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California Independent Petroleum Association
Blair Knox, Director of Regional Affairs
1001 K Street, Sixth Floor
Sacramento, CA 95814
Phone: (916) 447-1177
Fax: (916) 447-1144
E-Mail: blair@cipa.org

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Council File No: 15-0103
Item No: 4
As a: Comment from Public

March 23, 2015

Planning and Land Use Management Committee
200 N. Spring Street, Room 575
Los Angeles, CA 90012

VIA HAND DELIVERY

Re: Draft Plan for a Healthy Los Angeles

Honorable Members of the Planning Commission:

California Independent Petroleum Association ("CIPA") members operate a number of oil production facilities in the City, and we are committed to high standards of environmental quality and providing a work place that protects the health and safety of our employees and the communities surrounding our operations. These Los Angeles facilities provide for local employment opportunities based in science and technology, which contribute to the City's efforts to strengthen the economic base of, and workforce training in, the City. Over the past 10 years, CIPA members have contributed millions in taxes and operational fees to the City of Los Angeles. CIPA has reviewed the Draft Plan for a Healthy Los Angeles, and submits the following comments and concerns in the table below. CIPA is concerned with the proposed plan as drafted because the policies and text related to oil and gas operations are not accurate and impinge upon our Operators' vested rights. Accordingly, we respectfully urge the committee to revise or delete the provisions highlighted below in order to avoid impairment of our Operators' vested rights and the promulgation of a number of untruthful, misleading and sensationalized comments concerning oil operations in the City.

Sincerely,

Blair Knox

Policy / Text	CIPA Comment
Page 82 of the plan: "Many residents live next to or close to polluting industrial uses making them susceptible to health concerns related to poor air quality and increasing exposure to environmental hazards and toxins."	The cited impacts are asserted without any specific factual support. Neither the plan nor the EIR contain any evidence based on up-to-date information or input from other agencies – particularly the State of California Department of Conservation Division of Oil, Gas and Geothermal Resources ("DOGGR"), the South Coast Air Quality Management District ("SCAQMD"), and the LA County Department of Public Health ("LACDPH") - that suggest there are impacts requiring mitigation. To the contrary, LACDPH has conducted a study of the Inglewood Oil Field that has validated there is no notable statistical differences in illness rates between communities located near the oil field and communities in other parts of Los Angeles. The statement of impact does not take into account the comprehensive legislation and regulations the DOGGR is enacting pursuant to SB 4 that require public disclosure of
Page 12 of the EIR: "Specific actions related to the implementation of this goal may include... reducing negative health impacts from oil drilling, exposure to related chemicals, noise and hazardous materials;..."	
Page 46 of the EIR: "...reducing negative health impacts to the health and well-being of surrounding communities from oil drilling, acidization, fracking, the emission of noxious odors, noise or toxic, hazardous, or contaminant substances, materials, vapors, and other negative impacts (Policy 5.4)."	

	<p>chemicals used in conjunction with well stimulation operations and provide enhanced regulatory oversight over well stimulation operations in general. It also fails to acknowledge the scientifically based standards AQMD's regulations are based on for oil field operations or a judgment rendered by the Superior Court of California finding that "there is no evidence that the plaintiff's exposures to any or all of the chemicals (<i>used in oil and gas operations at Beverly Hills High School</i>) was a substantial factor in causing any of the diseases." Therefore, these statements should be deleted.</p>
<p>Page 77, Policy 5.4 of the plan and Page 13 of the EIR: "Protect communities' health and well-being from exposure to noxious activities (for example oil and gas extraction) that emit odors, noise, toxic hazardous, or contaminant substances, materials, vapors, and others."</p>	<p>The use of the word "<i>noxious</i>" is inappropriate in this policy since neither the plan nor the EIR provide any evidence of "<i>activities</i>" – specifically oil and gas extraction – based upon current technology and regulations of other agencies (particularly the DOGGR, SCAQMD and LACDPH) that cause health impacts to the community. Without such evidence, there is no appropriate nexus for inclusion of this policy. Therefore, this policy should be deleted.</p>
<p>Policy 5.4 of the plan: "Studies have shown that natural gas development can contribute to health effects such as headaches, upper respiratory illness, nausea, nosebleeds and a possible increase in cancer risk"</p>	<p>The "study" (not "<i>studies</i>") cited has no evidentiary basis or bearing on oil and gas operations in the City of Los Angeles, and therefore cannot be used to support assertions that existing oil and gas operations are creating a nuisance or health issues. Operations conducted in the City of Los Angeles are subject to regulation by the SCAQMD which are significantly more stringent than the air quality regulations governing operations in most natural gas shale producing states cited in the "study." As such, this statement should be deleted.</p>
<p>Policy 5.4 of the plan: "...the zoning code should be updated to incorporate public hearing processes, inter-agency coordination, findings, technical evaluations, and conditions should be imposed to ensure that operations are conducted in a manner that does not pose a safety risk to the health and well-being of surrounding communities to ensure that operations are conducted at a level that is proven safe"</p>	<p>Existing drill sites within the City are vested, permitted facilities and are allowed to operate in accordance with their approvals unless there is a violation of their conditions of approval or a demonstrated nuisance. In the absence of evidence of nuisance, changes or routine maintenance or upgrades at well sites that have been operational for years without impact or incompatibility with neighboring uses should not require such additional review. Therefore, Policy 5.4 and Implementation Action P41 should be revised to reflect that operations that have received plan approval or other authorization for the installation of oil wells cannot be subject to additional discretionary review.</p> <p>Any disallowance of "<i>extraction methods</i>" impinges on areas of regulation that have been fully occupied by the State. Discretionary review of existing operations, in the absence of any evidence of impacts or nuisance, is a violation of an operator's vested rights. This implementation action must either be clarified or edited so it is consistent with the laws of the State of CA and other regional and local agencies with authority of the use hazardous materials or deleted.</p>
<p>Implementation Action P41 of the plan: "...Amend the Zoning Code to... include land use based performance standards that adequately separate, regulate, limit and/or prohibit new facilities and/or extraction methods that utilize hazardous materials from residential and other sensitive land uses. Require decision-makers to consider cumulative environmental impacts and find that any drilling and/or extraction methods and associated technologies are safe and do not have community health impacts (in addition to noise, water quality and geologic impacts)... In collaboration with residents, community based organizations, elected officials, and experts in the field, develop and require that special findings are made when oil extraction occurs in proximity to residential and other sensitive uses and that public hearings are held to address community concerns. In addition, require periodic monitoring and reporting of site conditions."</p>	