounding residential communities, in particular, have  
17 recently expressed concern regarding the recent increase in  
18 oil and gas production operations. For many years, oil  
19 production in the Baldwin Hills had remained at a relatively  
20 unchanged level. Within the last three years, however,  
21 higher petroleum prices have led to an increase in  
22 production at the oil field. During this time, several new  
23 wells have been drilled and existing wells deepened,  
24 increasing the surrounding communities' awareness and  
25 concern over the oil field activities.

26  
27 "Furthermore, in January 2006, an unusually large, but  
28 controlled escape of gas occurred during an oil well drilling



1 operation. The escaping gas created a strong odor that  
2 quickly drifted toward the residential areas. Residents were  
3 unaware of the source of the odor and became concerned  
4 that the fumes were dangerous and alerted their local  
5 officials. This incident further added to concerns regarding  
6 the potential impacts of the oil field operations on the  
7 surrounding communities and highlighted the need to  
8 update existing regulations to reflect the urban condition  
9 under which the oil field is currently operating."

10 74. Despite these statements in the Zoning Study and the Interim Ordinances,  
11 the Draft EIR failed to even mention the January 2006 event.

12 75. The County's Zoning Study recommended that a CSD be created to regulate  
13 the Oil Field because, "The CSD adoption process would provide a discretionary review  
14 of the oil and gas field operations, which would require that an environmental document  
15 be prepared under CEQA reporting requirements" and because, "It would also give the  
16 oil and gas field operator the benefit of a one-time discretionary process where the  
17 impacts and issues are addressed and all future operations are considered and  
18 conceptually approved."

19 76. According to the County's Zoning Study, the CSD was to include  
20 consolidation of oil wells, restoration of unused and/or abandoned well sites, conversion  
21 of unused oil field property to public open space, numbers/appearance/locations of new  
22 wells, phasing of additional oil field activities, coordination with other County  
23 departments and public agencies, and various other concerns. The CSD could be  
24 initiated "either by the County or the property owner [sic]; the accompanying EIR could  
25 be paid for by the property owner [sic]." Presumably the County references to "the  
26 property owner" were meant to refer to PXP, the Oil Field operator.

28



1 77. The County's Zoning Study asserted: "An environmental impact report (EIR)  
2 would be prepared for the CSD and the impacts of the oil field activities would be  
3 thoroughly evaluated."

4 78. On March 6, 2007, PXP submitted its application for the CSD. At that time,  
5 oil prices were soaring upwards.

#### 6 THE NOTICE OF PREPARATION

7 79. On June 28, 2007 -- exactly one year after adopting the first Urgency Interim  
8 Zoning Ordinance -- the County issued its Notice of Preparation ("NOP") for the EIR.  
9 Comments were accepted for a period of thirty days.

10 80. The County received numerous comment letters on the NOP, including  
11 letters from the State Department of Conservation's Division of Oil, Gas, and  
12 Geothermal Resources ("DOGGR"), the Baldwin Hills Conservancy, the State  
13 Department of Transportation, the South Coast Air Quality Management District  
14 ("SCAQMD"), the County Department of Public Works, the County Department of Parks  
15 and Recreation, the City of Culver City, the Native American Heritage Commission,  
16 Petitioner CHC, United Homeowners Association, Inc., The City Project, and the Culver  
17 Crest Neighborhood Association.

18 81. The County failed to address the vast majority of the comments it received,  
19 including comments concerning the importance of an accurate project description, the  
20 lack of a draft CSD regulation, the need for improved project objectives, alternatives for  
21 reduced drilling limits over the next 20 years, the need to evaluate consistency with the  
22 Baldwin Hills Park Master Plan (as to land use, recreation and project alternatives), and  
23 a "no project alternative" that involves prohibiting all new drilling (without limiting the on-  
24 going operation of existing wells).

#### 25 THE DRAFT CSD AS STUDIED IN THE EIR

26 82. PXP -- not the County -- drafted the CSD studied in the EIR. PXP did not  
27 deliver its draft CSD to the County until January 7, 2008. This was more than six  
28 months after the NOP was issued, and after work on the EIR had already been



1 commenced. Thus, the NOP's scope of environmental review did not, and could not  
2 possibly have, taken into account the contents of the CSD.

3 83. On January 25, 2008, the County suggested various revisions to the CSD as  
4 drafted by PXP. But, prior to release of the Draft EIR, PXP declined to make most of  
5 those changes recommended by the County.

6 84. The CSD as studied in the EIR was not drafted by the County. Furthermore,  
7 the CSD as studied in the EIR is substantially different from the CSD as ultimately  
8 adopted by the County. Specifically:

- 9 • PXP's CSD did not specify how many new wells could be drilled per year or  
10 on a periodic 20-year basis. Thus, the impacts of allowing by ministerial  
11 permit up to 600 new wells over the next 20 years without regard to  
12 abandonment of existing wells was not considered in the EIR. These impacts  
13 include: (a) the increased water usage for additional well injections, (b) the  
14 additional noise of more well operation, (c) the additional need for more  
15 storage tanks, (d) the possible need for additional flaring, (e) the heightened  
16 hazard of earthquake risk, (f) the need for additional security and lighting,  
17 (g) the impact on greenhouse gases, (h) the further reduction of  
18 nonrenewable oil and gas resources, and (i) the decreased possibility of park  
19 expansion.
- 20 • PXP's CSD did not contemplate preparation and submission of more than 25  
21 plans for monitoring oil and gas drilling and production. Thus, PXP's CSD did  
22 not trigger the need to consider the criteria and standards for contents and  
23 review of such mitigation plans. Such plans include, but are not limited to, a  
24 community alert notification system, emergency response plan, odor  
25 minimization plan, air monitoring plan, meteorological station design, fugitive  
26 dust control plan, amortization and abandonment schedule for wells located  
27 within the new setback area, accelerometer installation design, erosion  
28 control plan, accumulated ground movement study program, ground



1 movement monitoring plan, drilling quiet mode plan, special status species  
2 and habitat protection plan, biological resources emergency response plan,  
3 construction treatment plan as to cultural/historic resources,  
4 landscaping/visual screening/irrigation plan, recycling plan, water  
5 management plan, ground water monitoring plan, unused/abandoned  
6 equipment removal plan, hazardous material business plan, annual  
7 drilling/redrilling/well abandonment/well pad restoration plans, tank leak  
8 program, environmental quality assurance program, and safety  
9 inspection/maintenance/quality assurance program.

- 10 • PXP's CSD prohibited intentionally burning gas emission by open flame in  
11 lieu of venting; the County's CSD mandates the burning of such gases when  
12 they are released.
- 13 • PXP's CSD required all drilling conducted within 500 feet of one or more  
14 residences to be enclosed with fire-resistant and soundproofing material; the  
15 County's CSD contains no such requirement.
- 16 • PXP's CSD required that upon conversion of any portion of the Oil Field to a  
17 different use, all wells on the parcel would be abandoned or re-abandoned to  
18 current State standards; the County's CSD contains no such requirement.

19 85. A coalition of community groups, known as the Greater Baldwin Hills  
20 Alliance, prepared and submitted a draft CSD to the County on June 18, 2008.

21 86. The County did not release its draft CSD until after the Draft EIR had already  
22 been released. Because of this, key elements of the County's CSD were not studied in  
23 the EIR, including the intention to require the Oil Field operation to prepare dozens of  
24 implementation plans, the contents and criteria for evaluation of which are still not  
25 known to this date.

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1 **DRAFT EIR**

2 87. The Draft EIR was released on June 19, 2008. The project studied in the  
3 EIR was the CSD as drafted by PXP and not the CSD as drafted by the County. The  
4 Draft EIR did not study the County's draft CSD.

5 88. The County's interim oil drilling moratorium (Ordinance No. 2007-0064U)  
6 expired seven days later on June 26, 2008.

7 89. The County's interim oil drilling legislation had lasted for two years.  
8 Pursuant to Government Code Section 65858, the County was legally prevented from  
9 further extending the interim zoning without certification of the EIR.

10 90. On July 1, 2008, PXP issued a letter to the County offering not to initiate any  
11 new drilling applications through October 21, 2008. PXP's letter is based on the  
12 County's "commitment . . . to move expeditiously through the public comment period  
13 and public hearing process."

14 91. Because the interim zoning ordinances expired on June 26, 2008, from the  
15 moment the Draft EIR was released, the County was rushing to get the public comment  
16 period completed, prepare responses to comments, issue the Final EIR, and adopt the  
17 CSD.

18 92. The Draft EIR was circulated for public comment for sixty (60) days. The  
19 last day for submission of written comments to the County was August 19, 2008.

20 93. The County received numerous requests from public agencies and members  
21 of the general public to lengthen the public comment period pursuant to the "unusual  
22 circumstances" provision of State CEQA Guidelines Section 15105(a). Notwithstanding  
23 those requests, the County failed and refused to extend their deadline for receipt of  
24 public comments.

25 94. Numerous and substantial comments on the Draft EIR were submitted to the  
26 County, including comments submitted by Petitioners CHC and NRDC as part of the  
27 Greater Baldwin Hills Alliance. A true and correct copy of the Greater Baldwin Hills  
28 Alliance EIR comment letter is attached hereto as Exhibit "A" and is incorporated by



1 reference into this Petition. Culver Crest Neighborhood Association also submitted  
2 comments on the Draft EIR. Petitioner Mark Salkin was and is a member and officer of  
3 the Culver Crest Neighborhood Association. A true and correct copy of the Culver  
4 Crest Neighborhood Association EIR comment letter is attached hereto as Exhibit "B"  
5 and is incorporated by reference into this Petition.

6 95. Petitioners' comments articulated multiple and significant deficiencies of the  
7 EIR, including, but not limited to:

- 8 • The EIR studied the wrong project. At all times herein mentioned the County  
9 intended to draft a CSD, but instead of studying the County's CSD, the EIR  
10 studied only PXP's draft CSD. The County's CSD is substantially different  
11 from PXP's draft CSD. Thus, the project description is legally inadequate. A  
12 detailed, accurate, stable and finite project description is the *sine qua non* of  
13 an adequate EIR.
- 14 • The EIR ignored the significance of the Baldwin Hills Park Master Plan. The  
15 EIR dismissed the significance of the Baldwin Hills Park Master Plan and the  
16 enabling legislation creating the Baldwin Hills Conservancy and mandating  
17 development of a park master plan; the EIR therefore ignores the significant  
18 adverse impact of the proposed CSD project on the Park Master Plan,  
19 including aspects of the Park Master Plan related to protection of the  
20 environment and County General Plan Recreation Policies 30, 31 and 33.
- 21 • The EIR fails to consider a reasonable range of project alternatives that  
22 would better inform decision-makers of their legislative options.

23 Notwithstanding State CEQA Guidelines Section 15126.6, the EIR failed to  
24 consider a reasonable range of project alternatives, including the "One Big  
25 Park" alternative summarized in the Baldwin Hills Park Master Plan, a "no  
26 new drilling" alternative consistent with applicable vested rights case law, a  
27 "no project" alternative consistent with Los Angeles County Ordinance  
28 No. 2007-0064U (which was in place on the NOP date), a "reduced new



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drilling" alternative, and an alternative CSD that would include a conditional use permit ("CUP") process for all new drilling permits.

- The EIR used the wrong project baseline to the extent it assumed on-going drilling operations. As to various potentially significant impacts, the EIR lacks an accurate baseline because, among other reasons, it improperly and unlawfully includes drilling operations and production activities that should not have been included in the baseline. As of the NOP date, there was a moratorium against any new drilling. (Los Angeles County Ordinance No. 2007-0064U.)
- The EIR did not evaluate the impact of increased oil and gas production on greenhouse gas emissions. The EIR's analysis of the project's impact on greenhouse gas emissions is legally inadequate. The EIR failed to consider the impact of usage of the additional oil and gas that will be produced from the Oil Field.
- The data relied upon in the EIR was unreliable. In most instances, the EIR consultant did not collect data from the Oil Field. Indeed, in most instances the baseline data was supplied by PXP without third party verification, which is inherently unreliable. (See Notice to [Oil] Operators from the State Division of Oil, Gas and Geothermal Resources ["DOGGR"] dated June 29, 2005 ("Recently, there have been some accidents or incidents associated with oilfield operations that have not been reported to the Division of Oil, Gas, and Geothermal Resources").) Moreover, the Draft EIR's use of SCAQMD data was grossly incomplete. (See Mitchell Silberberg & Knupp EIR comment letter, pp. 23 & 59.)
- The EIR ignored inconsistencies with the General Plan requirement to rehabilitate the Oil Field at the conclusion of its use for oil and gas production. The DEIR fails to evaluate various County General Plan policies with which the proposed project conflicts and therefore fails to identify certain





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significant adverse impacts of the proposed project. For example, the EIR does not identify the proposed project's inconsistency with the following requirement: "[A]ll mining activities in operation as of January, 1976 and those placed in operation after that date shall be required to submit a reclamation plan which shall provide for appropriate measures to rehabilitate the site prior to its abandonment." The CSD as adopted contains no such requirement.

- The EIR's Environmental Setting failed to identify key sensitive receptors. The Draft EIR failed to identify and consider various sensitive receptors, including a number of schools, childcare facilities and skilled nursing facilities around the perimeter of this site, such as Marycrest Manor and West Los Angeles College's Child Development Center.
- The County failed to notify potentially impacted school districts of the EIR. Notwithstanding State CEQA Guidelines Section 15186, the County failed to consult with the Los Angeles Unified School District which has one or more schools potentially affected by the proposed CSD and the Culver City Unified School District which has a number of school located within the potentially impacted odor zones identified in the EIR.
- Although the EIR contains an Environmental Justice section, the analysis is incomplete. The EIR's environmental justice section fails to adequately identify, assess and mitigate the environmental justice impacts of the project and the relevant legal authorities. The purported analysis of environmental justice regarding the CSD is limited to two conclusory sentences, contains no mitigation measures and is both inaccurate and inadequate. (EIR § 4.16.5.)

**THE COUNTY'S DRAFT CSD**

96. The County's first draft CSD was not issued to the general public until August 12, 2008.



1 97. The County issued a series of revised drafts of the CSD prior to adoption of  
2 Ordinance No. 2008-0057 on October 28, 2008.

3 98. As set forth in Paragraph 84 above, the CSD, as adopted, was not studied in  
4 the EIR.

### 5 REGIONAL PLANNING COMMISSION HEARINGS

6 99. The Los Angeles County Regional Planning Commission held a series of  
7 public hearings on the EIR and CSD.

8 100. The first of these hearings was held on Saturday, August 2, 2008. This  
9 was a specially convened hearing held within the affected community at West Los  
10 Angeles Community College.

11 101. The County publicized the August 2, 2008 hearing as an opportunity for  
12 the community to express its concerns.

13 102. This first hearing was held within the West Los Angeles College  
14 community theater auditorium. The theater seats more than 300. There were not  
15 enough seats in the theater for all of those in attendance, and folding chairs were set up  
16 outside of the theater to accommodate the overflow. Petitioner Salkin attended this  
17 hearing. The Executive Director for Petitioner CHC also attended this hearing.

18 103. Before commencing public testimony, the Chair of the Planning  
19 Commission requested that all those wishing to testify stand to be sworn to tell the  
20 truth. More than an estimated 100 people stood to take this oath.

21 104. The Planning Commission did not allow sufficient time for all those  
22 members of the public wishing to testify. This Planning Commission hearing ended  
23 after very few members of the general public were allowed to testify.

24 105. Subsequent hearings were held by the Planning Commission on  
25 August 14, August 27, September 10, October 1, and October 8, 2008. These hearings  
26 were compressed into a very short timeline.

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1 106. Members of the public, including representatives of Petitioners CHC and  
2 NRDC, attended and testified at these hearings. Additionally, representatives of the  
3 Alliance continued to submit written comments on the EIR and CSD to the Commission.

4 107. In August 2008, during the series of Planning Commission hearings, PXP  
5 published and mailed to area residents a brochure to explain PXP's official positions on  
6 the CSD, the EIR, the Oil Field, and PXP's intentions. Among other things, PXP in this  
7 mailer assured the public: "PXP estimates on average: 15-20 new wells operating each  
8 year (with 7-8 wells closing each year)." Thus, PXP assured the general public during  
9 the public hearing process that it would drill an average of 17.5 new wells per year and  
10 abandon an average of 7.5 existing wells per year, leading to an average net increase  
11 of 10 new wells per year.

12 108. And yet the County's CSD does not reflect this average and instead  
13 reflects a substantially higher average of 30 new wells per year and makes no  
14 correlation for net increases based on actual abandonment rates.

15 109. The County issued the Final EIR shortly before the last of these Planning  
16 Commission hearings.

17 110. At the conclusion of the October 8, 2008 hearing, the Regional Planning  
18 Commission adopted a resolution recommending that the County Board of Supervisors  
19 certify the Final EIR and adopt the County's CSD as last presented to them.

20 111. As considered by the Planning Commission, and as recommended by the  
21 Planning Commission for approval by the Board of Supervisors, the CSD required  
22 removal of the existing gas plant flare, required a periodic third-party five-year audit of  
23 the condition and operations of the Oil Field to assess compliance with the CSD, and  
24 required storage or removal of unused equipment and materials located on the Oil  
25 Field. The CSD, as considered by the Planning Commission, did not include a  
26 modification procedure for variances from the CSD requirements.

27 **BOARD OF SUPERVISORS PROCEEDINGS**

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1           112. The County Board of Supervisors held two hearings on this matter. At the  
2 conclusion of the hearing on October 21, 2008, Supervisor Burke made a motion to  
3 certify the EIR, adopt the Statement of Overriding Considerations, and amend the  
4 County's draft CSD in certain important respects.

5           113. Specifically, Supervisor Burke's amendments to the CSD included, among  
6 other things:

- 7           • Adding a new "modification" procedure that would allow variances to be  
8 granted by County staff from the requirements of the CSD on an  
9 administrative basis;
- 10          • Requiring County staff to develop an "implementation plan" sometime after  
11 adoption of the Ordinance, "including . . . items deemed necessary by the  
12 EIR to reduce environmental impacts to less than significant in those cases  
13 where impacts can be so reduced," thereby deferring development of  
14 mitigation measures until after certification of the EIR;
- 15          • Allowing the existing gas plant flare to remain on-site as back-up, unless  
16 the SCAQMD requires its removal;
- 17          • Deleting the requirement for a periodic five-year audit of the condition and  
18 operations of the Oil Field to assess the effectiveness of the CSD; and
- 19          • Eliminating requirements as to equipment storage at the Oil Field.

20           114. Furthermore, Supervisor Burke amended the CSD to provide that up to  
21 600 new wells can be drilled in the Oil Field by ministerial permits without regard to  
22 whether existing wells have been abandoned.

23           115. This change is not consistent with the scope of the project studied in the  
24 EIR. The EIR studied the impact of establishing up to 453 net new wells within the  
25 unincorporated County. The impact of up to 600 net new wells was not studied in the  
26 EIR.

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1 116. Supervisor Burke's proposed amendments to the CSD were passed by  
2 the Board of Supervisors, and County staff was asked to draft provisions to the CSD to  
3 reflect her amendments.

4 117. None of these amendments to the CSD was previously considered or  
5 discussed by the Planning Commission, nor were they addressed in the EIR. The  
6 changes to the CSD are potentially harmful to the surrounding communities and natural  
7 environment.

8 118. Los Angeles County Code Section 22.16.210 provides in pertinent part:  
9 "[A]ny modification of the proposed zone change or amendment by the board of  
10 supervisors not previously considered by the [Regional Planning] commission during its  
11 hearing, shall first be referred to the commission for report and recommendation." This  
12 County Code Section mirrors Government Code Section 65857.

13 119. On October 24, 2008, written demand was delivered to the County to  
14 require that the amendments be referred back to the Planning Commission for  
15 consideration before adoption of the CSD as amended. This demand letter was  
16 submitted on behalf of the Greater Baldwin Hills Alliance and its individual and group  
17 members, including Petitioners CHC and NRDC and the Culver Crest Neighborhood  
18 Association. A true and correct copy of the demand letter is attached hereto as  
19 Exhibit "C" and is incorporated by reference into this Petition.

20 120. Notwithstanding this demand, the County failed and refused to refer the  
21 CSD amendments back to the Planning Commission and instead adopted the revised  
22 CSD on October 28, 2008.

23 121. In the aforementioned demand letter, Petitioners further demanded that  
24 the County revise the CSD to accurately reflect the project studied in the EIR.  
25 Specifically, the EIR studied a net increase of only 453 wells in those portions of the Oil  
26 field located within unincorporated County land over the course of the next 20 years,  
27 but the CSD allows an increase of up to 600 wells in the Oil Field over the next 20  
28 years without any discretionary permits and without regard to whether any of the



1 existing wells are abandoned. Such an increase exceeds the scope of the project as  
2 studied in the EIR. Moreover, the EIR did not clearly inform the public that the County  
3 has no intention of conducting any further environmental review of future drilling  
4 permits.

5 122. Notwithstanding Petitioners' demand letter, the CSD as approved by the  
6 Board of Supervisors allows 600 new wells to be drilled over the next 20 years by  
7 ministerial permits within those portions of the Oil Field located within the  
8 unincorporated area of the County.

9 123. Moreover, the EIR was not revised and recirculated before its certification  
10 by the County Board of Supervisors to address the changes made to the draft CSD  
11 studied in the EIR and the corrections of legal significance made to the EIR in response  
12 to public comments.

### 13 **NOTICE OF DETERMINATION**

14 124. On October 29, 2008, the County posted its Notice of Determination dated  
15 October 28, 2008, concerning the EIR and the Statement of Overriding Considerations.  
16 A true and correct copy of the County's Notice of Determination is attached hereto as  
17 Exhibit "D" and is incorporated by reference into this Petition.

18 125. This Petition is filed within 30 days after the County's posting of the Notice  
19 of Determination.

### 20 **FIRST CAUSE OF ACTION**

#### 21 **(For Writ Of Mandate As To EIR)**

22 (By All Petitioners Against Respondent County)

23 126. Petitioners refer to, replead and reallege Paragraphs 1 through 125,  
24 inclusive, of the Petition and by this reference incorporate the same herein as though  
25 set forth in full in this First Cause of Action.

26 127. Public Resources Code Section 21168.9 provides that a writ of mandate  
27 is the proper remedy for the County's failure to comply with CEQA before enacting the  
28 CSD (i.e., Ordinance No. 2008-0057).



1           128. Public Resources Code Section 21168.5 governs this action.

2           129. The County's failure to comply with CEQA constitutes a prejudicial abuse  
3 of discretion.

4           130. Petitioners have performed all conditions precedent to the filing of this  
5 action, including the submission of oral and written testimony to the County at the public  
6 hearings on these matters, describing the County's failure to comply with its legal  
7 obligations under CEQA. Petitioners have also complied with the requirements of  
8 Public Resources Code Section 21167.5 by serving notice of this action on the City on  
9 November 24, 2008. A true and correct copy of such notice (together with the original  
10 proof of service) is attached hereto as Exhibit "E" and incorporated by reference into  
11 this Petition.

12           131. By commenting on the Draft EIR, the staff reports and the CSD, and  
13 participating in the public hearings conducted by the County, Petitioners have  
14 exhausted all administrative remedies available to them. There are no additional  
15 administrative remedies available to the Petitioners, and thus Petitioners are judicial  
16 seeking relief in this action.

17           132. Concurrently with the filing of this Petition, Petitioners shall serve a copy  
18 of this Petition on the California Attorney General's office pursuant to Public Resources  
19 Code Section 21167.7 and Code of Civil Procedure Section 388.

20           133. Petitioners have elected to prepare the record of proceedings in this  
21 matter or to pursue an alternative method of record preparation pursuant to Public  
22 Resources Code Section 21167.6(b)(2). Petitioners' Notification of the Election to  
23 Prepare the Administrative Record is attached hereto as Exhibit "F".

24           134. At all times herein mentioned, the County has been able to perform its  
25 obligations under CEQA to evaluate the potential adverse environmental effects of the  
26 CSD and mitigation measures and alternatives to the same. Notwithstanding such  
27 ability and despite Petitioners' objections, the County has failed and refused and  
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1 continues to fail and refuse to perform its legal obligations under CEQA as described  
2 above.

3 135. The Final EIR fails to comply with the substantive requirements of CEQA  
4 in the following respects:

- 5 • Project Description. The EIR failed to contain a legally adequate project  
6 description in compliance with State CEQA Guidelines Section 15124. More  
7 specifically, the EIR studied the wrong project -- it studied PXP's draft CSD  
8 and did not study the County's CSD. As a result, the EIR assumed there  
9 would be a maximum net increase of 453 additional wells over the next 20  
10 years, whereas Ordinance No. 2008-0057 authorized up to 600 new wells by  
11 ministerial permits without regard to any of the well abandonments assumed  
12 in the EIR. The EIR did not study the potentially significant increased  
13 adverse environmental impacts of up to 600 net new wells over the next 20  
14 years.
- 15 • Environmental Setting. The EIR failed to adequately describe the  
16 environmental setting as required by CEQA Guidelines Section 15125.
- 17 • Significant Impacts. The EIR failed to adequately consider and discuss  
18 significant environmental impacts associated with the CSD as required by  
19 State CEQA Guidelines Section 15126.2, including, without limitation, risk of  
20 upset, air quality, greenhouse gases, geology, public health, water, land use,  
21 noise/vibration, water quality, recreation, socio-economic and environmental  
22 justice, and visual impacts.
- 23 • Thresholds of Significance. The EIR fails to use, evaluate and consider  
24 proper thresholds of significance for determining impacts of the CSD as  
25 required by State CEQA Guidelines Section 15064.
- 26 • Mitigation Measures. The EIR lacks a legally adequate discussion of  
27 feasible and effective mitigation measures that would reduce impacts to  
28 levels of insignificance as required by State CEQA Guidelines Section





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15126.4, including, but not limited to, deferral of the preparation of mitigation measures through the future adoption of the County's implementation plan(s) as to emergency response, odor minimization, air monitoring, fugitive dust control, erosion control, accumulated ground movement study, ground movement monitoring, drilling quiet mode, special status species and habitat protection, emergency response, construction treatment of historic/cultural resources, landscaping, recycling, water management, groundwater quality monitoring, unused/abandoned equipment removal, hazardous materials storage, environmental quality assurance, and safety inspection, maintenance and quality assurance.

- Project Alternatives. The EIR lacks a legally adequate consideration and discussion of a reasonable range of project alternatives as required by State CEQA Guidelines Section 15126.6, including, but not limited to, the "One Big Park" alternative summarized in the Baldwin Hills Park Master Plan, a "no new drilling" alternative consistent with applicable vested rights case law, a "no project" alternative consistent with Los Angeles County Ordinance No. 2007-0064U (which was in place on the NOP date), a "reduced new drilling" alternative, and an alternative CSD that would include a conditional use permit ("CUP") process for all new drilling permits.
- Per Se Significant Irreversible Environmental Changes. The EIR fails to satisfy State CEQA Guidelines Section 15126.2(c). Specifically, Section 15126.2(c) requires the EIR to identify significant irreversible environmental changes which would be caused by the proposed project. State CEQA Guideline Section 15126.2(c) specifically states: "Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely." Notwithstanding Section 15126.2(c), and notwithstanding the removal of oil and gas reserves from the Oil Field that



1 will occur under the CSD, the EIR incorrectly concludes that the proposed  
2 project will not result in any significant irreversible environmental change.

3 136. Notwithstanding its legal obligation under Public Resources Code Section  
4 21091(d) to respond in writing to public comments on the EIR, the County failed to  
5 adequately and fully do so, including, without limitation the comments of Petitioners.

6 137. Notwithstanding its legal obligation under State CEQA Guidelines Section  
7 15086 and 15186 to consult with other public agencies, the County failed to adequately  
8 consult with, among others, the City of Culver City and the Los Angeles Unified School  
9 District.

10 138. Pursuant to State CEQA Guidelines Section 15088.5(a), an EIR must be  
11 recirculated for additional public review and comment "when significant new information  
12 is added to the EIR after public notice is given of the availability of the draft EIR for  
13 public review." As used in this Section, the term "information" includes "changes in the  
14 project or environmental setting as well as additional data or other information."

15 139. The County added significant new information in the Final EIR, including,  
16 but not limited to, the map showing the entire area of potential significant odor impacts  
17 during drilling.

18 140. Notwithstanding the errors and omissions in the Draft EIR, and certain  
19 significant new information contained in the Final EIR, the County failed and refused to  
20 recirculate the EIR prior to its certification by the Board of Supervisors.

21 141. The County's actions in failing to revise and recirculate the Draft EIR and  
22 instead certifying the Final EIR constitute a prejudicial abuse of discretion in that the  
23 County failed to proceed in the manner required by law. The County thereby violated  
24 its duties to prepare an EIR conforming to the requirements of CEQA and the State  
25 CEQA Guidelines before adopting Ordinance No. 2008-0057.

26 142. Accordingly, Petitioners are entitled to an order compelling issuance of a  
27 Writ of Mandate against the County requiring the County to revise and recirculate a  
28 legally adequate EIR.



1 143. Petitioners are entitled to an award of attorneys' fees pursuant to the  
2 Private Attorney General Doctrine codified in Section 1021.5 of the Code of Civil  
3 Procedure because the successful resolution of this action will confer a substantial  
4 benefit upon a significant portion of the general public and because the necessity and  
5 financial burden of private enforcement are such as to make an award of attorneys'  
6 fees appropriate. Moreover, the successful resolution of this action will not involve an  
7 award of monetary damages, and thus the attorneys' fees cannot be paid from any  
8 recovery in this action.

9 144. Petitioners are also entitled to an award of attorneys' fees pursuant to  
10 Government Code Section 800 because the County has acted arbitrarily and  
11 capriciously in certifying the challenged EIR without complying with CEQA.

12 **SECOND CAUSE OF ACTION**

13 **(For Writ Of Mandate As To The County's**  
14 **Statement of Overriding Considerations)**

15 (By All Petitioners Against Respondent County)

16 145. Petitioners refer to, plead and reallege Paragraphs 126 through 144,  
17 inclusive, of the Petition and by this reference incorporate the same herein as though  
18 set forth in full in this Second Cause of Action.

19 146. CEQA requires the decision-making agency to balance the economic,  
20 legal, social, technological or other benefits of a proposed project against its  
21 unavoidable environmental risks when determining whether to approve the project.

22 147. If the specific economic, legal, social, technological or other benefits of a  
23 proposed project are deemed to outweigh the unavoidable adverse environmental  
24 effects, the adverse environmental effects may be considered acceptable. When this  
25 occurs, the agency must state in writing the specific reasons to support its action. This  
26 document is called a Statement of Overriding Considerations, and the Statement of  
27 Overriding Considerations must be supported by substantial evidence in the record.

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1 148. As discussed above, the removal of oil and gas reserves under the CSD  
2 is a *per se* significant adverse environmental effect. State CEQA Guidelines  
3 § 15126.2(c).

4 149. The County failed to identify the removal of oil and gas reserves as a  
5 significant adverse environmental effect of the proposed project.

6 150. The Board of Supervisors failed to consider this significant adverse impact  
7 before adopting the Statement of Overriding Considerations for this project.

8 151. As discussed above, Petitioners further allege that there are other  
9 significant adverse impacts that have not been adequately identified by the County and,  
10 once identified, may or may not be mitigated to levels of insignificance. If they cannot  
11 be mitigated to less than significant levels, then they too will require consideration in the  
12 Statement of Overriding Considerations.

13 152. The EIR identified significant unavoidable seismic risk and cumulative  
14 traffic impacts. The Board of Supervisors adopted a Statement of Overriding  
15 Considerations as to the traffic and earthquake impacts only.

16 153. The Board of Supervisors must by law reconsider the Statement of  
17 Overriding Considerations in this matter.

18 154. Accordingly, Petitioners are entitled to an order against the County  
19 compelling reconsideration of the Statement of Overriding Considerations.

20 **THIRD CAUSE OF ACTION**

21 **(For Writ Of Mandate As To Los Angeles County Code)**

22 (By All Petitioners Against Respondent County)

23 155. Petitioners refer to, plead and reallege Paragraphs 1 through 122,  
24 inclusive, of the Petition and by this reference incorporate the same herein as though  
25 set forth in full in this Third Cause of Action.

26 156. For the reasons stated above, Petitioners are entitled to an order against  
27 the County compelling the following October 21, 2008 amendments to the CSD to be

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1 referred back to the Planning Commission for report and recommendation pursuant to  
2 Los Angeles County Code Section 22.16.210:

- 3 • Adding a new "modification" procedure that would allow variances to be  
4 granted by County staff from the requirements of the CSD on an  
5 administrative basis;
- 6 • Allowing the existing gas plant flare to remain on-site as back-up;
- 7 • Deleting the requirement for a periodic five-year audit of the condition and  
8 operations of the Oil Field to assess the effectiveness of the CSD; and
- 9 • Eliminating requirements for equipment storage at the Oil Field.

10 157. Petitioners are entitled to an award of attorneys' fees pursuant to the  
11 Private Attorney General Doctrine codified in Section 1021.5 of the Code of Civil  
12 Procedure because the successful resolution of this action will confer a substantial  
13 benefit upon a significant portion of the general public and because the necessity and  
14 financial burden of private enforcement are such as to make an award of attorneys'  
15 fees appropriate. Moreover, the successful resolution of this action will not involve an  
16 award of monetary damages, and thus the attorneys' fees cannot be paid from any  
17 recovery in this action.

18 158. Petitioners are also entitled to an award of attorneys' fees pursuant to  
19 Government Code Section 800 because the County has acted arbitrarily and  
20 capriciously in certifying the challenged EIR without complying with CEQA.

### 21 **PRAYER FOR RELIEF**

22 WHEREFORE, Petitioners, and each of them, pray for judgment against  
23 Respondents, and each of them, as follows:

24 1. **AS TO THE FIRST CAUSE OF ACTION:**

25 For issuance of a Writ of Mandate against Respondents, and each of  
26 them, requiring Respondent County to revise the EIR to comply fully with the California  
27 Environmental Quality Act (Pub. Res. Code §§ 21000, *et seq.*) and recirculate the  
28 revised EIR for further public review and comment.



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2. **AS TO THE SECOND CAUSE OF ACTION:**

For issuance of a Writ of Mandate against Respondents, and each of them, requiring Respondent County to revise any necessary Statement of Overriding Considerations to comply fully with the California Environmental Quality Act (Pub. Res. Code §§ 21000, *et seq.*).

3. **AS TO THE THIRD CAUSE OF ACTION:**

For issuance of a Writ of Mandate against Respondents, and each of them, requiring Respondent County to refer the following October 21, 2008 amendments to the CSD back to the Planning Commission for report and recommendation pursuant to Los Angeles County Code Section 22.16.210:

- A. Adding a new "modification" procedure that would allow variances to be granted by County staff from the requirements of the CSD on an administrative basis;
- B. Allowing the existing gas plant flare to remain on-site as back-up;
- C. Deleting the requirement for a periodic five-year audit of the condition and operations of the Oil Field to assess the effectiveness of the CSD; and
- D. Eliminating requirements for equipment storage at the Oil Field.

4. **AS TO ALL CAUSES OF ACTION:**

For a judgment against all Respondents/Defendants, and each of them, that includes each of the following:

- A. An award of reasonable attorneys' fees pursuant to Code of Civil Procedure Section 1021.5 and Government Code Section 800;
- B. An award of costs of suit herein incurred; and
- C. Such other and further relief as the Court deems proper.

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Dated: November \_\_\_\_, 2008

HARDING LARMORE MULLEN  
JAKLE KUTCHER & KOZAL  
A limited liability company

By: \_\_\_\_\_  
Kenneth L. Kutcher  
Attorneys for Petitioners

Dated: November \_\_\_\_, 2008

NATURAL RESOURCES DEFENSE  
COUNCIL

By: \_\_\_\_\_  
Damon Nagami  
Attorneys for Petitioners

